

THE UNITED NATIONS IN INDIA'S FOREIGN POLICY 1946-1950

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INTRODUCTORY NOTE

The basic objective of India's foreign policy, as Jawaharlal Nehru explained in an address to the University of Columbia on 17 October 1949, were, — pursuit of peace not through alignment with any power or group of powers but independently, the liberation of subject peoples, the maintenance of freedom both national and individual, the elimination of racial discrimination, and the elimination of hunger, disease, etc.

The United Nations provided the best possible international forum to India for pursuing the above foreign policy objectives. India from the very beginning decided to extend whole-hearted co-operation to the world body as it firmly believed that only the United Nations could promote international peace and security. Having a vital stake in the preservation of peace, India turned its endeavours towards preventing the United Nations falling a victim to the Big Power rivalry which, even in those initial years, threatened to split the world into two hostile camps.

In the present study India's role in the United Nations has been examined in the context of its above foreign policy objectives. It also traces the role of British India during San Francisco Conference, Preparatory Commission and the first part of the first session. India started playing an independent role

in the world forum since the formation of an Interim Government in Delhi in 1946. This dissertation also analyzes India's role as regards the institutional and organizational issues. A brief part is also devoted to the various political and security questions. The issues which have direct bearing on India's interest have also been studied. And finally, India's role related to the liberation of subject people and promotion of human rights figures in the dissertation.

I wish to thank Professor K.P. Saksena whose supervision has enabled me to complete this dissertation. His experience in the various councils of the United Nations has helped me in developing an analytical approach towards India's diplomacy in the world body during the period under review (1946-50). I also thank Professor M.S. Rajan who made valuable suggestions in the formulation of the problem. I owe special gratitude to my friends Mohun Kudaisya for going through the draft a number of times and making valuable suggestions and Dawarka Jagdish for neatly typing my dissertation.

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CHAPTER I

**INDIA'S PARTICIPATION : FROM SAN FRANCISCO TO THE
NEW YORK SESSION**

Chapter I

INDIA'S PARTICIPATION : FROM SAN FRANCISCO TO THE NEW YORK SESSION

Membership of an International Organization was, in a way, not new for India. India was a member of the League of Nations since its inception. India's membership was sought by Great Britain as it was likely to strengthen, so it seems, the position of the British Commonwealth in the League of Nations. For the same obvious reason the United Kingdom got extended an invitation¹ to India for participation at the United Nations Conference on International Organization (UNCIO) in San Francisco in April-June 1945 and subsequently India became one of the 'original' members of the United Nations. The Indian delegations which participated at the San Francisco Conference, Preparatory Commission and first part of the first session of the General Assembly were nominated and 'briefed' about their role by the British (Indian) Government.

India at the San Francisco Conference

The Indian delegation which participated in the San Francisco Conference was constituted as follows: Sir A. Ramaswami Mudaliar (Chairman), Sir V.T. Krishnamachari, Sir Peroz Khan Noon, K.P.S. Menon (Chief Advisor), John Bartley

¹ The criteria agreed upon for extending invitation to all those who had signed the UN Declaration of January 1, 1942, i.e., all those who had declared war against the Axis Powers, Britain allowed India to sign the declaration as an "independent" entity.

(Legal Adviser), W.J. Cawthorn (Military Advisor), T.E. Brown-
 esden (Secretary). The delegation was nominated by the British
 (Indian) Government and the nationalist leaders were in no way
 consulted. There was much dissatisfaction with the "unrepresentative"
 character of the delegation in India. The question was
 raised both in the Central Assembly and the Council of State.²
 Outside India, Vijayalakshmi Pandit as a representative of the
 "National Committee for India's Freedom" and "India League of
 America" submitted a memorandum to the Secretary-General of the
 UNCIO challenging the nomination of the Indian delegation.³
 These protests, however, bore no positive result and the
 Government of (British) India stuck to the earlier decision
 regarding the composition of the delegation. The manner in
 which the Indian delegation was named and its obvious subservience
 to the British Government left little scope for purposeful
 initiatives or a meaningful role on its part.

The Indian delegation sponsored four amendments.⁴ They
 related to (a) the promotion of human rights being made one of
 the purposes of the proposed organization; (b) the penalizing
 of a member state that might fail in the financial obligations;

² M.S. Rajan, "India and Making of the UN Charter",
International Studies (New Delhi), vol. 12, no. 3, July-September
 1973, p. 434.

³ Ibid., pp. 433-6.

⁴ The total number of amendments and proposals put forward
 in the conference was 547 and out of which 38 were sponsored by
 the Asian countries. See Arthur Lall, "The Asian Nations and
 the United Nations", in N.J. Padelford and L.M. Goodrich (eds.),
The United Nations in the Balance (New York, 1965), pp. 364 ff.

a conflict between the 'one state - one vote' General Assembly and the Security Council providing privileged position to the 'Big Five',⁵

So far as the question of composition of the Security Council was concerned the Indian delegation did not support the move to increase the number of non-permanent members. The delegation showed some interest to get a criteria set for the election of non-permanent members of the Security Council. It may be recalled here that Ramaswami Mudaliar had criticized the allotment of a permanent seat of the Security Council to China in his speech at the London Conference,⁶ This issue, however, was not formally raised at the San Francisco Conference. But some delegations (Australian, Yugoslav and Canadian) did make a passing reference in their speeches about India's claim for permanent membership of the Security Council.⁷

Ramaswami Mudaliar in his speech on "great power veto" suggested that the provision of veto be maintained for ten years on the condition that the Charter would be revised after that.⁸ In course of the discussion it became clear that the great powers were reluctant to surrender their veto power over

⁵ Report on the Conference of the United Nations in San Francisco, 1945, p.15.

⁶ "British Commonwealth Meeting", Public Record Office, CAB, 99/30, mtg. 6, 9 April 1945, p.10. (This is cited hereinafter as CAB, 99/30). Mudaliar is also reported to have pointed out that India deserved better representation in comparison to China.

⁷ Rajan, n.2, p.458.

⁸ United Nations Conference on International Organization (UNCIO) Docs., vol.11, pp. 173-8.

(c) the criteria that should govern the selection of the non-permanent members of the Security Council. It may be mentioned here that the Indian delegation was not the only delegation which sponsored amendments relating to the themes noted above. Some other delegations participating in the San Francisco Conference also sponsored similar amendments. For example, the amendment relating to the human rights provision was sponsored by the Sponsoring Powers, the USA, the UK and the USSR. Likewise, Australia and ^{the} Netherlands had independently sponsored the amendments relating to the loss of voting rights for failure of fulfilling financial obligations.

The Indian delegation was unable to take a much active part in the drafting of provisions relating to the General Assembly. Delegations from countries like Australia, Canada and even Egypt played much more active part than the Indian counterpart. Regarding the question of widening the powers of the General Assembly, a struggle had ensued between the 'Big Five' and the smaller powers, (i) to circumscribe the veto provision, and (ii) to enlarge the powers and functions of the Assembly so as to minimize the role of the Veto bearing powers in the functioning and decision making of the United Nations. New Zealand as the champion of the latter group advocated wide powers for the Assembly. The Indian delegation, as the records indicate, took a middle position and while favouring more powers to the Assembly refused to support such amendments which were likely to result in

the amendment to the Charter even after ten years. Mudaliar, however, appreciating the situation remarked, "... we have no bitterness in this matter at all... we realize as earnestly as anyone else in this Conference that it is vital to bring into existence an organization, however defective, on which the hopes and aspirations of the people of the world depend".⁹ Regarding the collective security provisions he made it clear to the fellow delegates that one should not be under the illusion that it was a full proof arrangement.

In other committees such as those dealing with the economic and social co-operation, non-self-governing territories, amendment of the Charter also, the Indian delegation participated and aired its views. It opposed the United States proposal for revision to make it clear that there would be no interference by the Economic and Social Council in the domestic affairs of any country. Regarding the colonial territories, India supported the Australian proposal for the compulsory application of the principle of trusteeship to all colonies.¹⁰

In view of the criticisms against the composition of the Indian delegation to the San Francisco Conference, it becomes

⁹ Ibid., pp. 174-75. Mudaliar at no stage formally moved an amendment, etc.

¹⁰ In the London Conference (4-13 April 1945) also Ramaswami Mudaliar had emphasized the need to place all colonial territories under the United Nations System.

necessary to examine the role it played in the Conference. Opinions vary sharply so far as the role of the Indian delegation is concerned. One view is that the delegation did not represent the Indian people nor did it voice the opinion of the nationalist India.¹¹ Others, on the contrary, have commended the role played by the Indian delegation and have maintained that the delegation expressed the opinion of independent India. M.C. Setalvad, for example, maintains, that the part India "played at the meeting and the principles it espoused were fully indicative of the trend of Indian thought".¹² A similar view has been expressed by another author who holds that the composition of the delegation was definitely unrepresentative of nationalist India but Ramaswami Mudaliar largely anticipated the views of independent India in subsequent years.¹³ He has further argued that Mudaliar had demanded international supervision and accountability for colonial territories and had also emphasized on the importance of removing the economic and social causes of war, racial equality and human rights.

Apart from the views expressed above, certain observations can be made here regarding Mudaliar's role in the Conference. He mentioned in his speech in the opening session of the Conference that traditionally India has been a peace loving country.¹⁴ This statement was quite irrelevant because India

¹¹ Arthur Lall, n.4, pp. 364 ff.

¹² M.C. Setalvad, "India and the United Nations", India Quarterly (New Delhi), vol.6, no.2, April-June 1950, pp. 108-10.

¹³ Rajan, n.2, pp. 454-6.

¹⁴ UNCIO Docs., vol.1, pp. 242-6.

has been under British domination for more than two centuries.¹ It seems inappropriate to claim that a country has been peace-loving or war mongering when it was still a part of the British empire and had no say in external relations.

In the same speech Midalliar had remarked, "we talk of independence, we talk of sovereign rights, but I believe the world has come to a stage when the emphasis is not to be so much on independence as on interdependence".¹⁵ A nationalist certainly would disagree with Midalliar's view. For a dependent country like India, independence and sovereign rights were primary requirements.

Earlier during the London Conference while discussing the future of colonial territories Midalliar had put forth the view that British policy was not actuated by the ambition to acquire colonies.¹⁶ By making such an observation, he was perhaps trying to vindicate British colonial policy which was explicitly motivated with acquiring more and more colonies.

Among the nationalist leaders, Vijaya Lakshmi Pandit was present in San Francisco when the Conference was going on. Midalliar maintained a safe distance with her throughout and never invited her to any of the parties which he hosted.¹⁷

¹⁵ Ibid.

¹⁶ CAB, 99/30, mtg. 12, 13 April 1946, p. 5.

¹⁷ See K.P.S. Menon, Many Worlds: An Autobiography (Bombay, 1965), pp. 216-7.

The Indian delegation did not play a significant role in the San Francisco Conference. There are various reasons for it.¹⁸ In the first place, there was hardly any awareness or any discussion or reflection of views in any quarter. Furthermore, the Dumbarton Oaks Proposals (DOP) had not attracted sufficient attention in India. The delegation therefore could not be aware of the non-official Indian opinion, if there was any, on the DOP for supplementing the official "brief". Finally, since India was still a dependent country so the delegation largely acted according to the official "briefs".¹⁹

In addition to the above, there was another important factor exercising constraints on the role which the Indian delegation could have played. This was so because there was hardly any Indian who had acquired expertise and experience in diplomacy at international level. It is not just the question of familiarity with facts of events and knowledge of history but the question of one's involvement in hard bargaining and negotiations. It should be noted here that the British delegations to international conferences and other diplomatic parleys prior to the San Francisco Conference (1945) used to

¹⁸ See, Rajan, n.2, pp. 455-7.

¹⁹ Sir Feroz Khan Noon had claimed in the London Conference (4-13 April 1945) that the Secretary of State for India had given the Indian delegation no instructions at all. K.P.S. Menon, however, recalled that this 'was patently untrue'. See, Menon, n.17, pp. 212.

include members from the Dominion countries. But no Indian was ever included in such delegations. For instance, Girija Shankar Bajpayee who was then the Agent-General in Washington D.C. was not included in the British delegation participating in the Dumbarton Oaks Conference.

The Preparatory Commission and the First Session

The Preparatory Commission, set up in June 1945, was entrusted with the responsibility of arrangements between the signing of the Charter and the first session of various UN bodies. The first session of the Commission was held in San Francisco and an Executive Committee consisting of 14 members was constituted. Although a number of Latin American and Asian countries were elected, yet India did not get a seat for itself. The second session of the Commission was held in London in October-November 1945, in which all the members of the United Nations participated. The main basis of discussion in the second session was the recommendations of the 14-member Executive Committee. India's role became very limited in this session as it was not a member of the Executive Committee.

Ramaswami Madaliar was the only delegate from India at the London Session of the Preparatory Commission. There were, however, two alternate delegates -- Samuel Ranganadhan and V.T. Krishnaswami.

Committee I of the Preparatory Commission dealt with the General Assembly of the United Nations. There were some occasions when the Indian delegation voted differently from the British delegation. The issues involved were, of course, not very significant. For instance, on an American proposal for amending draft rules of procedures empowering the Economic and Social Council to all international conferences under certain conditions, India voted for the proposal while the United Kingdom voted against.²⁰

Indian representatives were involved in more active participation in the deliberation of the Committee dealing with matters relating to Trusteeship. The Executive Committee had earlier recommended for the establishment of a temporary trusteeship commission to bring the trusteeship system into being. The Soviet, Czechoslovak and Yugoslav delegations opposed this vehemently. The Indian representative (V.T. Krishnamachari), in a bid to resolve the deadlock initiated a proposal suggesting that a recommendation should be made to the General Assembly to set up an ad hoc committee with the object of considering trusteeship agreements and revising them where necessary. The membership of the ad hoc committee would be divided between administering and non-administering states.²¹

²⁰ Report of the work of the Indian delegation to the Preparatory Commission and the first part of the first session of the General Assembly to the United Nations, 1945-46 (New Delhi, 1949), p.5.

²¹ Ibid., p.12.

The Indian proposal though enjoyed the support of the United Kingdom and Belgium failed of adoption.

The social and economic problems were dealt in the third committee. Ramaswami Mudaliar seems to have performed the role of Chairman competently as his committee was able to complete its work in twelve meetings only and his work received commendation from other members of the Indian delegation.²²

Report of the Preparatory Commission was taken up in the first part of the first session in London. This session was primarily devoted to organizational work and for initiating certain steps for transforming the United Nations into an operational system. The delegation to this session was also led by Ramaswami Mudaliar. The team chosen was again the one representing the British Government of India.

After the submission of the report of the Preparatory Commission a general debate followed in the Assembly. Mudaliar in his speech raised the question of great power veto and repeated what he had said in the San Francisco Conference.²³ He made a distinction between the Security Council and the Economic and Social Council. The former, in his view, had negative functions while the latter had the positive functions

²² Report of the Indian delegation prepared by its Secretary, M. Ikramullah, has noted: "In all the meetings the Chairman took a very active part and the results achieved by the committee (were) largely due to his initiatives". Ibid., p.8. Though this observation might seem to be an exaggeration but there appears some truth in it since Mudaliar's competence received further recognition when later he was nominated as Chairman of the Economic and Social Council.

²³ Ibid., pp. 31-36.

of securing human happiness, human progress, etc. To him there had been an interdependence between the Trusteeship Council and the Economic and Social Council. Therefore, he appealed for the establishment of the Trusteeship Council at the earliest and also expressed the hope that the people of Europe after a short spell of subjection could understand better the wishes of the people belonging to the colonial territories.

During this session India also contested one of the elective seats of the Security Council but failed to obtain the same. Here again it seems that India failed to find friends and also did not get full support from the United Kingdom. It is not clear as to why India contested the seat, since earlier it was already elected to the Economic and Social Council. India's tie was obviously with Australia and it was clear that Britain would not have supported India against Australia. From the above account it appears that the Indian delegation enjoyed some independence and contested elections for UN bodies even without support of the British delegation. India also put up a candidate (Zafrullah Khan), again unsuccessfully, for a seat in the International Court of Justice.

In going through the official report of this session dealing with the election results to various UN bodies one finds a very perceptive conclusion drawn from the experience. What was noted then continues to be of relevance till today.

V.T. Krishnamachari remarked regarding elections to UN bodies:

"Three factors tend to affect election. Firstly, voting tends to go in groups. Secondly, the big powers confer among themselves and if they agree on any matter, or candidate... carry other members with them. Thirdly, those who work in conference as delegates or advisers have an advantage over candidates who are not personally known".²⁴ The point at emphasis at the last factor is that the old experienced hands had an edge over new participants.

An "Independent" Policy : Question of Objectives

By the time the second part of the first session was convened in October 1946 a significant change had occurred in the governmental set up in India. In September 1946 an "Interim" Government with Jawaharlal Nehru as its Vice-Chairman was instituted.²⁵ Consequently, the Indian delegation which attended the second part of the first session of the Assembly, October-December 1946, was named by the new Government and this delegation led by Vijaya Lakshmi Pandit could be regarded as the first delegation of "Independent" India. Thus it could be said that India beginning October 1946 started taking full part in the deliberations of the United Nations as

²⁴ Ibid., p. 84.

²⁵ The new Government having representatives of various political parties, the Indian National Congress holding the majority, was constituted on the understanding that the Viceroy would allow fullest autonomy to the new government in its day-to-day functioning. It was instituted to pave the way for full independence of the country.

an independent nation with all the privileges and responsibilities accruing to a member state. The question which one may ask is that as to what objectives did India pursue by its participation in the world body.

After assuming office Jawaharlal Nehru outlined the objectives of India's foreign policy in a radio broadcast on 7 September, 1946.²⁶ These objectives were elaborated in his first press conference in New Delhi on 26 September as Minister in charge of External Affairs and Commonwealth Relations, as follows: "In the sphere of foreign affairs, India will follow an independent policy, keeping away from the power politics of groups aligned one against the other... India will uphold the principles of freedom for dependent peoples and will oppose racial discrimination wherever it may occur. She will work with other peace-loving nations for international co-operation and goodwill without exploitation of one nation by another..."²⁷

Vijaya Lakshmi Pandit, Chairman of the Indian delegation in her first statement before the General Assembly repeated the above objectives of India's Foreign Policy.²⁸ She emphati-

²⁶ See Jawaharlal Nehru, India's Foreign Policy: Selected Speeches from December 1946 - April 1951 (New Delhi, 1961), p. 2.

²⁷ The Indian Annual Register, July-December 1946 (Calcutta, N. N. Mitra), pp. 282-83.

²⁸ Official Records of General Assembly (GAGR), session 1, part 2, plen. mtg. 37, 25 October 1946, pp. 731-4.

cally stated that India considered peace and freedom as indivisible and that denial of freedom any where might lead to war. India firmly believed (she continued) that imperialism in any form was inconsistent with the purposes and principles of the United Nations Charter. Mrs Pandit showed India's concern for the independence of colonial peoples in these words, "India holds that the independence of all colonial peoples is the vital concern of freedom loving peoples everywhere".²⁹ In her opinion, efforts should also be directed to eliminate racial discrimination from the civilized world.

In sum, India's foreign policy objectives as spelled out by Indian leaders³⁰ could be noted as follows: pursuit of peace not through alignment to a particular bloc but independently; the liberation of subject peoples; the maintenance of freedom both national and individual; the elimination of racial discrimination; and the elimination of hunger, disease, etc.

The main thrust of the present work will be to examine India's role in the United Nations in the context of its foreign policy objectives. Therefore, it will be useful to try a little elaboration of these objectives. The most important objective

²⁹ Ibid., p. 733.

³⁰ Mention in particular may be made of statements of Jawaharlal Nehru during broadcast from New Delhi, September 7, 1946; speech in the UN General Assembly, November 3, 1948; and broadcast from Lake Success (New York), May 5, 1950.

being the pursuit of peace and independent foreign policy. Maintenance of peace in the world has been vital for India's economic development. As an underdeveloped country it depended mainly on foreign assistance for rapid economic growth and a resumption of war would amount to the discontinuation of foreign aid. India did not afford to waste its resources in another war. It thought that peace can be best maintained by keeping foreign policy independent and not joining any major power bloc. Moreover, India emphasised on examining every issue on its merits.

Another objective is the liberation of subject peoples. India had been under the yoke of imperialism for about two centuries, therefore, it could understand the sufferings of the colonial peoples better. After gaining independence India directed its attention towards rooting out colonialism from the world. As will be seen in a later chapter that it fought for the independence of the colonial peoples in the United Nations forums from the very beginning.

Freedom for individuals or the promotion of human rights is also an objective of India's foreign policy. Although as a result of the Cold War between the East and the West, the question of human rights itself became a Cold War issue, yet India could keep itself free from taking sides in most of the cases.

India considered racial discrimination as a threat to world peace. As a matter of fact, the racial doctrine of the nazis was to some extent responsible for the eruption of the Second World War. In the United Nations, India fought successfully against the racial policy of the Government of the Union of South Africa.

Finally, India will strive for the elimination of want and misery. India considered that the elimination of want, disease, and illiteracy which affect the greater part of the world's population, would remove one of the main sources of ill will and discord among nations. The developed countries (can help the underdeveloped countries) in many ways but in a bilateral agreement there may arise some sort of dominance. India, therefore, has always preferred that all aid should be channelled through the United Nations.³¹

Now the question arises what has been India's attitude towards the United Nations or what importance it has attached to the United Nations. While explaining India's foreign policy, Jawaharlal Nehru had told on 26 September 1946, "Towards the United Nations, India's attitude is that of wholehearted co-operation and unreserved adherence, in both spirit and letter, to the Charter governing it. To that end India will participate fully in its various activities and endeavour to play that role in its councils to which her geographical position, population and contribution towards peaceful progress entitle her".³²

³¹ See, India and the United Nations, Report of a Study Group set up by the Indian Council of World Affairs (New York, 1957), pp. 37-38.

³² The Indian Annual Register, n. 27, p. 253.

Summary Observations

From the above account it is evident that the pursuit of peace not by aligning to a particular power or a group of powers but independently has been the most important objective of India's foreign policy. By the late 1940s the world had become split into two opposing camps and only the United Nations could promote peace and security in the world. It was in India's interest to keep the United Nations 'free of control' from either the power blocs. If the world body is leaned heavily on one of the blocs then it would not be able to play a non-partisan role in promoting international peace and security.

CHAPTER II

INSTITUTIONAL AND ORGANIZATIONAL ISSUES

Chapter II

INSTITUTIONAL AND ORGANIZATIONAL ISSUES

As is common knowledge the United Nations had hardly become an operational system that its activities got engulfed in the ensuing 'Cold War'. Nearly three-fourth of the then members of the United Nations were aligned to the United States and attempts were made to transform the world body into an anti-Communist alliance. During the early years, several proposals were initiated with a view to bring about some institutional and organizational changes in the United Nations to circumvent the basic premise of the UN framework -- the unanimity principle.¹ Furthermore, with regard to membership of new states as also recognition of governments and related matters, the trend was to eliminate what was regarded as "obstructionism" of the Soviet bloc.

In this chapter an attempt is made to examine India's reactions and interactions to these institutional issues with a view to determine the extent to which India was able to conform, during those early years, to its foreign policy objectives.

¹ The UN Charter was based on the principle that no coercive action be taken without the concurrence of the five permanent members of the Security Council. For an analysis of Cold War impact on the functioning of the United Nations, see, Walter Lippman, The Cold War (New York, 1947), and K.P. Saksena, The United Nations and Collective Security: A Historical Analysis (Delhi, 1974), pp. 81-84.

Although there were a large number of such issues only the important and selective ones are examined here. They are: (i) the problem of voting in the Security Council; (ii) the establishment of the Interim Committee; (iii) the Uniting for Peace Resolution; (iv) the question of revision of the Charter; (v) the question of universality of membership.

(i) Problem of Voting in the Security Council

The provision in Article 27 of the UN Charter, what came to be known as 'veto' provision, had created much controversy even at the San Francisco Conference, 1945. The controversy at this stage was mainly between the permanent members of the Council and other states generally, which were attempting to obtain a relaxation on the requirement of 'great power' unanimity in Council decisions in a pacific settlement.² By 1946 (first session of the Assembly), however, the controversy regarding the veto provision had acquired a new dimension and the lining up was Western Powers on the one side and the Soviet Union on the other. The bone of contention was the manner in which veto has been used by the Soviet Union. In the Security Council, the Soviet Union could at best count on only one additional vote, that of an East European state belonging to its sphere of influence

² The Indian delegation, at San Francisco, for obvious reasons, had not taken any active part on this issue. See Report on the Conference of the United Nations in San Francisco, 1945.

whereas the United States had much wider support.. Thus any proposal having the support of the United States could get the required number of 7 votes. As a result, the Soviet Union would hardly ever muster the required majority and hence resort to indiscriminate exercise of its veto power.³ Therefore, attention was directed to circumvent the Soviet veto.

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The item relating to the 'voting procedure in the Security Council' was included in the agenda of the second part of the first session of the Assembly at the request of the Australian delegation.⁴ Several draft resolutions were moved in the first committee to which the matter was allocated. The Cuban draft provided for convening a general conference of the Members to review the Charter provisions including Article 27. Another proposal put forth by the Australian delegation requested the permanent members of the Security Council to refrain from exercising the veto in the pacific settlement of disputes. A third draft resolution moved by the Soviet Union called for strengthening the United Nations Organization and for improving relations between various countries.

³ Till September 20, 1946, the veto had been used nine times and all were exercised by the Soviet Union. See Sydney D. Bailey, Voting in the Security Council (London, 1969), pp. 22-31.

⁴ Yearbook of the United Nations 1946-47 (New York, 1947), pp. 130-1.

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During discussion on the above drafts, one delegation after the other taking the floor criticized the manner in which veto has been used by the Soviet Union. It became obvious that majority of the Members favoured some kind of limitation on the use of veto. India was among the few members which rarely participated in the debate, but when it did so, the Indian representative let it be known that in its view the veto, however undemocratic it might seem was essentially a reflection of the tension prevailing in the international sphere and the problem was not of limiting the veto but of regulating its use.⁵ The toughest opposition to the imposition of any restriction on the veto provision came from the Soviet Union and its allies.⁶

All the draft resolution,⁷ except the Australian draft providing for keeping the pacific settlement of disputes outside the sphere of the veto, fell through the Committee. The

⁵ Official Records of General Assembly (GAOR), session I, part 2, First Committee, mtg. 23, 18 November 1946, pp. 120-1.

⁶ It may be mentioned here that the Soviet Union exercised most of the vetoes, during the period 1946-50, while the United States was yet to cast its first veto. The Western Powers alleged that as a result of the excessive use of the veto by the Soviet Union the functioning of the United Nations was in jeopardy. From this account it appears that the Western attack against the misuse of veto by the Soviet Union was justified. As noted earlier, the United States enjoyed 'automatic two-third majority' in the Security Council and thus could use 'hidden veto' effectively. The Soviet Union which was in minority had no other means than the 'veto' to protect its interests as well as the interests of its allies. See, John G. Steessinger, The United Nations and the Super Powers (New York, 1970), and Bakshani, n.l., pp. 51-54.

⁷ The USSR delegation had withdrawn its resolution, calling for strengthening the United Nations, in favour of a Chinese draft of a more or less similar contents.

Australian draft resolution was finally adopted by the Assembly with India abstaining from voting.

The entire question relating to veto was transferred to the Interim Committee⁸ in the following Assembly session at the initiative of the US delegation. India abstained from voting on the US draft resolution proposing the transfer of the item.⁹

The Interim Committee prepared a list of items which included "procedural" matters and "other matters" whether procedural or non-procedural which the Committee held, required the vote of any seven members of the Security Council, i.e., concurrence of the 'Big Five' was not necessary. In course of the discussion, the Indian representative expressed the view that the 'veto' itself was not an evil, but the sign of the fundamental differences between the great powers and added that only accord among them could ensure international peace.¹⁰ There was no formal voting and the proposal was adopted unanimously.¹¹

⁸ The Interim Committee was established by General Assembly Resn. 111 (II), 13 November 1947. For further discussion on the Interim Committee, see supra, pp.

⁹ The Indian representative made a short comment that it would be best to see how well the Interim Committee functioned before confronting it with such a difficult problem (GAOR, session 2, First Committee, mtg. 114, 18 November 1947, p. 493).

¹⁰ Summary Record, Interim Committee of the General Assembly, A/AC, 18/SR.18, p.10.

¹¹ The Indian delegate registered its abstention from sub-paragraph (e) and (d) of paragraph 3 of the proposed set of items.

The report of the Interim Committee containing the proposed set of items consequently came up before the Assembly.¹² Although several draft resolutions were submitted to the Committee, only the joint draft incorporating the report of the Interim Committee could pass through it.¹³ The joint draft was later adopted by the Assembly by an overwhelming majority. The Indian delegation, however, once again showed its lack of interest by abstaining from voting.¹⁴

From the above analysis one can draw the conclusion that India was among the few Members who recognised that the move to impose restrictions on the veto provision was a Cold War issue and that circumscribing the veto would not help the United Nations. India was convinced that the basis of the world body was the 'great power' unanimity and so long this was not achieved, mere limiting of veto would not improve the existing

¹² The report of the Interim Committee came up before the third session of the Assembly and was allocated to the Ad Hoc Political Committee.

¹³ Sponsors of the joint draft were -- China, France, the UK and the USA. There was also an Argentinian draft which proposed convening of a General Conference. The Soviet Union repeated its proposal for strengthening the United Nations.

¹⁴ Earlier in the Ad Hoc Political Committee, while commenting on various draft resolutions, the Indian representative, had stated that no useful purpose would be served by the recommendations of the Interim Committee if there was no agreement among the permanent members of the Security Council which was the pre-requisite of all recommendations on the subject.

international situation but rather deteriorate it. Accordingly, the Indian delegation remained more or less a silent observer during the so-called 'great' debate over the veto provision during 1946-48 period.

(11) The Interim Committee

Together with the move to restrict the use of the veto power, the Western Powers took the initiative of constituting an Interim Committee of the General Assembly on peace and security. Both the above strategies pointed towards an inevitable strengthening of the Assembly at the cost of the Security Council, in which the Soviet Union could use its veto to thwart Western designs. The opposition to the establishment of such a Committee naturally came from the Soviet Union and its allies, as they felt that the proposed committee would encroach upon the primary responsibility of the Council to maintain international peace and security.

The item 'Establishment of an Interim Committee of the General Assembly...' was included in the agenda of the second session of the Assembly at the request of the US representative.¹⁵ When the issue came up before the Assembly, the US delegation moved a draft resolution proposing the establishment of an

¹⁵ Letter dated September 17, 1947 (A/BUR/85) from the representative of the United States to the Secretary-General.

Interim Committee, in order to realieve the Assembly from its ever increasing work load, would take up responsibilities like preparing reports on matters relating to international peace and security for the coming Assembly session and supervising the implementation of Assembly resolutions connected with them. The US representative, in an apparent bid to allay the fears of the Soviet Union, declared that the proposed committee was expected to respect fully the primary responsibility of the Council.¹⁶

During discussion on the US draft resolution, the Indian representative, expressed the opinion that since the Interim Committee would have recommendatory powers only, therefore, it could not be considered as an infringement of the letter and spirit of the Charter and also made it clear that the Indian delegation would support the US draft.¹⁷ India, accordingly, voted in favour of the draft which was adopted by the Assembly¹⁸ on the recommendation of the committee.

¹⁶ GAOR, session 2, First Committee, mtg. 74, 14 October 1947, pp. 129-32.

¹⁷ Ibid., mtg. 75, 16 October 1947, pp. 150-1. The Soviet Union bitterly opposed the US draft and stated that the United States was making a deliberate attempt to circumvent the Security Council. The East European countries supported the Soviet stand and expressed the fear that instead of being a subsidiary organ of the Assembly, the Committee would in effect be a new principal organ, which could be established only by an amendment of the Charter.

¹⁸ Voting on the draft resolution in the Assembly was 41 in favour 6 against with 6 abstentions. The six dissenting votes were casted by the Soviet Union and its allies.

The Interim Committee in its report to the Assembly¹⁹ recommended the extension of its mandate for one year. The US representative moved a draft resolution, in the form of an amendment, to this effect during discussion on the Committee's report.²⁰ The Indian representative felt that the Interim Committee had done appreciable work in the past one year and therefore his delegation was in favour of extending its mandate but suggested that the work of the Committee could be performed by an ad hoc committee which would be non-controversial and incur less expenditure.²¹ India abstained from voting both at the committee level and in the plenary.²²

The shift in India's stand regarding the continuation of the Interim Committee, from one of support to that of indifference, was manifested during the discussion on the Interim Committee's report in the following Assembly session.²³

¹⁹ The report came up before the third session of the Assembly and was allocated to the Ad Hoc Political Committee.

²⁰ The US delegation in fact moved an amendment to the draft resolution submitted by Australia, Denmark and Norway.

²¹ GAOR, session 3, Ad Hoc Political Committee, mtg. 2, 17 November 1948, pp. 14-15.

²² India's abstention from voting was not in conformity with the statement its representative made in the Ad Hoc Political Committee. It seems that the Indian delegation was hesitating to vote in favour of the draft in view of Soviet Union's opposition as well as boycott of the Interim Committee. India's support to the Interim Committee in fact started receding from the time of its establishment.

²³ During the fourth session of the Assembly, the Interim Committee's report was discussed in the First Committee.

The Committee's report this time included a draft resolution proposing the continuation of the committee for an indefinite period. Representatives generally spoke in favour of the draft but the Soviet Union went to the extent of declaring the Interim Committee as illegal. The Indian representative though did not share the Soviet view but raised serious doubts regarding the continuation of the Committee in view of the prevailing atmosphere.²⁴ He ruled out the possibility of giving the Committee extension for an year and also expressed the inability of his delegation to support an indefinite mandate but added that his delegation would not oppose the continuation of the experiment either. India later abstained from voting on the draft proposing the indefinite continuation of the Interim Committee.²⁵

India's approach to the establishment and continuation of the Interim Committee was an effort to steer past the rivalry between the two power blocs. It supported the establishment of

²⁴ The Soviet Union and its allies had completely boycotted the Committee from its very first meeting and in the Assembly sessions they were bitterly criticising its continuation. India was convinced that no UN institution could function effectively without the participation of all the big powers in its working.

²⁵ India abstained both in the Committee and in the Assembly. See Report of the India Delegation to the Fourth Regular Session of the UN General Assembly (New Delhi, n.d.), p.33. It may be mentioned here that some authors have mistakenly observed that India opposed the continuation of the Interim Committee during the fourth session of the Assembly. For example, see India and the United Nations, Report of a Study Group set up by the Indian Council of World Affairs (New York, 1957), pp. 47-48.

the Committee on an experimental basis but when the Soviet bloc continued its boycott for successive years, India started doubting the usefulness of the Committee's continued existence. Although India did not share Soviet views regarding the illegality of the Interim Committee, it felt that a non-controversial ad hoc committee could provide an alternative to it.

(iii) The Uniting for Peace Resolution

The efforts made by the Western Powers to build up an anti-communist alliance reached new heights by the end of 1950 when the General Assembly adopted the 'Uniting for Peace Resolution'.²⁶ This was in fact the culmination of a series of attempts -- imposing restrictions on the veto provision, constituting an Interim Committee of the Assembly -- to strengthen the Assembly at the cost of the Council. The experience gained in the early phase of the Korean War served as a guideline to the adoption of the resolution. It was an attempt to theorize a new operational concept of collective security within the framework of the United Nations -- a concept which was regarded to have been successfully experi-

²⁶ The resolution apart from other things provided for calling an emergency special session of the Assembly within 24 hours to discuss and recommend measures relating to international peace and security in case the Security Council became in-operative owing to the use of veto.

mented in Korea, and which need be institutionalized to meet similar situations in future.²⁷

The US delegation took the initiative of getting the item 'United Action for Peace' included in the agenda of the fifth session of the Assembly. The 'Uniting for Peace' plan also known as the 'Acheson Plan' was put forth in the form of a formal draft resolution.²⁸ The draft was divided into five separate paragraphs, A to E, and the main provisions were, calling an emergency special session of the Assembly to deal with matters which were exclusively under the Security Council's purview, a Peace Observation Commission, requests to be made to Member-states to make available armed contingents if required to maintain international peace and security, and a Collective Measures Committee to report regarding the availability of armed contingents.

Delegations in general, barring a few, spoke in favour of the above proposals. The new plan was hailed as a signal advance towards the establishment of a viable system of collective security. The US representative observed that it was a good policy of insurance against World War III.²⁹ It is

²⁷ Saksena, n.1, pp. 98-99.

²⁸ The draft resolution was sponsored by the United States and its co-sponsors were: Canada, France, Philippines, Turkey and the United Kingdom.

²⁹ GAOR, session 5, plen. mtg. 299, 1 November 1950, p.293.

"a genuine and effective system of collective security", commented the Canadian delegate.³⁰ But the Soviet delegate was sharply opposed to the proposal which he regarded as a breach of the fundamental understanding underlying the UN system.³¹

The draft resolution was voted upon paragraph-wise and was adopted by the Assembly.³² Soviet Union along with its four allies voted against while India and Argentina abstained. The Indian representative, while explaining India's abstention stated that at a time when all the people of the world desired peace, that part of the resolution (sections C and D, providing for contribution of military contingents by the Members and the Collective Measures Committee) gave the impression that the United Nations was more concerned with perfecting its enforcement machinery than with promoting international co-operation and mutual good-will.³³

³⁰ Ibid., mtg. 302, 3 November 1950, p.348.

³¹ Ibid., Vyshinsky's statement, mtg. 301, 2 November 1950, pp. 324-35.

³² Earlier the draft resolution was recommended by the first committee. Voting in the Assembly was 52 in favour, 5 against with 2 abstentions.

³³ GAOR, session 5, First Committee, mtg. 369, 19 October 1950, p.161. In the plenary, the Indian representative centered his misgivings on the view that "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". (Ibid., plen., mtg. 301, 2 November 1950, pp. 336-7).

India's stand regarding the 'Uniting for Peace Resolution' has been widely criticized and India has been called one of the most 'genial non-communist collaborators' of the Soviet Union.³⁴ A close analysis would, however, reveal that India was justified in not supporting a plan which was against the system evolved at San Francisco.³⁵ The uniting for peace plan was designed not so much to establish a genuine system of collective security as "to facilitate the repetition of the Korean experience, to make it possible for the United Nations to become officially engaged in action against the Soviet Union or states enjoying Soviet support...."³⁶

(iv) Revision of the Charter

As soon as the United Nations system became operative, the Members started finding faults with the Charter provision. The question of revision of the Charter naturally arose and was enthusiastically advocated by the countries belonging to the Western bloc. The motive behind the move was the same as in the earlier instances of attempts to make institutional changes.

The Indian delegation could understand the motive behind the advocacy for Charter revision and therefore suggested that

³⁴ See Ross N. Berkes and Mohinder S. Bedi, The Diplomacy of India: Indian Foreign Policy in the United Nations (Stanford, 1953), pp. 3-5.

³⁵ The new plan cut across the base of the San Francisco system. The Charter provided that the World Organization should not attempt to coerce great powers but the Uniting for Peace Resolution made it possible to take action against a major power or its satellite. See Saksena, n.1, p.102.

³⁶ Inis L. Claude, Jr., Power and International Relations (New York, 1962), p.168.

it would be preferable to pay more attention to the problem of implementing the Charter and less to that of its revision. During the general debate in the second Assembly session the Chairman of the Indian delegation expressed impatience with the growing sentiment in favour of tinkering with the Charter by commenting, "Machinery, old or new, by itself, will not save us if we are not truly and sincerely determined to remove war as a means of settling differences".³⁷

(v) The Universality of Membership

The debate over the 'universality' of membership of the United Nations had begun with the San Francisco Conference itself. The problem was to decide as to who should be allowed to become members of the world body and who were to be debarred from this privilege. The delegates participating in the Conference were to decide either to make the United Nations an organization of like minded people or to throw open its gate to all countries fulfilling certain basic requirements. The Charter provisions, relating to membership, which finally emerged from the Conference conferred 'original' membership to 51 countries³⁸ and provided for future membership to countries fulfilling certain requirements given in Article 4 of the UN

³⁷ GAOR, session 2, plen. mtg. 85, ^{19 September 1947} pp. 137-8.

³⁸ Article 3 of the UN Charter: "The Original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, on having previously signed the Declaration by United Nations on January 1, 1942, sign the present Charter and ratify it in accordance with Article 110".

Charter.³⁹ Thus the world body would start with a limited membership but the goal would be to strive for 'universality' of membership.

The hope of achieving universality of membership received a set back in the following year of the inception of the United Nations when the Security Council refused to recommend five out of nine applications for fresh membership. The obvious reason was that the United Nations being gradually engulfed into the ensuing Cold War between the two power blocs. Out of the five rejected applications, three (Transjordan, Ireland and Portugal) were vetoed by the Soviet Union and the remaining two (Albania and Outer Mongolia) were rejected because of UK-US opposition.

During discussion on the Special Report by the Security Council in the Assembly it became apparent that majority of the nations were of the opinion that the rejected applications should be reconsidered by the Council. Later a draft resolution was submitted to this effect recommending that the Security Council 're-examine, in accordance with Article 4 of the Charter, applications for membership in the United Nations

³⁹ Article 4 of the Charter: "1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgement of the Organization, are able and willing to carry out these obligations; 2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council".

on their respective merits as measured by the yard-stick of the Charter".⁴⁰

The Indian representative, Vijaya Lakshmi Pandit, commented that in the admission of members the qualifications for membership laid down in Article 4 of the UN Charter should be strictly adhered to and that no extraneous considerations should be imported. She expressed surprise over the rejections of applications of Ireland, Transjordan, Albania and Outer Mongolia but justified the rejection of Portugal's application for membership.⁴¹ In conformity with this stand the Indian delegation voted in favour of the draft resolution recommending the Security Council to re-examine the application for membership.

The membership issue became more complicated by 1947 when the number of rejected applications swelled to eight and the Assembly was once again called upon to consider the matter. In an apparent bid to counter Soviet vetoes against the applications of countries belonging to the Western Camp, Australia tabled six draft resolutions declaring that in the opinion of the Assembly Ireland, Portugal, Transjordan, Italy, Austria and

and

⁴⁰ The draft resolution was moved in the first committee by a sub-committee appointed by the Chairman of the first committee. The basis of the sub-committee's draft was the drafts moved earlier by Panama, Egypt and Philippines, Republic in the First Committee, (see UN Yearbook 1946-47 (New York, 1947), p.125.

⁴¹ GAOR, session 1, part 2, First Committee, mtg. 16, p. 67. 8 November 1946,

Finland had qualified for membership and the Security Council should reconsider their applications.

During discussion, the Indian representative made it clear that India could not vote for the admission of states whose application for membership had not been supported by the Security Council and also pointed out that the approval of the Council and the Assembly constituted two doors through which an applicant was required to pass. In conformity with this statement, India voted against all the six draft resolutions initiated by Australia which were adopted by the Assembly on the recommendation of the Committee.⁴²

The Security Council reconsidered some of the rejected applications for membership at the request of the Assembly. It, however, could not make any positive recommendation regarding admission of any of the rejected applicants because neither of the blocs was ready to concede and stuck to its respective stand.

When the membership question came up before the third session of the Assembly, the discussion centred around the rejection of Ceylon's application by the Security Council.⁴³

⁴² It may be mentioned here that the Government of Eire was very distressed to learn that India has voted against admission of Eire. Official representations on this subject were made to Government of India and the Government after consulting the Indian delegation explained the situation to the Government of Eire, viz., that India has voted against Eire -- as well as against other countries -- on the sole ground that there was no recommendation from the Security Council for such admission. The point here is that India could have abstained from voting instead of voting against the resolution. Abstention would have upheld India's stand and in addition saved it from causing embarrassment.

⁴³ The membership question was allocated to the Ad Hoc Political Committee in this session.

The Indian delegation moved an amendment to the draft relating to admission of Ceylon, so that it could be acceptable to the Soviet Union. The amendment, however, fell through the Committee. The Indian representative reminded the delegation that the intention of the Charter was clearly to make membership to the United Nations universal subject to the conditions outlined in Article 4 and added that applications should be considered without discrimination and better understanding between the five great powers could solve the present deadlock over membership.⁴⁴

There was a visible change in India's stand on the membership question during the next Assembly session. The Indian delegation which had voted against the Australian draft resolutions in the earlier session, voted in favour of Australian drafts of similar contents. This shift in India's stand could also be noticed in its abstention from a Soviet draft resolution proposing that the Assembly should request the Council to reconsider all the thirteen applications for membership.⁴⁵

⁴⁴ GAOR, session 3, part 1, Ad Hoc Political Committee, mtg. 9, 23 November 1948, pp. 89-90.

⁴⁵ The thirteen states mentioned in the Soviet draft resolution (A/AC.31/L.19) were: Albania, Mongolian People's Republic, Bulgaria, Rumania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon and Nepal. The Australian drafts (A/AC.31/L.9 to 17) had included Austria, Ceylon, Ireland, Italy, Portugal, Jordan, Republic of Korea and Nepal. India voted in favour of all of them except the draft on Republic of Korea where it abstained from voting. See UN Yearbook 1948-49, pp. 387-8.

The question of universality of membership acquired new significance in 1949 when a communist government took power in China and it was declared a People's Republic. The Western Powers and the USA in particular refused to recognize the People's Republic as the legitimate representative of China. India, however, insisted that the People's Republic of China should be given representation in place of Nationalist China in the United Nations and ideological leanings should not form the basis of membership of the world body.⁴⁶

During the period under consideration, India's policy regarding the membership question was one of insistence on the fulfilment of Charter provisions by the new members. Its adherence to Charter provisions became so rigid that it invited adverse comments and embarrassment when India voted against Ireland's application during the second session of the Assembly. Perhaps in order to remove the impression that India was toeing the Soviet line, India changed the stand of opposing Assembly's request to the Council to reconsider the rejected applications. But, since the issue was gradually assuming Cold War characteristics, India became disinterested to the entire question which was reflected in its silence over the membership debate during the large part of the fourth session and the whole of the fifth session.

⁴⁶ The dissertation covers the 1946-1980 period and the details of the question of the representation of People's Republic of China in the United Nations does not come under its purview. It may, however, be noted that India's stand was vindicated when Communist China's representation was restored in 1971.

CHAPTER III

PEACE AND SECURITY QUESTIONS

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Jawaharlal Nehru is reported to have once told Richard Nixon that what India needed was at least a 'generation of peace'.¹ What Nehru meant was a minimum period to enable India to consolidate its independence and to promote economic development and social welfare of the country. Thus pursuit of peace was India's primary foreign policy objective, not only for promoting larger interest of mankind but also its own national interest. This objective could be achieved as India, under the leadership of Nehru, rightly discovered, not by aligning itself to one power or group of powers but by judging each issue on merit. In pursuing this objective, India attempted to throw its weight, whatever it was worth of, in support of those elements which would seek a peaceful settlement of disputes. In doing so India made full use of the forum and the political processes provided by the United Nations.

In this chapter an attempt is made to analyze India's approach towards the problem of disarmament and its efforts to achieve peaceful settlement of conflict situations that confronted

¹ Nehru had made this remark to Richard Nixon when the latter had come to India in 1953 on an official visit as the Vice-President of the United States, see Richard Nixon, The Memoirs (London, 1978), pp. 131-2, and Richard Nixon's Official address during the twentyfifth session of the Assembly, Records of General Assembly (GAOR), session 25, plen. mtg. 1822, 23 October 1970, p.7.

the world community during the period under review. Though a number of such issues figured in the world forum, only four of them -- the Indonesian question, the question of Palestine, the Greek question, and the problem of independence of Korea -- involved armed hostilities and posited a serious threat to international peace and security.²

Disarmament:

The establishment of the United Nations in 1945 synchronized with the invention of atomic weapons. The advent of the atomic age gave a new dimension to the problem of arms race; the need for control and regulation of armaments became more pressing. The General Assembly in 1946 established an Atomic Energy Commission (AEC) having the responsibility of enquiring into the problems raised by the discovery of atomic energy and eliminate atomic weapons from national armaments.³ The A.E.C. subsequently approved the US sponsored Baruch Plan⁴ which provided for a veto free supra-national body; "International Atomic Development Authority" which was to own, operate and manage all atomic energy activities throughout the world.

² The Kashmir question, which also involved armed hostilities and had a direct bearing on India's interests is discussed in the fourth chapter.

³ General Assembly Resolution 1(I), 24 January 1946.

⁴ For the text of the Baruch Plan, see Trevor N. Dupuy and Gay M. Hammerman (eds.), A Documentary History of Arms Control and Disarmament (New York, 1973), pp. 301-3.

Although India had taken interest in the discussions relating to disarmament⁵ since the inception of the United Nations,⁶ yet it was only during the third session of the Assembly that India put forth its reactions to the Baruch Plan and other proposals. The Indian representative emphasized on certain points like -- the stress on the abandonment of the arms race; the necessity of continuing negotiations with a view to reach an agreement; and banning weapons of mass destruction. On the question of atomic energy control, the representative expressed India's keen interest in its utilization for peaceful and beneficent purposes.⁷

The impasse over the Baruch Plan in the Atomic Energy Commission came up before the Assembly.⁸ It was evident from the beginning that both the blocs were rigid regarding their

⁵ The Indian delegation during the second part of the first session had successfully consolidated the French proposal for the establishment of an international police force and the Egyptian proposal for the withdrawal of foreign troops from every territory.

⁶ The Chairman of the Indian delegation, Vijaya Lakshmi Pandit, showed her concern in the second session of the Assembly. "There is an uneasy awareness that things are perhaps moving towards some new and annihilating disaster and ... not enough is being done to check the trend". (UN Document, A/PV. 85, 19 September 1947, p.134).

⁷ UN Document A/PV. 143, pp. 7-10.

⁸ The issue came up before the third session of the Assembly and was allocated to the first committee.

stand on the Baruch Plan. The Indian delegation took the initiative of reconciling the opposing viewpoints and of finding an acceptable resolution for the Assembly.⁹

The Indian delegation submitted a draft resolution which sought to establish an effective system of international control of atomic energy to ensure its use only for peaceful purposes and for the elimination of atomic weapons from national armaments. The Indian draft fell through in the Committee as well as in the Assembly.¹⁰ The principal determining factor behind this attempt was not merely to find a compromise between the Soviet and Western point of view, but India's unwillingness to accept the Baruch Plan.¹¹

The Atomic Energy Commission passed a resolution in 1949 that the differences among members were 'irreconcilable'. As a result the issue of international control of atomic energy was included in the agenda of the Assembly. When the issue came before the Assembly, the Indian delegation moved a draft resolution requesting the International Law Commission (ILC) to formulate 'the draft of a declaration on the duties of states and

⁹ The Indian representative subsequently became the Chairman of a sub-committee which was set up to find out a compromise resolution.

¹⁰ The Indian proposal was moved in the plenary meeting of the Assembly in the form of an amendment (A/700) to the Canadian draft resolution.

¹¹ J.P. Jain, India and Disarmament, Vol. I Nehru Era: An Analytical Study (New Delhi, 1974), p.17.

and individuals in respect of the development of atomic energy so as to ensure its use only for peaceful purposes and to secure the elimination of atomic weapons from national armaments'. During discussion in the Committee different delegations expressed different reactions towards the Indian proposal.¹² It, however, became evident that the declaration on the prohibition of atomic weapons was not acceptable to either of the blocs. The Indian draft was rejected by the Committee when put to vote.

India did not show much interest in the talks relating to disarmament in the field of conventional armaments. The Indian delegation neither made any comments nor moved any proposal on the item "Prohibition of the atomic weapons and reduction by one third of armaments and armed forces of permanent members of the Security Council".¹³ The reason perhaps was that India was intensely concerned with the control of atomic energy as it affected its vital national interests.¹⁴

Some authors have accused India of being 'within exploitable range of the Soviet camp' so far as the problem of disarmament was concerned.¹⁵ A clear rebuttal of such an

¹² Norway, New Zealand and the Slav countries criticised the Indian proposal, while Iraq and Mexico spoke in favour of the proposal.

¹³ This item was proposed by the Soviet Union. The title of the item was later changed on the initiative of France to "Regulation and reduction of conventional armaments and armed forces".

¹⁴ Jain, n.11, p.26.

¹⁵ Ross N. Berkes and Mohinder S. Bedi, The Diplomacy of India: Indian Foreign Policy in the United Nations (Stanford, 1958), pp. 65-68.

accusation was the Indian delegate's observation during the fourth session of the Assembly denouncing Soviet allegation that the USA and the UK cherished aggressive aims.¹⁶

The Indian delegation during the fifth session of the Assembly initiated a proposal for setting up of a "UN Peace Fund" financed from the savings through the measures of disarmament. This proposal was later withdrawn in favour of a eight-power draft which incorporated the substance of the Indian draft.

In sum, during the period under review, India supported all such views which would bring about reduction in armaments and also provide satisfactory international control on the uses of nuclear energy. However, the record those years as also the later development indicate that the Super Powers were not genuinely interested in bringing about any meaningful solution of the problem of nuclear disarmament.¹⁷

The Indonesian Question:

The Indonesian question has a special significance as it happened to be the first conflict situation representing

¹⁶ The Indian representative was commenting on the Soviet draft resolution relating to the item 'condemnation of the preparation for a new war and conclusion of a five-power pact for strengthening of peace'. It may be noted here that there were many other occasions when India did not lend support or even opposed the Soviet proposal.

¹⁷ See Joseph Nogue, "The Diplomacy of Disarmament", International Conciliation (New York), January 1960.

resurgence of Afro-Asian people and their struggle for nationhood and independence from the Colonial rule. It also happened to be the first conflict situation on which India showed its special concern by taking the initiative of raising it in the Security Council.

Indonesia was a Dutch colony since the beginning of the 17th century but during the Second World War it was occupied by Japan. The nationalist forces proclaimed the establishment of the Republic of Indonesia immediately after the surrender of Japan in August 1945. This development was not acceptable to the Dutch forces which came to Indonesia with the Allied troops to seek the surrender of the Japanese. Accordingly, the Dutch started suppressing the nationalists and armed hostilities broke out between the two sides.

In 1947, India referred the matter to the Security Council.¹⁸ India held that the large scale military action by the Dutch forces against the Indonesian people might endanger the maintenance of international peace and security. It, therefore, requested the Security Council to take necessary measures under Article 34 of the Charter.¹⁹

¹⁸ Letter dated 30 July 1947 from the permanent liaison officer to the Indian Government with the United Nations to the Secretary-General (S/447).

¹⁹ The same matter was also reported by Australia to the Security Council under Article 39 of the Charter (letter dated 30 July 1947 from the acting representative of Australia to the Secretary-General, S/449). Article 39 provides for enforcement action by the Security Council in case of 'threat to peace, breach of peace and act of aggression'. India invoked Article 34 of the Charter and thus its emphasis was on peaceful settlement of disputes was quite obvious in this case.

When the Security Council took up the matter on 31 July 1948, Australia moved a resolution calling for an immediate cease-fire and commencement of arbitration in accordance with Article 17 of the 'Linggadjatti Agreement'.²⁰ The Netherlands questioned the jurisdiction of the Council and contended that the situation was a matter of domestic jurisdiction of the Government of the Netherland under Article 2(7) of the Charter. This view was also supported by Britain and France. The Indian representative emphasized the need to bring an end to the hostilities and pointed out that the Council could take action in matters even those related to domestic jurisdiction in case those matters had a bearing upon international peace and security.²¹ The Council, finally passed a resolution calling upon the parties to cease hostilities forthwith and settle the matter peacefully.

²⁰ The text of the Article reads as follows: The Netherlands Government and the Government of the Republic of Indonesia shall settle by arbitration any dispute which might arise from this agreement and which cannot be solved by joint consultation in conference between these delegations. In that case, a Chairman of another nationality with a deciding vote shall be appointed by agreement between the delegations, or if such agreement cannot be reached, by the President of the International Court of Justice.

The agreement, initiated in November 1946, was actually signed, after approval by the Provincial Parliament of the Indonesian Republic and the Netherlands Parliament, on 28 March 1947. It was brought to the attention of the Security Council by means of a letter from the head of the Netherlands delegation to the United Nations addressed to the Secretary-General (UN Doc. S/311, March 27, 1947).

²¹ Official Records of the Security Council (SGOR), Yr. 2, mtg. 173, 1 August 1947, pp. 1623-4. It may be noted here that India and the Netherlands though not being members of the Security Council were invited to attend the meetings of the Council.

The hostilities did not cease even when the concerned parties accepted cease-fire call of the Security Council. Hence, the Council met again on 7 August to discuss the situation. The Indian representative proposed the cessation of hostilities and withdrawal of Dutch forces to their original positions and also supported the Republican Government's request for setting up an arbitration commission to resolve the conflict.²² The Security Council, on 22 August adopted proposals for creating a "Consular Commission" to report on the situation and to supervise the cease-fire. A committee of Good Offices for assisting the settlement of disputes was also established. However, the Security Council "limited action" did not yield fruitful results and the fighting continued.

The Dutch forces commenced full scale military operations and arrested the top Indonesian leaders, in December 1948. A special Council meeting was convened on 20 December to discuss the situation resulting from the Dutch offensive. The Council called for immediate cease-fire and for the release of all the Indonesian leaders.

The 'Indonesian Question' was included in the agenda of the third session of the Assembly at the joint initiative of India and Australia. However, an agreement was reached between

²² Ibid., Yr. 2, mtg. 178, 7 August 1947, pp. 1846-8.

the Indonesian Republic and the Netherlands Government even before the Assembly started deliberations on the issue. As a result, the sponsors of the item proposed that the consideration of the item be deferred to the next session of the Assembly in the hope that the agreement already reached, would lead to a permanent settlement. A joint resolution to this effect was adopted by the Assembly.²³

On January 28, 1949, the Council repeated its call for a stop to all military operations, and recommended the establishment of a federal, independent and sovereign United States of Indonesia at the earliest possible date -- with transfer of sovereignty not later than 1 July 1950 -- and converted the Good Offices Committee into the United Nations Commission for Indonesia, with power to assist the parties in implementing this resolution.²⁴

Another development, which restrained the Dutch to continue its imperialist policy, was the 19 nations Asian Conference on Indonesia in New Delhi in January 1949. The Asian countries declared in the Conference that they would resist any attempt by the Dutch to stage a come back in Asia. They, however, decided to support the Security Council in its efforts in resolving the conflict.

²³ General Assembly Resolution 874 (III), 11 May 1949.

²⁴ UN Doc. S/1234, 28 January 1949.

The Netherland and the Republic of Indonesia reached a final settlement in a Round Table Conference held in the Hague in August-November 1949. The Assembly during its fourth session welcomed the establishment of the Republic of Indonesia as a sovereign state following the agreement reached at the Round Table Conference.

The Question of Palestine:

The question of Palestine has been one of the most perennial issues confronting the United Nations. It was a legacy of the League of Nations which acquired a momentum of its own after the Second World War. The complex set of issues involved were such which placed the basic principles on which newly independent India was founded -- secularism, peace and justice for all to a challenge. The position India took on this conflict situation fully vindicated its principles.

The set of historical developments leading to a critical situation in Palestine are well known.²⁵ In a way, the basic question was and still remains; whether people belonging to a particular ethnic and religious group could claim the right to

²⁵ Palestine formed a part of the Turkish Empire till 1914 but during the first world war passed into the hands of Great Britain. When the war came to an end Palestine was included among the mandated territories with Britain as the mandatory power. In 1917, Britain declared through the Balfour Declaration that it would help the Jews in establishing a Jewish homeland in Palestine. As a direct consequence the immigration of Jews to Palestine increased manyfolds after it came under the British administration. The Arabs resented the Jewish immigration and the seeds of further conflict were clearly imminent. (See United Nations Yearbook, 1947-48 (New York, 1949), pp. 227-81)

form a nation-state and this by depriving the rights of the indigenous population.

By 1947, the situation had become extremely explosive with sporadic breaks of violence between the warring factions. On its own, Britain found it difficult to bear the obligation of keeping order on managing a peaceful transfer to independence. It could neither ignore the Jewish demand because of its political commitments in the past nor could it antagonize the Arab world because of its vital interests in the area. In fact, with Russia immediately to the north of the Arab World and the possibility of Communist encroachment in the region, the politics in the Middle East had assumed a vital strategic significance for the West.²⁶

On 2 April 1947, Britain submitted the problem to the United Nations and asked for a special session of the General Assembly to examine the question of Palestine.²⁷

The Assembly in its first special session appointed a Special Committee on Palestine (UNSCOP) to investigate the matter and report to it. India was nominated a member of the UNSCOP.

²⁶ See K.P. Saksena, The United Nations and Collective Security: A Historical Analysis (Delhi, 1974), p.65.

²⁷ Letter from the UK delegation, . . . A/285, GAOR, First Special Session, 28 April - 15 May 1947, plen. meetings, vol. I, Annex, p.183.

The UNSCOP submitted its report²⁸ to the second session of the Assembly. The report included a 'majority' and a 'minority' plan for the future of Palestine. The majority plan called for partition of Palestine into an Arab state, a Jewish State and an international regime for Jerusalem but they were to be linked in an economic union. India along with Iran and Yugoslavia suggested the minority plan which provided for a federal state of Palestine with Jerusalem as its capital, which would remain under the supervision of the Assembly for the first three years.

The Assembly constituted an ad hoc committee to consider the report of the UNSCOP. The committee on its part referred the majority and minority plans for the future of Palestine to two sub-committees. Sub-committee I, in its report (A/AC.14/34) recommended the adoption of a 'Plan of Partition' with economic Union, along the general lines of the UNSCOP majority plan. A proposal for the establishment of a unitary and independent state of Palestine was put forth by sub-committee II in its report (A/AC.14/32). Sub-committee I's report was adopted by the ad hoc committee and the Assembly while the report of sub-committee II was rejected. India voted against the 'Plan of Partition'.

²⁸ United Nations Special Committee on Palestine,
Report to the General Assembly, UN Doc. A/364, 3 September 1947.

The Security Council was entrusted with the responsibility of implementing the plan of partition.²⁹ Finding the situation quite complex, the Council called a special session of the Assembly to discuss the issue.

In its second special session, the Assembly called for a truce in Palestine and appointed a UN Mediator in the place of the United Nations Special Commission on Palestine. The US delegation initiated a proposal for establishing a temporary trusteeship for Palestine but it did not materialize.

When the issue came before the regular session of the Assembly, the Indian representative commented that it was unfortunate his delegation's plan for a federation did not receive any support in the previous session and added that the partition plan has instead of solving the problem created a multitude of problems. The Assembly later adopted a British draft resolution which gave the Conciliation Commission broad mandate to seek agreement between the two parties and also provided that formal guarantees were to be given for the protection of the Holy Places throughout Palestine. India abstained from voting,³⁰ since it did not fully meet India's stand on the question.

²⁹ General Assembly Resolution 181(II), 29 November 1947.

³⁰ GAOR, session 3, plen. mtg. 186, 11 December 1948, p. 996.

Acting on the suggestion of the Indian delegation, a sub-committee was constituted³¹ to formulate a compromise resolution regarding the status of Jerusalem. The sub-committee proposed an international regime for Jerusalem and protection of the Holy Places. The draft resolution incorporating this proposal was initiated by the sub-committee and was subsequently adopted by the Assembly. The draft resolution was strongly opposed by the Western Powers including the UK and the USA. The Soviet bloc and the Asian countries, however, voted in favour. The Indian delegation had abstained at the committee but voted in favour of the draft in the plenary.

The Greek Question:

The Greek question marked the concretization of the ensuing Cold War and it was also the first case of its kind when the United States attempted to use its "automatic two-third majority" in the United Nations. In other words, making the United Nations do in the name of the international community, what the United States wanted to do unilaterally in pursuit of its foreign policy objectives.

The Greek question remained beginning 1946 with the United Nations for a number of years. It was one of the first cases

³¹ The sub-committee was constituted by the Ad Hoc Political Committee during the fourth session of the Assembly.

where for obvious reasons, what the United States proposal invoked opposition by the Soviet Union and what the Soviet Union suggested was repudiated by the United States.'

How did India react to the Greek question?

The Greek question was first taken^{up} by the Security Council on a complaint by the Government of Greece.³² India then was not a member of the Security Council and therefore took no position. New Delhi also did not take any official position on the issue. When the Security Council could not take any positive step on the basis of the Investigation Commission's report,³³ the Greek question, on the US initiative was removed from the agenda of the Council.³⁴

The item was included in the agenda of the second session of the Assembly.³⁵ The Assembly made a number of

³² By letter of 3 December 1946, the Acting Chairman of the Greek delegation to the United Nations called the attention of the Security Council to the situation resulting from the aid allegedly provided by Greece's northern neighbours to guerrillas operating in northern Greece.'

³³ The Investigation Commission consisting of all the members of the Security Council was appointed by the Security Council itself to make an on the spot investigation. Majority of the members of the Commission reported that Yugoslavia and to a lesser extent Albania and Bulgaria, had given considerable help to the Greek rebels against the established Government. See Norman D. Palmer and Howard C. Perkins, International Relations: The World Community in Transition (Calcutta, 1970), p.330.

³⁴ A resolution to this effect was passed by the Security Council by 9 votes in favour and 2 against (Poland and USSR), see Yearbook of the United Nations 1947-48 (New York, 1948), pp.351-2.

³⁵ By letter of 20 August 1947 (A/344) the Acting permanent representative of the United States requested the inclusion of the item 'Threats to the Political independence and territorial integrity of Greece' in the agenda.

recommendations to Greece and her neighbours and established an eleven-nation special committee on Balkans (UNSCOB). The Indian delegation did not participate in the discussion either in ^{the} committee or in the plenary. It abstained from voting on the draft resolution recommending the establishment of UNSCOB. India's attitude in this matter was subject of some comment, in particular, the delegation's attention was drawn by one or two members of other delegations, to the fact that the Greek Government regarded India's vote as an adverse criticism of the existing Greek Government. This misunderstanding was cleared by a statement issued by the Chairman of the Indian delegation.

The United Nations Special Committee on Balkans (UNSCOB) submitted its report to the next session of the Assembly. When discussion on committee's report was over, a joint resolution was moved by China, France, the UK and the USA which provided for the continuation of UNSCOB and expressed the view that the countries on Greece's northern border, by their conduct in Greece, were endangering peace in the Balkans. Another draft resolution initiated by the Soviet Union demanded the withdrawal of foreign troops from Greece and the abolition of the UNSCOB. The joint draft was adopted by the Assembly, on the recommendation of the first committee.

India and other Asian countries which had abstained during the earlier session, voted in favour of the Western resolution on Greece.

The reason for this change in India's stand was that the Indian delegation felt that the UNSCOB had despite its handicaps served to contribute towards an improvement in the situation in Greece. The Committee had made earnest efforts to bring about a conciliation between the parties and the Indian delegation held the view that these efforts could be continued with advantage.³⁶

The mandate of the UNSCOB was again extended in the fourth session of the Assembly. In the following session the Assembly adopted a resolutions relating to the repatriation of Greek armed forces and children on the basis of the UNSCOB's report. These developments, however, reflect some change in the situation in Greece. The situation in Greece improved considerably by 1949 as Yugoslavia's aid to the Greek guerrillas had practically ceased after the Tito 'split' and Yugoslavia's expulsion from the Communist bloc. A further improvement was signified by the restoration of diplomatic relations between Greece and Yugoslavia on 28 November 1950.³⁷

³⁶ See Report of the India delegation to the First and Second Parts of the Third Session of the General Assembly of the United Nations, 1948-49 (Simla, 1950), p.27.

³⁷ Palmer and Perkins, n.33, p.330.

The Problem of Independence of Korea:

Developments in Korea which at one stage beginning June 1950 posited the first most serious threat to international peace and security after the Second World War. These developments also provided the most serious testing to India's policy of non-alignment.

Indeed, developments in Korea beginning 1946 clearly reflected the growing rivalry between the two powers, the USA and the USSR which had assumed temporary control of the country after the surrender of Japan. The negotiations,³⁸ between the military commands of the United States and the Soviet Union, for achieving an independent and democratic Korea broke down within a short period of their opening. The reason of the disagreement between the USA and the USSR was that for both Korea was of vital strategic importance. The Soviet Union wanted to ensure that no hostile power should have invasion bases within the reach of the Russian soil. As Japan was already in American possession, Soviet strategy was guided to mask Japan with a line of Russian-held bases. These already included the military air bases in Siberia, the Kurile islands and Sakhalin. To complete the circle and to consolidate her hold on the Asian mainland, Korea was essential. On the other hand, Korea, for the USA was of great strategic value

³⁸ The negotiations between the two military commands were started on the basis of an agreement reached at the Moscow Conference of Foreign Ministers in December 1945, on a procedure to be followed for achieving an independent and democratic Korea.

if it wanted to keep its hold in the Pacific, and to carry out its policy of containment against the Soviet bloc.³⁹

When the Soviet-American negotiations on Korea were deadlocked, the United States, on 17 September 1947 referred the Korean problem to the UN General Assembly.⁴⁰ The issue subsequently came up before the second session of the Assembly. During discussion, the US delegation initiated a draft resolution which provided that elections were to be conducted in two separate zones by the occupying forces and the establishment of a a UN Temporary Commission for supervising the operation. The Soviet delegation opposed any United Nations involvement in Korea and suggested the withdrawal of both the occupying forces. India, however, expressed its disagreement with the above proposals and moved an amendment (A/C.1/237) to the US draft resolution that elections be held on national basis under the supervision of the UN Temporary Commission. The Assembly adopted the US draft incorporating the Indian amendment.

Following the above Assembly resolution, a UN Temporary Commission on Korea (UNTCOK) was constituted and was entrusted with the supervision of elections in Korea.⁴¹ The Commission

³⁹ Saksena, n. 24, p. 84.

⁴⁰ By letter of 17 September 1947 (A/BUR/25), the delegation of the United States requested the Secretary-General that the following item be included in the agenda of the second session of the Assembly: 'The Problem of Independence of Korea'.

⁴¹ India was nominated a member of the UNTCOK and its representative, K.P.S. Menon, became the Chairman of the Commission.

began its work with much enthusiasm but soon its task seemed to be impossible as the Soviet commander refused to co-operate with it and the Commission was denied permission to enter the Northern Zone of Korea. In view of the situation, members of the Commission decided to consult the Interim Committee⁴² on the issue as to whether the Commission could conduct election in such parts of Korea which were accessible to it. While submitting the first report of the Commission, K.P.S. Menon, advised strongly against holding elections in South Korea alone which would mean the division of the country.⁴³

The Interim Committee, ignoring K.P.S. Menon's warning adopted a US proposal asking the UNTCOK to hold elections in the Southern part of Korea only. Australia and Canada opposed the US proposal but India changed its mind at the time of voting and voted in favour of the resolution. India's permanent representative to the United Nations felt that the tide of opinion in the United Nations was running strongly in favour of the American draft and that it would be futile and even harmful, for India to row against it.⁴⁴

⁴² The Interim Committee was established by General Assembly Resolution 111 (II), 13 November 1947.

⁴³ "Korea may blow up", he warned the United Nations, "and that may be the beginning of a vast cataclysm in Asia and the World", See K.P.S. Menon, Many Worlds: An Autobiography (London, 1965), p.257.

⁴⁴ This sudden change in India's stand led to much speculation. Some observers even asserted that this meant that there was a strong difference of opinion between the Government of India and K.P.S. Menon. See Leon Gordenker, The UN and the Peaceful Unification of Korea, cited in Menon, n.18, p.257.

When the problem of independence of Korea reappeared before the Assembly, the Indian representative put forth certain points like -- independence for the whole of Korea in the shortest possible time; a United Korea; and the United Nations should not be a party to any plan of division of the country. The Assembly, however, adopted a resolution which recognized the Government of South Korea and dissolved the UNTCOK and constituted the seven member United Nations Commission on Korea, entrusted with the task of unification of the country. India voted in favour of the resolution after seeking certain clarification.⁴⁵

The Korean crisis entered a critical phase with the reported armed attack by North Korea against South Korea on 24-25 June 1950. An emergency meeting of the Security Council was convened by the Secretary-General on 25 June after confirming the reports of the armed attack. Two draft resolutions were moved in the Council, one by the USA and the other by Yugoslavia. The US resolution which was adopted by the Council took note of the 'armed attack' and called for withdrawal of North Korean forces to the 38th Parallel. The Council rejected the Yugoslav resolution which called for cessation of hostilities, withdrawal

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of forces beyond the 38th Parallel and for the two parties to state their case before the Council. India voted in favour of the UN resolution but abstained from the Yugoslav resolution.⁴⁶

The Security Council on 27 June adopted another US sponsored resolution which called upon the member nations to assist the Republic of Korea to repel aggression. The Indian delegate expressed his inability to participate in the voting without consulting the Government of India. Later on India informed about its affirmative vote on the US resolution.⁴⁷

India, however, realised soon that the Korean crisis had become a purely Cold War issue and it tried to keep itself aloof and tried to put its efforts in resolving the matter as early as possible. Jawaharlal Nehru firmly believed that the problem could be solved much easily if the People's Republic of China was admitted to the United Nations which would pave the way for Soviet Union's return to the world forums. In July 1950, Nehru wrote identical letters to Stalin and Acheson, the US Secretary of State proposing to admit People's Republic of China to the United Nations. The Soviet Union responded favourably but the US response was not at all encouraging.

⁴⁶ It might be noted here that India's representative, B.N. Rau, who was the President of the Security Council invited the representative of the Republic of Korea to present its case before the Council at the proposal of the USA. Rau's action has been subjected to criticism because India had so far emphasized on the point that both the parties to a dispute should be heard but in this case only the representative of Republic of Korea was invited and not the representative of North Korea.

⁴⁷ Alka Gupta, India and UN Peace-Keeping Activities: A Case Study of Korea, 1947-53 (New Delhi, 1977), p.110.

On July 27, the Council, by 7 votes to none, with 3 abstentions (Egypt, India and Yugoslavia), 1 member being absent (the USSR), requested all Member States providing military forces in pursuance of the Council's resolutions to make them available to a unified command under the United States. Subsequently, combatant units were provided by sixteen Member States, while India, Denmark, Italy, Norway and Sweden supplied medical units.

Meanwhile, on October 7, during consideration of the question of the independence of Korea, the Assembly adopted an ambiguously worded resolution with stated objectives of "creating conditions of stability throughout Korea" and of establishing "a unified, independent and democratic government".⁴⁸

Some delegations, besides the Soviet bloc, which regarded the collective action in Korea illegal, called the resolution unwise. The Indian delegate, for one, made a strong plea against the UN forces crossing over into the North and pointed out that sanction for such an act would impair faith in the International Organization after it had itself denounced and taken action against the same attempt by North Korea.⁴⁹

⁴⁸ General Assembly Resolution 376 (V), 7 October 1950.

⁴⁹ GAOR, session 5, plen. mtg. 294, 7 October 1950.

Developments in Korea took place in quick succession after the adoption of the 7 October resolution of the Assembly. By 21 October, the UN forces occupied whole of North Korea and reached upto the Yalu river on the Chinese border. Then came the flood of Chinese communist "volunteers" and with it military disaster for the UN forces. On 4 December the representatives of Cuba, Ecuador, France, Norway, the UK and the USA, by a telegram invoked the provisions of the 'Uniting for Peace' resolution and requested the Assembly for an urgent consideration of the situation created by the military operations of the People's Republic of China against the United Nations.⁵⁰

In the Assembly during the discussion of the question, it soon became apparent that a substantial part of the total membership was reluctant to the use of collective measures against Red China. The view was widely held that before condemning Chinese aggression and taking additional collective measures, an attempt should be made to explore the possibilities of ending hostilities and achieving a peaceful settlement. Consequently, the Assembly adopted a proposal submitted by India and other 12 Arab-Asian countries providing for a three man cease-fire group to recommend satisfactory cease-fire arrangements in Korea.⁵¹ India was included in the three man group. It may be mentioned here that India formed the Afro-Asian group in the Assembly which gradually yielded considerable influence.

⁵⁰ UN Doc. A/1618 of 4 December 1950.

⁵¹ General Assembly Resolution 384(V), 14 December 1950.

Summary Observations:

From the above account it is evident that India endeavoured to promote peace through the United Nations. It was genuinely interested in measures which would bring about reduction in armaments and provide satisfactory control on the use of nuclear energy. No positive step, however, could be taken by the United Nations in these directions, during the period under review, due to the lack of interest on the part of the Super Powers in bringing about a solution of the problem of nuclear disarmament.

As regards the Indonesian question, India showed much interest and put up efforts to stall the surreptitious return of Dutch colonialism to Asia. India directly raised the issue in the Security Council and participated in the discussions of the Council as an invitee. In the Assembly also, the Indian delegation sponsored a number of resolutions relating to the Indonesian question. Moreover, India arranged an Asian Conference on Indonesia in January 1949 in New Delhi which showed the solidarity of the Asian nations to oppose Dutch colonialism.

Towards other conflict situations, for instance, Greek question and the Korean question, India's policy was one of hesitancy and inconsistency. In the Greek question during the second session of the Assembly, it abstained from voting on the draft resolution providing for the United Nations Special

Committee on Balkans (UNSCOB), but during the next session it voted in favour of the continuation of the UNSCOB. As regards the Korean question, India's representative in the UNTCOK strongly recommended against holding elections only in Southern part of Korea. But the permanent representative of India to the United Nations voted in favour of a US draft in the Interim Committee of the Assembly which sought to conduct elections in such parts of Korea which were accessible to the UNTCOK. Again, on 25 to 27 June 1950, resolutions in the Security Council, India voted with the Western power and did not take an independent non-aligned stand. The President of the Council (India) invited the representative of the Republic of Korea to present its views before the Council and not the representative of North Korea. But later on India corrected its steps and did not side with Western powers in creating a unified UN command and crossing of the 38th Parallel.

India's stand on the Palestine question, that religion could not be a claim to form a nation-state and that too by depriving the rights of the indigenous population, had a happy coincidence with India's national interests. The stand indicated its policy of 'secularism, peace and justice for all' and also protected its oil interests in the Arab countries and also appeased its own Muslim population.

CHAPTER IV

**ISSUES OF DIRECT CONCERN : INDIANS IN
SOUTH AFRICA AND THE KASHMIR QUESTION**

Chapter IV**ISSUES OF DIRECT CONCERN ; INDIANS IN
SOUTH AFRICA AND THE KASHMIR QUESTION**

During the period 1946-50, India raised various issues in the United Nations forums but there were only two among them -- the treatment of Indians in South Africa and the Kashmir Question -- which were having direct bearing on India's national interests.

As it is known, raising a question before the United Nations is a highly calculated political move and is designed to solve the problem in one's favour, or to put maximum political and moral pressure on one's opponent. Certain issues are raised because they involve questions of international morality and in raising the issue the initiator naturally aims to highlight them and in the process present a good image of oneself before the world forums. There could be some other related motives. Likewise, the manner in which the issues are raised and adroit skill with which interactions both in terms of parliamentary diplomacy as well as behind the scene negotiations play crucial role in the outcome.

What did India seek when it raised the question of the treatment of Indians in South Africa and that of the question of Kashmir? How they were handled during the 1946-50 period and to what extent India gained its objectives? These and related questions are the focus of this chapter.

The Question of the Treatment of
Indians in the Union of South Africa:

An idea about the background of the Indians settled in South Africa is essential before attempting an analysis of raising and subsequent handling of the question of the 'treatment of Indians in South Africa' in the UN forums. Immigration of Indian labourers to South Africa began in 1860, when the British (Indian) Government and Natal Government reached an agreement to this effect. The then British governor had declared that there would be no discrimination on the basis of colour, origin, language or creed. Immigration of Indian labourers was stopped by the Government of British India in 1910 as the conditions of the Indian settlers were worsening owing to anti-Indian agitation and oppression by the planters. In 1927 the Union of South Africa and British India reached an agreement known as the Cape Town Agreement which sought to remove discriminations against people of Indian origin. This was reaffirmed in a joint statement in 1932.¹ The situation, however, took an ugly turn when in 1946 the South African government passed the Asiatic Land Tenure, and Indian Representation Act.¹ As a result of these acts discrimination against the Indians became legalised and extended in the field⁵ of franchise, immigration, acquisition of landed property, trade, etc.

¹ For the texts of these acts, see D. K. Sen, "The Position of Indians in South Africa", Indian Law Review (Calcutta) vol. III, 1949, pp. 275-85.

In June 1946, A.R. Madaliar, in his capacity as the leader of the Indian delegation to the first part of the first session of the Assembly, submitted a memorandum to the Secretary-General requesting him for the inclusion of the item 'treatment of Indians in the Union of South Africa' in the agenda of the forthcoming session of the Assembly.² A pertinent question that need be answered is that why the British (Indian) Government raised the question in the United Nations which was obviously directed against a member of the British Commonwealth.

It should be noted since Madaliar wrote to the Secretary-General, dramatic changes had taken place in New Delhi. In September the same year (1946) an Interim Government was constituted with Jawaharlal Nehru as its Vice-President (the Presidency was held by the then Viceroy Lord Wavell) and the delegation to the General Assembly which held its session beginning October 23, 1946, was nominated by Nehru.

Jawaharlal Nehru declared in New Delhi in a Press Conference on 26 September 1946 that the most important item on the agenda of the second part of the first session of the Assembly from India's point of view was the case against South Africa.³ The

² UN Doc. 4/149.

³ The Indian Annual Register, July-December 1946 (Calcutta), p. 253.

leader of the Indian delegation to the second part of the first session of the Assembly, Mrs Vijaya Lakshmi Pandit, mentioned the issue and showed India's concern regarding the condition of Indians in South Africa during her speech in the Assembly.⁴

When the item came up for consideration in the General Committee for inclusion in the agenda of the Assembly, the South African delegate argued that the matter concerned the Indians, nationals of South Africa and not Indian nationals, therefore came under the purview of Article 2(7) of the UN Charter and should be given no place in the agenda.

The Indian representative insisted that the Assembly should declare South Africa's treatment of the Indians as contrary to the Charter and therefore a concern of the United Nations.

The first skirmish on this issue was on the question of allocation of subjects to various committees. On the face of it the question was a political matter, which would normally go to the Political Committee, so the Indian delegation demanded. South Africa, on the other hand argued that the matter should be referred to the ^LLegal ^CCommittee to decide whether or not the Assembly was entitled to deal with. During the discussion, it was agreed that the question be examined in both its aspects (political

⁴ Official Records of General Assembly (GAOR), session 1, part 2, plen. mtg. 37, 25 October 1946, pp. 731-4.

as well as legal). There was then a discussion whether it should go to the Political Committee first or the Legal Committee. Finally, it was agreed that the Political and Legal Committee should hold a joint session to discuss the problem.⁵

The Indian representative while presenting India's case before the joint committee traced the history of Indian immigration into South Africa and contended that as a result of the Cape Town Agreements, the matter was no more one under the purview of Article 2(7) of the Charter. He added that the Asiatic Land Tenure and Indian Representation Act of 1946 were gross violation of the above agreements and were based on the principle of racial superiority.⁶

A number of draft resolutions were moved in the joint committee relating to the treatment of Indians in South Africa. The Indian draft expressed the opinion that South African government's discriminatory treatment of Indians violated the basic human rights and the UN Charter and also impaired the friendly relations between the two countries. Another draft moved jointly by France and Mexico noted that the treatment of Indians in South Africa had impaired friendly relationship between the two countries and the treatment of Indians should be in conformity

⁵ GAOR, session 1, part 2, plen. mtg. 46, 31 October 1946, p. 931.

⁶ Ibid., Joint First and Sixth Committees, mtg. 1, 21 November 1946, pp.

with mutual agreements and provisions of the Charter. There was also a proposal for referring the matter to the International Court of Justice for advisory opinion.⁷

From the discussions over the draft resolutions the Indian delegation gathered the impression that its own draft was too forthright to be carried and therefore withdrew it in favour of the Franco-Mexican draft. The joint committee recommended the Franco-Mexican draft by a large majority and was subsequently adopted by the Assembly also.⁸ It may be mentioned here that the adoption of resolution was definitely a diplomatic victory for the Indian delegation and it had reasons for rejoicing at the success as it came after considerable endeavour of every member of the delegation.⁹

In addition to the deliberations in the Assembly, efforts were being made outside the precincts of the United Nations to resolve the issue relating to the treatment of Indians in South Africa. An informal meeting was arranged on the UK-US initiative between the leaders of the Indian and South African delegations.¹⁰

⁷ It was jointly proposed by Sweden, the United Kingdom and the United States.

⁸ Voting in the plenary was 32 in favour, 15 against with 7 abstentions (GAOR, session 1, part 2, plen. mtg. 52, 8 December 1946, p.1061). Earlier the Assembly had decided by a vote of 89-24-1 that two-third majority was required for the adoption of the resolution.

⁹ For a detailed account of the behind the scene activities in the United Nations during the adoption of the Franco-Mexican resolution by the Assembly, see, M.C. Chagla, Roses in December (Bombay, 1973), pp. 234-40.

¹⁰ Report of the Indian delegation to the Second Session of the General Assembly of the United Nations (New Delhi, 1948), p.20.

The purpose of the meeting was to arrive at an agreement for convening a Round Table Conference in order to settle the problem and avoid a showdown in the Assembly.¹¹ But the informal approaches proved infructuous and the question came up before the second session of the Assembly.

In the Committee¹² the Indian delegation initiated a draft resolution which expressed regret at the refusal by the South African government to accept the implementation of G.A. Resn. 44(I) as a basis of discussion with the Government of India.¹³ Delegations in general spoke in favour of the Indian draft but they expressed the hope that the dispute between the two countries would be amicably settled through a Round Table Conference. The UK delegation, however, suggested reference to the International Court of Justice.¹⁴

¹¹ A similar meeting was arranged between M. K. Vellodi, member of the Indian delegation and Andrew, a member of the South African delegation.

¹² During the second session the item was allocated to the first committee.

¹³ Before initiating the draft resolution, the Indian representative mentioned that Smuts had done everything to malign the United Nations in the eyes of his people and has also failed to lead his countrymen in favour of G.A. Resn. 44(I). The Indian representative added that economic sanctions had to be imposed in deference of public opinion though they hampered India's economy.

¹⁴ The US delegation, which had supported the reference of the issue to the International Court of Justice in the earlier session, did not support such a proposal this time. ⁵ See Yearbook of the United Nations, 1947-48 (New York, 1948), p. 55.

A revised text of the Indian draft incorporating the Mexican amendment¹⁵ which suggested the deletion of the clause expressing regret at the South African government's failure to implement G. A. Resn. 44(I), was put to vote and was passed by the Committee.¹⁶ This draft recommended by the Committee, however, was rejected in the Assembly as it could not secure the required two-third majority.¹⁷

Several factors were responsible for the rejection of the Indian draft by the Assembly. In the first place, the atmosphere of the Assembly was unfavourable to an objective consideration of the Indian question. Another reason was that South Africa was considered to be one of the staunchest members of the Anglo-Saxon Anti-Soviet bloc and therefore, the UK canvassed for it more actively than in 1946. South African itself spent £150,000 on foreign publicity and propaganda in regard to the treatment of Indians in South Africa, during the interval between the first and second sessions of the Assembly.¹⁸ A number of Scandinavian

¹⁵ In addition to the Mexican amendment (A/C.1/266), there were four other amendments -- Joint Belgium-Danish-Brazilian (A/C.1/267), Norwegian (A/C.1/269), Cuban (A/C.1/270), Colombian (A/C.1/271). Only the Mexican amendment could pass through the Committee.

¹⁶ Voting in the Committee was 29 in favour, 15 against with 5 abstentions.

¹⁷ In the plenary meeting, Belgium, Brazil, Cuba, Denmark and Norway together moved a resolution providing for reference to the International Court of Justice. The draft failed to secure the required majority in the Assembly.

¹⁸ Report of the India Delegation to the Second Session of the General Assembly of the United Nations (New Delhi, 1949), p. 29.

and Latin American countries were affected by this propaganda. Finally, Argentine and Brazil were antagonized due to India's criticism against them for establishing relations with Franco-Spain.¹⁹

As the condition of Indians settled in South Africa continued to deteriorate and no step was taken by the Union government to redress their grievances, India once again requested the Secretary-General to include the item in the agenda of the coming Assembly session.²⁰

When the issue subsequently came up before the first committee during the third session of the Assembly, majority of the representatives expressed the opinion that racial discrimination was in fact practiced against Indians in South Africa but there was much disagreement so far as the question of Assembly's competence in taking further step was concerned.²¹

There were two drafts before the Committee. One was sponsored by India which pointed out that the treatment of Indians in South Africa was not in conformity of the UN Charter and called

¹⁹ Both Argentine and Brazil voted against the Indian resolution in the Assembly whereas they had abstained in the second part of the first session of the Assembly.

²⁰ Letter dated 12 July 1948 (A/577) from the representative of India to the Secretary-General requesting the inclusion of the item 'treatment of Indians in the Union of South Africa' in the provisional agenda of the third session of the General Assembly.

²¹ New Zealand, Canada, Peru, Ecuador, Greece, Denmark, France, etc., held that the Assembly if acts further would be interfering in matters essentially within domestic jurisdiction. While the USSR and its allies, Pakistan, Liberia, Thailand, Philippines, etc., held the contrary view, i.e., Assembly's competence has already been established in G.A. resn. 44(I)

for the constitution of a commission to study the problem. The other draft resolution, moved jointly by France and Mexico, suggested convening a Round Table Conference between India, Pakistan and the Union of South Africa.

Both the above drafts were recommended by the Committee but only the Franco-Mexican draft was voted upon in the plenary as the Indian delegation did not press its draft resolution for voting.²² The Franco-Mexican draft was adopted by the Assembly by a vote of 47 to 1 (South Africa) with 10 abstentions.²³

The question of the 'treatment of Indians in the Union of South Africa' was not raised in the Assembly by the Indian government as it wanted to observe if a solution could be found through a Round Table Conference as provided by the General Assembly. In the meantime, the South African government instead of preparing grounds for the conference passed the Asian Land Tenure (Amendment) and Group Areas Act.²⁴ When the South African government did not postpone action on the Group Areas Act, the Indian government declared its withdrawal from the Round Table Conference.²⁵

²² In the plenary meeting, the Philippine delegate appealed to the Indian delegation to withdraw its resolution adopted by the first committee to enable the Assembly to give widest possible support to the Franco-Mexican resolution. See Yearbook of the United Nations, 1948-49 (New York, 1949), p.309.

²³ GAOR, session 3, plen. mtg. 212, 14 May 1949, p.456.

²⁴ For a short discussion of the Group Areas Act, see Yearbook of the United Nations 1950 (New York, 1951), p.402.

²⁵ Ibid.

The issue came up before the fifth session of the Assembly²⁶ and was allocated to the Ad Hoc Political Committee for consideration. During discussion, the Indian and the South African representative put the blame for the failure to hold the round table conference on each other's shoulder. The former held the passing of Group Areas Act responsible for the failure while the latter put the blame on India's trade sanctions against South Africa. India's attitude was reflected in the draft it moved and held which declared the Group Areas Act as illegal and held the same responsible for the failure to hold a round table conference.²⁷

The draft sponsored by the Indian delegation was strongly worded and even after intensive lobbying in favour of the draft it was obvious that there was little possibility for its securing two-thirds majority. As an alternative strategy the Indian delegation sought some modifications in another five-power draft²⁸ which had simply repeated the plea to hold a round table conference and warned the concerned parties not to take any such step which would hinder the negotiations. A number of

²⁶ Letter dated 10 July 1950 (A/1289) from the representative of India to the Secretary-General requesting the inclusion of the item 'treatment of Indians in South Africa in the provisional agenda of the fifth session of the Assembly.

²⁷ The draft was sponsored by India, Burma, Indonesia and Iraq.

²⁸ The five-power draft was jointly moved by Bolivia, Denmark, Brazil, Norway, and Sweden.

amendments²⁹ were initiated and after incorporating these amendments the five-power draft became as condemnatory of South Africa as any resolution likely to be adopted by the Assembly.

In view of the changes brought into the five-power draft, the Indian delegation decided not to press its own draft resolution.³⁰ This decision paved the way for a smooth passage of the five-power draft. The draft resolution was passed in the Committee as well as in the Assembly by the required majority. It may be mentioned here that the Soviet Union and its allies conspicuously abstained from voting on all the paragraphs except paragraph 3 which specifically mentioned the Group Areas Act.³¹

After the above brief survey of the Assembly resolutions and the role played by the Indian delegations in the Assembly regarding the question of the 'treatment of Indians in the Union

²⁹ An amendment moved jointly by Ecuador, Mexico, Philippines and Uruguay sought to incorporate the resolutions of 1946 and 1948 against racial discrimination in the Preamble. It also specifically mentioned the non-implementation of the Group Areas Act for the success of the negotiations. Iraq proposed that a commission of three members should be invited to assist in the negotiations instead of a single individual. Cuba proposed the inclusion in the Preamble that a policy of racial segregation is necessarily based on doctrines of racial discrimination.

³⁰ India did not press for voting the draft it had sponsored because of two reasons -- (a) it might estrange sympathies and lead to withdrawal of support from the crucial amendments of the five-power draft; and (b) the resolution adopted by the Committee was as strongly condemnatory of South Africa as any resolution likely to be adopted by the Assembly could ever be. See Report of the Delegation of India to the Fifth Session of the General Assembly (Simla, 1951), p.40.

³¹ The main reason for abstention of the Soviet bloc appears to be that with regard to the Mindszenty case and item regarding Human Rights in Bulgaria, etc., the Soviet bloc had taken the position that the matter was one of domestic jurisdiction and was not, therefore, willing to enter into the merits of the South African-Indian question.

of South Africa, it is pertinent here to answer a few questions.

An important question was raised in the beginning of this chapter as to why the British (Indian) Government brought the question of the 'treatment of Indians in the Union of South Africa' before the United Nations. The reason behind referring the question to the United Nations was perhaps that Indian public opinion was at a feverish pitch on account of the adoption of the Asiatic Land Tenure and Indian Representation Act of 1946 by the Union of South Africa and the Government of British India sought to cool it down by referring the matter to the UN 'Cold Storage'.³²

One may ask as to why India did not raise the broader issue involving human rights and human dignity of all the people of Africa, including the Black Africans.³³ As a matter of fact the way India raised the question did not win it any friends. The Indian delegation claimed that it was the first to raise voice against the policy of racial discrimination but the fact was that other delegations criticized India for being parochial.

From an account of the debates in the plenary as well as various committees it appears that the Indian delegates had

³² K. P. Saksena, "India and Diplomacy at the UN", in Bimal Prasad (ed.), India's Foreign Policy (New Delhi, 1979), p.433.

³³ Ibid., p.432.

enough legal competence and debating skill to present India's case but as regards diplomatic tact or lobbying was concerned, they were still in the process of "learning". For example, India withdrew its resolution in the second part of the first session but insisted on voting over its draft in the second session. This shows lack of experience in the handling of such matters.

Finally, it may be asked that by raising this question was India expecting to compel the Government of South Africa to agree to the changes suggested by India. Even from its behaviour till the issue was raised in the United Nations, it had become obvious that South Africa was a racist regime and would not agree to any suggestion in the normal course. The question, therefore remains as to what India was seeking by trying to argue with South Africa.

Kashmir Question:

Before analysing the Kashmir question, it is pertinent to know its background. Earlier to the eruption of the conflict, Kashmir was a princely ^Sstate of British India. The Indian Independence Act of 1947 which led to the formation of separate independent ^Sstates of India and Pakistan provided the princely ^Sstates a choice to accede to India or Pakistan or to hold out for independence. In October 1947, Muslim tribesmen of the North West Frontier Province of Pakistan invaded Kashmir. The Maharaja

signed the Instrument of Accession in favour of India and appealed for urgent and immediate military aid from India to repulse the invaders and restore law and order in the state. India accepted the accession on the understanding that once normal conditions were restored, the question of accession "should be settled by a reference to the people". The Indian Army, rushed to the scene, was able to drive the raiders back from a major part of the state. But while a fierce fighting was still on, India brought the situation to the attention of the Security Council.

On 1 January 1948, the Indian representative at the United Nations transmitted^{to} the President of the Security Council a complaint from Indian Government regarding the situation in Kashmir.³⁴ The memorandum stated that the operations carried on by the nationals of Pakistan with the assistance from Government of Pakistan against the Indian state of Jammu and Kashmir might endanger international peace and security. India was entitled to take military action against Pakistan in order to oust the invaders but owing its anxiousness to settle everything peacefully reported the matter under Article 35 of the Charter. It requested the Council to ask the Government of Pakistan to stop assisting the intruders and to call upon its nationals not take part in the fighting. The memorandum also mentioned that action on India's part was necessary because -- Jammu and Kashmir was a neighbouring and friendly state and that accession has made India

³⁴ For the text of the Indian memorandum, ^ssee Appendix I.

responsible for its defence. Finally, it assured that after evacuation of the invaders people would be free to decide their future through plebiscite or referendum.

The Security Council began consideration of the issue raised by India on 16 January 1948.³⁵ The Indian representative, Gopaldaswamy Ayyangar, while presenting India's case before the Council expressed regret for the failure of all efforts for a bilateral settlement and added that India did not settle the matter militarily because it wanted to exhaust all possible avenues of peace. He argued that Jammu and Kashmir was an integral part of India and cited the Instrument of Accession as the legal basis of the claim and also mentioned that the future of Kashmir would be determined by the plebiscite to know as to whether people of Kashmir wanted "to join India or Pakistan or the UN as an independent state".³⁶

When both India and Pakistan had presented their respective cases before the Council, the President (Belgium) moved a resolution³⁷ calling upon the two governments to take all measures to improve the situation and requesting them to inform the Council

³⁵ The Security Council had earlier met on 6 January 1948 but the consideration of the Indian complaint was deferred till 15 January because the Pakistan representative had requested some time for its foreign minister to come to New York.

³⁶ The plebiscite was in fact a matter between India and Kashmir, Pakistan had nothing to do with it. But Ayyangar's statement in the Council made it appear that the secession was conditional, and Jammu and Kashmir became an international issue in which Pakistan's interests were equated with those of India. See Saksena, n.34, pp. 434-5.

³⁷ The resolution was moved on 17 January 1948.

of any material change in the situation which occurs during the consideration of the matter. A majority of the members seemed to favour the resolution and it was subsequently adopted by the Council after incorporating a Colombian amendment.³⁸

This was followed by another resolution, which the Council passed on 20 January 1948, providing for the establishment of a three member commission,³⁹ to investigate the facts and also to exercise some mediatory influence. The commission would be working in regard to the representation made by India and Pakistan.⁴⁰

The President of the Council took an important step on 22 January when he changed the description of the agenda from 'Kashmir Question' to 'India-Pakistan Question', which later proved to be a stumbling bloc for an early settlement of the Kashmir problem.⁴¹ Gopaldaswamy Ayyangar objected to such a change through a letter to the President and later in the Council meeting.⁴² His main contention was that the subject under

³⁸ Columbia suggested a more concrete reference to the two countries' willingness to abide by the Charter.

³⁹ Later the number of members were increased to five.

⁴⁰ Letter of the representative of India addressed to the President of the Council, dated 1 January 1948, and the letter from the Minister of Foreign Affairs of Pakistan addressed to the Secretary-General, dated 15 January 1948.

⁴¹ The reason for the change of the description of the agenda perhaps was the Pakistan Foreign Minister's letter to the President of the Council, threatening military action against India on the issue of Junagadh and requesting him an early meeting of the Council to discuss issues other than Kashmir.

⁴² Official Records of the Security Council (SCOR), mtg. 231, 22 January 1948, pp. 145-7.

consideration was still Jammu-Kashmir Question and India had not replied to Pakistani delegate's speech of 17 January. Ayyangar expressed his dissent forcefully but in course of the discussions he reconciled to the new description of the agenda.⁴³

The divergence of the views of India and Pakistan became apparent when they submitted to the Council⁴⁴ their proposals for ending the Kashmir problem. The Indian proposal provided stoppage of fighting, withdrawal of invaders and a gradual reduction of the Indian armed forces. According to the Indian plan the emergency administration of Sheikh Abdullah would be converted into responsible government and a plebiscite on the question of accession would be conducted by it under the advice and observation of persons appointed by the United Nations. Whereas Pakistan proposed plebiscite would be held under 'international authority, control and responsibility'. The establishment of an impartial interim administration in the state, withdrawal of Indian armed forces as well as Indian and Pakistani trespassers were also included in the Pakistani proposal.

⁴³ Of all the eleven members of the Security Council only the British and the Soviet delegates supported India's stand. Other member particularly Syria, Argentine, Colombia and the USA were in favour of the change of the description of the agenda.

⁴⁴ SCOR, Yr. 3, mtg. 236, 28 January 1948.

During the subsequent discussion in the Security Council, it became obvious that the trends of opinion were in favour of Pakistan in regard to the three crucial matters -- fighting could not stop without a total formula; an 'impartial' interim administration was necessary; and the plebiscite should be under the authority of the Council. China and Colombia, however, showed greater appreciation of India's stand on these issues. At the end of discussion, the Indian representative, in view of the proposals made by the President of the Council,⁴⁵ formally requested the Council for an adjournment to enable the Indian delegation to consult the home government.⁴⁶

The Kashmir problem once again came up before the Council when the leader of the Indian delegation, Gopalaswamy Ayyangar, reported to it, his discussions with the home government. The Council after much discussion adopted a six-power resolution at its meeting on 21 April 1948. The resolution was divided into various parts and it put an obligation on Pakistan to withdraw

⁴⁵ The proposals were: ending hostilities and agreement on plebiscite under UN auspices were related together; the co-operation of the two parties was asked for to end hostility; the withdrawal of all regular forces after the establishment of law and order; the formation of a new interim administration. S/557.

⁴⁶ On 8 February 1948, Ayyangar in a formal letter requested the Council to defer discussions and allow him to make himself available, along with other delegates, for consultation in New Delhi as asked by the Government of India, S/568.

its tribesmen and stop giving them aids, India likewise had to reduce its armed forces in Kashmir to a minimum required to maintain the law and order. It also provided that the state Government of Kashmir should be composed of the major political groups of the state and a Plebiscite Administrator nominated by the UN Secretary-General would conduct the plebiscite.⁴⁷

The United Nations Commission for India and Pakistan (UNCIP) appointed by the Security Council to investigate the facts relating to the conflict between the two countries began its work by touring the countries to get the first hand informations. The UNCIP was surprised to know from the Pakistani Foreign Minister that three brigades of regular Pakistani troops were in Kashmir since May 1948.⁴⁸ After visiting both the countries, the UNCIP adopted a resolution on 13 August 1948 which proposed cease-fire, withdrawal of troops and administration of the evacuated parts of Kashmir by local authorities. There was also a provision in the resolution that India would maintain minimum armed forces within the cease-fire line till the final settlement. India accepted the proposals incorporated in the resolution after seeking certain clarifications while Pakistan raised too many objections and did not give any final reply.

⁴⁷ The resolution was opposed by both India and Pakistan. India registered its objections on the ground that the resolution had paid scant attention to India's main complaint and it tended to make her 'look like' the 'co-accused'.

⁴⁸ Joseph Korb, Danger in Kashmir (Princeton, New Jersey, 1949). The UNCIP made it clear to Pakistan that the movement of its troops into Kashmir did constitute "a violation of international law" and that future resolution would have to reflect this.

Cease-fire between India and Pakistan came into effect from 1 January 1949 as a result of the acceptance of UNCIP's recommendation in this regard by the concerned governments.⁴⁹ Even after stoppage of fighting three problems still remained to be settled: the problem of Azad forces, the problem of defining the bulk of the Indian army and the problem of 'Northern Areas'. The Commission made a proposal for arbitration in order to find a solution to the above problems.⁵⁰ The arbitrator would decide the question according to equity and his decision would be binding on the parties. Pakistan accepted the proposal for arbitration while India rejected it due to certain reasons.⁵¹

The UNCIP ultimately submitted its final report to the Security Council on 5 December 1949. Apart from other things, the Commission recommended that the Council should enjoin the two governments to observe the cease-fire, tackle the demilitarisation

⁴⁹ Indian and Pakistani Governments agreed to cease-fire on 23 and 25 December 1948 respectively.

⁵⁰ The Commission proposed this in a letter to the two governments on 26 August 1949. See Sisir Gupta, Kashmir: A Study in India-Pakistan Relations (New Delhi, 1966), p.194.

⁵¹ The rejection was based on the Commission's answer to the two questions India had raised in the course of a discussion on 30 August: (i) whether the Commission would state to the arbitrator the points for arbitration, and (ii) whether the Commission would furnish the arbitrator with its own version of events and its views on such questions as the disarming and disbanding of Azad forces. See *Ibid.*, p.194.

problem and appoint a single individual as the UN representative to mediate between concerned parties to solve outstanding problems.

The Security Council, following UNCIP's recommendation for appointing a single mediator instead of a Commission to settle the problems, named General McNaughton of Canada as the Informal Mediator. Mc Naughton proposal ^{did} had not give any solution for the problems regarding the withdrawal of forces, Azad forces and the Northern Areas. More over, it equated India and Pakistan as parties in a dispute -- a position which India despised and the UNCIP had refused to accept. The proposals found favour with majority of the Council members. Pakistan accepted them after suggesting minor amendments. In response to the proposals, the Indian Government suggested two major amendments -- disarming the Azad forces and returning the Northern areas to India for purposes of defense. In view of India's stand on the proposals Mc Naughton conveyed to the Council his conviction that further activity on his part would not serve any useful purpose.

After the failure of the Mc Naughton proposals the Security Council adopted a four-power resolution on 14 March 1950. The resolution took note of the previous agreements including the cease-fire and called upon two governments to prepare and execute a demilitarization plan on the basis of Mc Naughton proposals. The UNCIP was also wound up and its powers were transferred to a UN representative.

The Council appointed Owen Dixon as the mediator. The most remarkable of Dixon's proposals was a 'partition plan' for Kashmir, put forth during the 'Nehru-Liaquat' meeting in July 1950. But the proposal did not find favour in neither Pakistan nor India. Dixon's mediation efforts came to an unceremonious end with the closing of 1950.

From the above analysis, it appears that starting with the presentation of the 'Kashmir Question' in the Security Council in January 1948 till the end of 1950, no substantial step was taken towards a peaceful settlement of the issue. The Security Council passed a number of resolutions so did the UNCIP Individual mediators nominated by the Council put up best of their efforts in finding out a solution. But neither of these efforts yielded any positive result, Pakistan not only remained in occupation of the 'Northern Areas' but also consolidated its position by bringing regular armed forces. India's complaint remained more or less unheeded and so it became disappointed as well as disillusioned with the United Nations. The question naturally arises as to where the fault was -- in the manner of India's raising and handling the Kashmir question, in the power-politics of the United Nations or elsewhere.

It has been maintained by some scholars that the initial Indian memorandum was to a great extent responsible for the dead-

lock.⁵² The weaknesses of the memorandum were: (i) it was not sent by cablegram in order to denote urgency of the situation, (ii) the memorandum invoked Article 35 of the Charter instead of invoking Article 39 which deals with threats to peace, acts of aggression, (iii) Indian case was presented in a clumsy manner, for instance the two reasons put forth by India for taking military action. The first, as elaborated in initial memorandum was that Jammu and Kashmir was a neighbouring and friendly state and the second was that accession had made India responsible for its defence. Curiously enough no thought was given to the fact that the first contention had no legal justification in terms of the Charter and the second one lost much of its validity when combined and preceded by the first one.

A different stand regarding India's presentation of its case could be taken. Indeed, one such was attempted by a distinguished scholar.⁵³ He justified the complaint being made under Article 35 of the Charter on two grounds. Firstly, India's domestic communal situation at that time was such, and India was so reluctant to start its career as a new state with bitter relations with Pakistan and so it was not desirable to brand Pakistan as an aggressor. Secondly, it would also have been reasonable for India to believe that a reference under Chapter VII

⁵² Saksena, n.32, pp. 433-4.

⁵³ Sisir Gupta, Kashmir: A Study in India-Pakistan Relations (New Delhi, 1967), p.141.

would open the way for a return of the Western Powers to the subcontinent or bring Cold War to the subcontinent.

The handling of India's case in the Security Council has also been subjected to criticism. It has been argued that Gopalaswami Ayyangar⁵⁴ who presented India's case, in fact misrepresented it.⁵⁵ His initial speech created wrong impression upon the Council members.

Opinions vary so far as the role of power-politics in the United Nations in creating the deadlock was concerned. One view is that the widespread notion that power-politics in the United Nations was responsible for the continuation of the Kashmir problem is unfounded.⁵⁶ But on the contrary many instances can be cited in order to show that power-politics is in fact played a significant role in developing a deadlock in Kashmir. In the first place, the President of the Council allowed Pakistan two weeks time (from 1 to 15 January 1948) for appearing before the Council when India had requested for consideration. Later India's request for adjournment of the Council meeting raised a storm of protest from most the of the members.

⁵⁴ N. Gopalaswami Ayyangar (B.A., B.L.) was a member of the Madras Civil Service from 1905 to 1937. From 1938 to 1943 he was the Prime Minister of Kashmir. Then he became a member of the Constituent Assembly of India and later on Minister without Portfolio, Government of India, from September 1947 to September 1948. India and Pakistan Yearbook and Who's Who, 1952-53 (Bombay, n.d.). This biography shows that Gopalaswami Ayyangar had little experience in handling bilateral or multi-lateral relations.

⁵⁵ Saksena, n.32, pp. 434-6.

⁵⁶ Ibid., p.435.

Another instance of power-politics was the change of the description of the agenda from 'Kashmir Question' to 'India-Pakistan Question' by the President of the Council on Pakistan's instance. Both the United States and the United Kingdom had put some pressure on India to accept the arbitration proposal and also the Mr Naughton proposal.⁵⁷

The Western Powers tried to brand accession of Kashmir as conditional on the basis of the Governor-General's letter of acceptance of accession in which reference to the people has been mentioned. The Security Council always tried to combine cease-fire with plebiscite. The members refused to accept the fact that crossing of international boundaries by raiders and organizing support for them were contrary to international law. The Security Council instead of calling upon Pakistan to prevent tribal raids in Kashmir concerned itself on the UK-US initiative to evolve a formula of freedom and self-determination for the tribesmen.⁵⁸

Jawaharlal Nehru's idealism also complicated the Kashmir question from the beginning. It was Nehru at whose instance 'the provision that Kashmir's accession should be settled by a reference to the people' was included in the letter of the

⁵⁷ Indian representative, B.N. Rau, while speaking in the Security Council had noted with anguish, "It is incomprehensible to us why pressure should always be brought to bear on India to acquiesce in the wrong, and why, for a change, some pressure should not be brought to bear on the other side to acquiesce in the right on the same ground".

⁵⁸ See Rahmatullah Khan, Kashmir and the United Nations (New Delhi, 1969), p.134.

Governor-General accepting accession of Kashmir.³⁹ This was later exploited by Pakistan as well as the Western Powers for making the propaganda that the accession was conditional. The very reference of Kashmir to the United Nations was unrealistic. The international political situation being what it was at the end of 1947, it was prima facie unrealistic to expect that the United Nations would be able to solve the issue to India's satisfaction.

³⁹ J. Banerjee, The Making of India's Foreign Policy (New Delhi, 1980), p. 294.

CHAPTER V

LIBERATION OF SUBJECT PEOPLE AND PROMOTION OF HUMAN RIGHTS

Chapter V

LIBERATION OF SUBJECT PEOPLE AND PROMOTION OF HUMAN RIGHTS

At the inception of the United Nations there were more than hundred countries and territories still remaining under the colonial rule. There was no specific provision in the UN Charter for their political independence except references to the principle of self-determination in some Articles of the Charter. As a consequence of the historical factors and the war time propaganda, a practice was evolved to divide the colonial possessions into two groups -- trust and non-self-governing territories. Under the former group came the mandated territories of the League of Nations and other territories surrendered by the so-called Axis powers and the remaining territories formed the latter group.

As noted earlier, one of the objectives of India's foreign policy has been liberation of subject people and freedom of individuals. An attempt is made in this chapter to analyze India's role in matters relating to the independence of colonial people and territories and in the sphere of promotion of human rights.

Trust Territories

The establishment of the United Nations brought significant changes in the status of the mandated territories. The

UN Charter required that the mandatory powers should enter into trusteeship agreements with the United Nations and a Trusteeship Council was designed to promote general welfare and self government for the people of erstwhile mandated territories which were to become trust territories. All the mandatory powers, except the Union of South Africa,¹ agreed to conclude trusteeship agreements.

Draft trusteeship agreements were submitted by the United Kingdom, France, Belgium, New Zealand, and Australia to the second part of the first session of the Assembly. During discussion on these drafts, the Indian representative put forth certain principles which guided India's approach to the question of trusteeship -- (a) the United Nations must have the ultimate power to supervise the administration of trust territories, and the administering powers should act only as agents; (b) early steps should be taken to grant complete self-government to the people of the territories; (c) no form of racial discrimination should be practiced in the territories; (d) the terms of the trusteeship agreements and of the Charter should be observed by the administering powers

¹ The Union of South Africa was administering the mandated territory of South West Africa. It refused to conclude any agreement with the United Nations and that created much controversy.

in a broad and liberal spirit.²

A sub committee was later constituted to examine the above draft agreements. India, which was also nominated to the sub-committee, moved a number of amendments.³ One such amendment provided for the inclusion of a particular clause⁴ in all agreements according to which the administering authority would act for the benefit of the people and on the termination of the trusteeship the people would regain all powers. Another modification which India suggested along with the Soviet Union was that the administering authorities should not have unlimited power of erecting fortifications, military bases, etc., without the permission of the Security Council. The third amendment objected to the trust territory being administered as an integral part of the territory of the administering authority and consequential amendments thereto. India also proposed to delete the clause permitting the administering authority to bring about a customs or fiscal union or federation

² Official Records of General Assembly (GAOR), session 1, part 2, Fourth Committee, mtg. 15, 5 November 1946, pp. 69-71.

³ The Indian delegate wanted to introduce certain resolutions of a fundamental nature which would circumscribe the authority of the administering states in the trust territories. A number of objections were raised to this and ultimately it was decided that India would be able to move its resolution in the form of amendments to the draft trusteeship agreement.

⁴ "The Administering Authority shall administer the Trust Territory on behalf of and solely for the benefit and in interest of its people, and on the termination of the trusteeship, all the powers of the Authority shall cease and it shall surrender the territories together with the public property then existing whether movable or immovable, to the people, whose sovereignty and whose right to self-government or independence shall always be recognized.

between the trust territory and other territories under the sovereignty of the administering authority.⁵

All the Indian amendments were rejected by the sub-committee but the Committee reversed the decision in the case of the proposal for incorporating of a particular clause in all the trusteeship agreements. The mandatory powers, however, refused to accept any amendment and naturally the draft trusteeship agreements were voted in the Committee without incorporating any amendment. India along with the Soviet bloc and Chile voted against the agreements.⁶ In the plenary, India abstained from voting as it did not want to stand in the way of early formation of a Trusteeship system.⁷

Though India's efforts in introducing amendments to the draft trusteeship agreements were frustrated due to the opposition of the administering powers, it became successful in

⁵ Other Indian amendments included provisions such as that the trusteeship should be valid for specified period at end of which it should be reviewed and revised that at the end of a suitable period in respect of each territory, as specified in the relevant agreements, shall become independent. (GAOR, session 1, para 2, Fourth Committee, Part II, Annex 15, p. 284).

⁶ The Indian representative pointed out that great calamity would not result if there was some delay in the establishment of the Trusteeship Council and also insisted that Agreements which had violated the Charter and were contrary to the interest of the inhabitants should not be accepted (GAOR, session-1, part 2, Fourth Committee, mtg. 26, 11 December 1946, pp. 169-71).

⁷ Report of the Indian delegation to the second part of the First Session of the General Assembly of the United Nations, 1946

modifying the questionnaire submitted by the Trusteeship Council during the following session of the Assembly. When the questionnaire came up for discussion in the Assembly, the Indian representative proposed a to determine whether racial discrimination existed in the trust territories and the number of immigrants who were holding some sort of employment in such territories. These proposals were incorporated in the questionnaire of the Trusteeship Council on the recommendation of the Assembly.

During the third session of the Assembly, the Indian delegation raised the question of educational and medical facilities in the three trust territories, viz., Ruanda Urundi, New Guinea and Tanganyika and the progressive reduction of land available to the indigenous populations in these territories. These proposals formed the basis of a Polish draft resolution recommending the administering powers to take all possible steps to accelerate the progressive development towards self-government of the trust territories they administered. The Polish draft was adopted by the Assembly.⁸

⁸ Yearbook of the United Nations, 1948-49 (New York, 1949).

The problem of 'administrative union' or the practice of uniting trust territories with other territories for administrative convenience, created much controversy in the same session.⁹ Although the administering authorities had declared that they would not go ahead with political union of trust territories with colonial territories, yet the non-colonial powers became increasingly alarmed owing to the steps taken by many administering powers in that direction. The Indian delegation initiated a draft resolution which suggested a general investigation of the administrative unions and recommended that the administering power should conduct prior consultations with the Trusteeship Council before it took any step in the direction of making such unions. The draft was recommended by the Committee but the Assembly rejected several paragraphs. The resolution, finally adopted, provided for investigation of the whole problem by the Trusteeship Council.

The report of the Trusteeship Council came before the fourth session of the Assembly¹⁰ for consideration. During the discussion in the Committee, the Indian representative stressed the primary importance of political advancement of trust

⁹ It may be recalled here that India had brought an amendment to delete the provision of customs or fiscal union of the administering authority with the trust territory, in the second part of the first session itself. The administering authorities had refused to accept the Indian amendment then.

¹⁰ The report of the Trusteeship Council was allocated to the fourth committee.

territories and in particular the need for a more practical and expeditious method of dealing with petitions from individuals or public bodies in these territories. The Indian delegation subsequently moved a draft resolution, along with Canada, dealing with the report of the Trusteeship Council and its activities in respect of petitions and visiting missions. The draft was discussed in a sub-committee and was later submitted as the sub-committee's draft resolution.

South West Africa

The problem of the South West Africa remains unresolved till todote. The origin of the problem can be traced from the time of the inception of the United Nations. South West Africa was a German Colony before the First World War and was subsequently placed under the League of Nations mandate, with South Africa as the mandatory power. The problem ensued as South Africa refused to conclude trusteeship agreement with the United Nations whereas all other mandatory powers agreed to do the same.

Instead of concluding agreement with the United Nations, the South African delegation proposed in the Assembly¹¹ to annex the territory of South West Africa. The annexation was

¹¹ The South African delegation raised the issue of annexation in the second part of the first session of the Assembly.

justified on two grounds — that it had the approval of the people of the territory and annexation would bring economic development to the people. The Indian delegation strongly opposed the above proposal and pointed out that annexation would be against the UN Charter and would create a bad precedent. The fourth committee approved an Indian draft resolution which suggested the rejection of the proposal for annexation and to submit trusteeship agreement relating to South West Africa for the approval of the United Nations. In the plenary meeting a joint draft was adopted which incorporated the main points of the Indian draft.¹²

In the following session, the Indian delegation submitted a draft which expressed disapproval with the failure of the South African Government to comply with the earlier Assembly resolution¹³ and strongly urged it to propose a trusteeship agreement for the consideration of the Assembly. The fourth committee where the issue was being considered, adopted the Indian draft with some modification. The Indian delegation, however, did not press its resolution for voting in the plenary and instead voted for a Danish proposal.¹⁴

¹² The Joint draft was initiated by India, the USA and Denmark. The voting in the Assembly was 37 in favour, with 9 abstentions (GAOR, session 1, part 2, plen. mtg. 64, 14 December 1946, p.1327).

¹³ General Assembly Resolution 65(1), 14 December 1946.

¹⁴ GAOR, session 2, plen. mtg. 105, 1 November 1947.

Even by 1948 South Africa did not come to terms with the United Nations and when the issue came before the Assembly, the South African delegate tried to justify its government's action of not abiding by the Assembly resolutions. The Indian representative, however, requested the Assembly to take note of the South African Government's failure to comply with the Assembly's resolution and also urged the Assembly to give its final verdict on the question and secure compliance with its recommendation. The Indian draft in this session was strongly worded which expressed regret at South Africa's refusal to conclude trusteeship agreement for the territory of South West Africa. Another resolution was jointly moved by Denmark, Norway, the USA and Uruguay. The Cuban delegation later moved an amendment to the joint draft. The Indian delegation finding the Cuban amendment more or less similar to its draft withdrew the same in favour of the Cuban amendment.¹⁵

The Indian delegation continued to maintain an active interest in the South West African problem during the fourth session of the Assembly. In this session the delegation put forth two proposals — one expressed regret that the South African Government had repudiated its previous assurance and the other sought advisory opinion from the International Court

¹⁵ In the plenary the Indian representative expressed disapproval of the joint draft resolutions and stated that the draft almost seemed to condone an act which amounted to a violation of the UN Charter (GAOR, session 3, plen. mtg. 164, 26 November 1948, pp. 582-6).

of Justice. These proposals were later combined ⁱⁿ a joint draft resolution¹⁶ which secured the approval of the Assembly.

India's attitude towards the South West African problem changed considerably after the above session of the Assembly. The Indian delegation which had taken much interest in the deliberations of the Assembly in all sessions and had moved a number of draft resolutions relating to the problem became passive in the fifth session of the Assembly. The reasons for India's disillusionment perhaps were -- the opinion of the International Court of Justice that South Africa was not legally bound to conclude trusteeship agreement and the repeated rejection of Indian draft resolutions.

Non-Self-Governing Territories

The provisions relating to the non-self-governing territories, unlike those relating to trust territories were contained under a separate Chapter which bears the word "declaration" and therefore the administering authorities concerned have argued that whatever the obligation^s, they were voluntary in nature and carries no legally binding obligations.

¹⁶ The joint draft with which the Indian proposal was combined was submitted by Denmark, Norway, Syria and Thailand.

However, from the beginning the non-colonial members including India were interested in evolving some kind of arrangement so that the colonial powers would be made responsible for the politico-socio-economic development of these territories. The controversy between the two sides centred around the nature of the information sent by the administering powers relating to the colonial possessions and the utilization of those informations for the development of those territories.

To begin with, the Assembly ~~started~~ attempted to give a more precise definition of the non-self-governing territory than provided in Article 73 of the Charter.¹⁷ The Indian delegate considered the definition given in the Charter as sufficiently clear but he expressed no objections to the definition suggested by the United States that Chapter XI of the Charter would apply to any territory administered by a member of the United Nations which did not enjoy the same measure of self government as the metropolitan area of that member.¹⁸ Members in general spoke in favour of retaining the Charter definition.

The bone of contention, however, was the nature of the information to be supplied by the administering powers under

¹⁷ Non-self-governing territories referred to in this article are those for the administration of which a member of the United Nations has or assumes responsibility and whose people have not yet attained a full measure of self government.

¹⁸ GAOR, session 1, part 2, Fourth Committee, mtg. 15, 5 November 1946, p.71.

Article 73(e) of the Charter. The administering powers maintained that they were not obliged to send informations other than those listed in Article 73(e) of the Charter, i.e., 'statistical and other information of a technical nature relating to economic, social and educational conditions. The Indian delegate argued that while this was so by a strict interpretation of the Charter, paragraphs (b) and (e) of Article 73 emphasized the political advancement and progressive development of free political institutions and it was therefore desirable that information on political conditions should also be submitted.¹⁹

Another problem before the Assembly was to determine the best way to utilize the informations transmitted by governments. The Secretariat had suggested the formation of a small ad hoc committee of experts to deal with the informations received from the states concerned. The colonial powers opposed this proposal and maintained that the information transmitted under Article 73(e) was only for purposes of information, there being no provision in the Charter for any examination or analysis of such an information. On the opposite side were non-colonial powers, to whom this interpretation of the Charter (Chapter XI) was not acceptable.²⁰

¹⁹ Report of the Indian delegation to the second part of the First Session of the General Assembly, 1946.

²⁰ The Indian representative supported the procedure recommended by the Secretariat though he hoped that ultimately the Trusteeship Council would take charge of all such information.

The Cuban representative subsequently moved a draft resolution, on the lines suggested by the Indian delegation, which provided for the establishment of a small committee of experts to deal with all the informations received by the United Nations. The Cuban proposal was approved by the Assembly on the recommendation of the fourth committee despite strong opposition by the UK, the USA, and ^{the} Netherlands.

The report of the ad hoc committee came up for discussion in the next Assembly session. The Indian delegation moved a number of amendments to the draft resolution recommended by the ad hoc committee. One of the amendments proposed India's own plan for the future of the ad hoc committee. The plan provided that a special committee should be appointed for two years by the Assembly instead of the fourth committee and clause 'that references to individual countries should be avoided' was to be deleted in order to broaden that scope of the special committee.

The Indian delegation also put forth a proposal for voluntary placement of non-self-governing territories under the trusteeship system.²¹ The administering powers, however, could not be convinced that the trusteeship system was better in comparison to the colonial system. As a result, the Indian proposal could not push forward than the Committee level.

²¹ It may be pointed out here that a similar resolution had been moved by India in the second part of the first session of the Assembly but it was then ruled out of order by the Chairman of the fourth committee.

During the third session of the Assembly, a new problem had arisen due to the non-submission of reports by the administering powers relating to certain non-self-governing territories on the ground that they had become self-governing. The Indian delegation initiated a draft resolution which stated that the United Nations was entitled to be informed of any change in the constitutional position or status of a non-self-governing territory, as a result of which the administering power thought it unnecessary to transmit information in respect of that territory under Article 73(e) of the Charter. It also requested the members concerned to communicate to the Secretary-General, within a maximum period of six months, appropriate information relating to any change in the constitutional status and relationship of the territory with the Metropolitan Government. The Indian draft was approved by the Assembly on the recommendation of the committee.

Promotion of Human Rights

The promotion of human rights, as noted earlier, formed one of the objectives of India's foreign policy. Even during the early years of the United Nations, Indian delegations took active interest in questions relating to human rights. When the Commission on Human Rights was established in February 1946, an Indian was elected as a member and has occupied the place since then. One of the significant contributions^s of the

Commission was the formulation of the draft Declaration of Human Rights which became 'Universal Declaration of Human Rights' after the approval of the Assembly.

During the formulation of the draft declaration, the Indian representative helped the Commission on Human Rights in its deliberations. Mrs Hansa Mehta, who represented India, emphasized that the form of the Bill of Human Rights was of great importance to the Indian Government and that mere declaration would not serve the purpose, there should be measures for its implementation. As a matter of fact it was at her instance that a separate working group was later constituted within the Commission to formulate measures for the implementation of the Declaration of Human Rights.

The draft declaration along with the report of the Commission on Human Rights came up before the third session of the Assembly. The Indian delegation adopted the strategy to support the text of the draft declaration as far as possible and not to suggest any amendments. From the records of the third committee it becomes clear that the Indian delegates intervened in the discussion mainly on three grounds -- (a) when a vote had to be explained, (b) when the principles like, equality of sexes, opposition to discrimination in any form were called in question; (c) when it was thought advisable to tell the committee about the fundamental principles underlying

the declaration which have been incorporated in the draft Indian Constitution,²²

On a Soviet amendment that the death penalty must be abolished in time of peace, the Indian representative explained the reason for India's abstention from voting and stated that India was still framing its constitution and it might be that the above provision was included, therefore, it would be premature to take a particular stand on the question.

When the South African representative moved an amendment to delete protection against discrimination as provided by Article 6²³ of the draft declaration, the Indian delegate condemned the amendment and maintained that to delete the latter part of Article 6 would defeat the purposes for which the Declaration was drawn up. Similarly, India also opposed a Soviet amendment in regard to Article 1 of the draft which said that freedom of movement and residence within the borders of each state had to take place in accordance with the law of that country.²⁴

²² Report of the India delegation to the First and Second Part of the Third Session of the General Assembly of the United Nations, 1948-49 (Simla, 1950), p.89.

²³ Article 6 of the draft declaration provided besides other things that all were entitled to equal protection against any discrimination in violation of this declaration and against any incitement to such discrimination.

²⁴ Clarifying India's stand, the Indian representative told the Committee that a reservation of this kind, mentioned in the above article of the Declaration might be quoted to justify such restrictions on the freedom of movement and residence of Indians and other Asians within South Africa as then existed in that country, due to this reason India was unable to support the amendment (GAOR, session 3, Third Committee, 2 November 1948, p.319).

Finally, the Indian delegation participated in the discussion when it was thought that the Committee should be made aware regarding the incorporation of fundamental principles of the draft declaration in the Indian constitution.

The Indian representative stated in the Committee that the Indian draft constitution embodied most of the rights set forth in the draft declaration and clarified that those rights could be divided as justiceable and non-justiceable.

Several cases of alleged violation of human rights also figured in the Assembly during the 1948-50 period. One such case was the violation of human rights and fundamental freedoms in Bulgaria, Hungary and Romania. The issue was raised in the third session of the Assembly by Bolivia.

When the matter came up before the Assembly, objections were raised against the discussion on the issue by the Soviet Union and its allies on grounds that the matter was essentially within the domestic jurisdiction of the states concerned and the states concerned were not members of the United Nations, therefore, they were not legally bound to comply with the Charter provisions relating to human rights. Most of the delegates, however, refuted these arguments and maintained that the main object of the discussion was to bring out the facts. The Indian delegate did not participate in the discussion. Later the Assembly adopted a resolution which expressed deep

concern at the grave accusations made against Bulgaria and Hungary regarding suppression of human rights and fundamental freedoms. India abstained from voting.

In the following session, the violation of human rights and fundamental freedoms in Romania was also included at the instance of Australia. A joint draft resolution was initiated to seek the advisory opinion of the International Court of Justice on certain questions involving the implementation of the peace treaties with the concerned countries. Delegates belonging to the Soviet bloc reiterated that the entire question was outside the competence of the United Nations. The joint draft resolution was approved by the Assembly on the recommendation of the Ad Hoc Political Committee. India abstained from voting.²⁵

The question of violation of human rights reappeared in the fifth session of the Assembly. During this session of the Assembly, Australia moved a condemnatory resolution against the concerned countries which took note of the advisory opinion of the International Court of Justice and condemned the wilful refusal of Bulgaria, Hungary and Romania to fulfil their obligations under the peace treaties. India abstained on the

²⁵ The joint draft was adopted by a roll-call vote of 47 in favour, 5 against and 7 abstentions including India. (GAOR, session 4, plen. mtg. 235, 22 October 1949, p.150).

Australian draft which was passed in the Committee as well as in the Assembly,²⁶

Summary Observations:

From the above account it is evident that India was actively involved in the problems relating to the dependent people and territories. India, itself a victim of colonialism and, therefore, it felt the urge for working for the gradual emancipation of these territories. It suggested fundamental changes in the draft trusteeship agreements submitted to the Assembly by the administering powers in order to make them more responsible in relation to the trust territories. The changes could not be made effective due to the opposition of the administering powers. In the case of non-self-governing territories the colonial powers agreed to send information which were not purely technical as a result of the initiatives taken by India. It was also owing to India's efforts that a special committee, though a temporary one, was established to discuss the problems relating to the colonial territories.

India also played an important role in the formulation of the draft 'declaration of human rights'. The stand India took on the question of the violation of human rights in Bulgaria, etc. created some misunderstanding and invited

²⁶ GAOR, session 5, plen. mtg. 303, 3 November 1950, p.368. Since there was no roll-call vote on the occasion, India's vote cannot be determined from the UN records, but in view of India's previous votes it can be assumed that India was among the abstaining countries.

criticisms from certain quarters.²⁷ It has been alleged that India which pretended to play the role of 'international moralist' and made much hue and cry regarding 'treatment of Indians in South Africa', abstained from resolutions on the question of violation of human rights in Bulgaria, etc. India's abstention can be explained on two grounds -- firstly, that it was basically a political issue and India did not want to get involved and secondly, it was in India's interest not to vote for a resolution condemning countries belonging to the Soviet group, because as noted earlier, Soviet Union had supported India on a number of occasions.

²⁷ Ross N. Berkes and Mohinder S. Bedi, The Diplomacy of India : Indian Foreign Policy in the United Nations (Stanford, 1963), pp. 44-47.

CHAPTER VI

CONCLUSION

CONCLUSION

What has been presented in the preceding pages regarding India's role in the United Nations cannot appropriately be subjected to a conclusion or a series of conclusions. For one thing it covers a very limited period, while India's participation in the work of the United Nations still remains a continuing process. Furthermore, throughout this study factual analysis presented is combined with critical evaluation and therefore readers may draw their own assessment. There is therefore no need to recapitulate here what has already been said in the preceding pages. What is attempted here is by way of general observations in evaluating India's role during this period under review.

India's role in the United Nations during the first five years can provide an adequate perspective, only when it is examined in the context of its foreign policy objectives. These objectives were, as noted earlier, pursuit of peace not through alignment to a particular power or group of powers but independently; liberation of subject people; freedom of individuals and nations; elimination of racial discrimination; and elimination of hunger, disease, etc.

First thing first, in all conflict situations which occurred during the period, India tried to put its efforts in seeking a peaceful solution of the issue. For instance it preferred to raise the issue of the question of Kashmir as also of Indonesia under Article 34 and 35 of the UN Charter

which provide for peaceful settlement of disputes and not under Article 39 or any other provision of Chapter VII which provides for coercive "action". It is meaningful to note that India ploughed almost a lonely furrow from amongst the non-communist countries in withholding its support to "the Uniting for Peace" resolutions. Likewise, India, opposed "crossing of the 38 parallel" during the Korean war. It also did not actively participate on the "Veto question" which, in a way, was an attempt to turn the United Nations into an anti-Soviet alliance system.

In its pursuit of this kind of policy India was not only promoting wider interests but also its own interest in as much as, it attempted to keep the United Nations "free of control" from either of the power blocs. If the world body gets weighted heavily, India rightly believed, on one of the power blocs then it would not be able to maintain its non-partian role in promoting international peace and security.

A pertinent question may be raised here as to what extent India acted independently and followed a policy of non-alignment in pursuing the policy of peaceful settlement of dispute. Before examining this question, it should be noted that India tried to build friendly relations both with the United States and the Soviet Union since the formation of the Interim Government in 1946; some of first Indian embassies were opened in Moscow and Washington D.C. But India's friendly gestures were not returned well by Moscow and till 1955 the Soviet policy towards India was certainly, if not one of

hostility but also not of warmth and friendship. This, in a way, forced India to acknowledge the reality of power politics in the international sphere. There were two super powers - the US and the USSR. India was not sure of goodwill and friendship of one and naturally could not afford alienating the other, altogether. Hence on some crucial questions, evidence indicates that India's attitude was either characterized by hesitancy and inconsistency or down right support to the American position. From the UN documents it becomes evident that barring a few occasions India voted with the Western powers, led by the United States. India's voting pattern on such issues as the Greek question, the Interim Committee, the unification of Korea, etc., bears the point. When the Korean war broke out India supported the US sponsored resolutions of June 25 and 17, 1950, in the Security Council. All the western powers had lined up on one side and it was difficult for India to take an independent stand and vote differently. Nevertheless, by August/September 1950, India did carve an independent non-aligned approach.

There have been allegations from the Western bloc that India sided with the Soviet Union on a number of issues. Instances cited are India's abstention in the case of the 'Uniting for Peace Resolution' and the 'violation of human rights and fundamental freedoms in Bulgaria, etc.' It had already been explained earlier that India's stand regarding the former was fully justified as the 'Uniting for Peace Resolution' cut the base of the San Francisco system that the

world organisation could coerce great powers only at its own peril. In the latter issue India did not participate in the debate and abstained from voting because it felt that the violation of human rights in Bulgaria, etc., was basically a political issue and it did not want to get involved in the matter.

In regard to the developments relating to non-self-governing territories, India's endeavours achieved a considerable degree of success. It should be noted here that the Western powers had laid emphasis on the Charter provisions relating to these territories and had contended that they were mere declarations of intents and therefore, they had no "legal" obligations towards any entity including the General Assembly. What they had accepted voluntarily were moral obligations for the promotion of general welfare, etc., of the peoples concerned. The other members, however, refused to accept such an interpretation of the Charter and tried to make a similar arrangement that existed in regard to trust territories. India and other Afro-Asians joined by Latin American members should be given credit because as a result of their efforts the administering powers agreed to send informations relating to the non-self-governing territories in some more details than they were willing to do initially and a special committee was set up to discuss and scrutinize the informations received. That kind of beginning augured well and helped escalate developments which eventually led to a speedy decolonization process.

The records of the United Nations show these "plus" points, as noted above, regarding India's performance. It should, however, be noted that on a number of issues, as noted earlier, India followed a "hesitant and inconsistent" stance. In the Greek question the Indian delegation did not oppose the transfer of the item from the Security Council to the Assembly. During the second session of the Assembly it abstained from voting on the draft resolution providing for the United Nations Special Committee on Balkans (UNSCOB), but during the next session it voted in favour of the continuation of the UNSCOB. The reason given by the delegation was a far-fetched one and not based on facts that the Committee despite its handicaps had contributed towards reaching a settlement.

In the Korean question India's policy was both hesitant and inconsistent. India's representative in the United Nations Temporary Commission on Korea (UNTCOK), who also happened to be the Chairman, strongly recommended against holding elections only in Southern part of Korea. But the permanent representative of India in the United Nations voted in favour of a US draft which sought to conduct elections in such parts of Korea only that were accessible to the UNTCOK. Likewise, it supported the Western sponsored resolution which declared the newly elected government in South Korea as the only legally constituted government in the whole of Korea (December 1948). Again when hostilities broke out in Korea in June 1950, India voted along with the Western powers on the two resolutions. In doing so, India seriously compromised its non-aligned posture.

What is more questionable is that India abstained on the Yugoslav resolution calling for cease-fire, withdrawal of troops and inviting representatives of both north and south Korea to put forth their views before the Council. Again, India raised the Indonesian question in the UN forums when the situation became explosive and threatened international peace and security. Curiously enough, when similar situation occurred in Indo-China, it did not raise that issue and kept quiet.¹

In the case of 'organizational and institutional' issues also, India's role indicates inconsistency. India voted for the establishment of the Interim Committee of the Assembly. Later on it abstained on the question of extending the Committee's mandate but always participated in the proceedings of the Committee. On the veto problem the Indian delegation did not take a bold independent stand and abstained on most of the resolutions relating to limiting the veto power. India's negative vote on the issue of Ireland's membership should be mentioned specially. The explanation given by the delegation as well as the Government was that India considered the recommendation of the Council to be essential and therefore

¹The reasons for not raising the Indo-China question in the United Nations perhaps were, - (a) France, which was the administering/colonial power there was a permanent member of the Council; (b) the Western powers had strategic interest in the area and were determined to oppose a Communist Government there; (c) some negotiations were in progress between India and France in regards to French possessions in India.

voted against Ireland as its membership was not recommended by the Security Council. The point here is that India could have abstained without putting so much emphasis on technicalities and that way saved itself from an embarrassing situation.

It has been rightly observed by an author that the presentation and subsequent handling of the Kashmir question were largely responsible for the continuing deadlock.² The weaknesses of the initial memorandum were, - (i) it was not sent by cablegram in order to indicate an urgency for the consideration of the situation, (ii) the memorandum invoked Article 35 of the Charter instead of invoking Article 39 which deals with threats to peace or acts of aggression, and (iii) India's case was presented in a clumsy manner. For instance, the two reasons put forth by India for taking military action; first, they could not allow a neighbouring and friendly state to be compelled by force to determine either its internal affairs or its external relations; second, the accession of Jammu and Kashmir State to the Dominion of India made India legally responsible for the defence of the State. Curiously enough, no thought was given to the fact that the first contention had no legal justification in terms of the Charter and the second one lost much of its validity when combined and preceded by the first one.

² K.P. Saksena, "India and Diplomacy at the UN" in Bimal Prasad, (ed.), India's Foreign Policy: Studies in Continuity and Change (New Delhi, 1978), pp.433-4.

India's oral presentation of its case was poor. For example, its representative, Gopaldaswamy Ayyangar,³ had contended that the future of Kashmir would be determined by the plebiscite to ascertain whether the people of Kashmir wanted "to join India or Pakistan or the UN as an independent state". The plebiscite was in fact a matter between India and Kashmir, Pakistan had nothing to do with it. But Ayyangar's statement in the council made it appear that the accession was conditional, and Jammu and Kashmir became an international issue in which Pakistan's interests were equated with those of India.

The members of the Security Council were not jurists, they were politicians and diplomats representing the interest of their governments respectively. At best they could be influenced by the presentation of a particular case provided their respective national interests were not in stake. In regard to Kashmir question, the weaknesses of the initial Indian memorandum and Ayyangar's mis presentation created wrong impression on the Council members. India's over-emphasis on plebiscite also had a damaging effect. Both the Indian and Pakistani proposals contained the provision of plebiscite and therefore the Council members took the plebiscite as the lowest common denominator and this later proved to be a stumbling bloc for the settlement of the Kashmir question, this

³ For Gopaldaswamy Ayyangar's biography, See Chapter IV, p. 54.

was so because both sides presented their own demands for the conditions that should be met first for holding the plebiscite.

To turn to yet another critical issue, India's presentation of its case on the question of 'treatment of Indians in South Africa' was concerned left much to be desired. It was neither diplomatically sound nor morally and logically right. A pertinent question may be raised here as to what India was seeking by raising the issue in the UN forum. South African government's earlier behaviour had made it explicit that it was an authoritarian regime and therefore India understood it well that a dialogue with it would not bring any positive result. Perhaps India was trying to put moral and political pressure on South Africa. But in that case India should have raised the wider issue including the Black Africans. Because for raising only the issue of 'treatment of Indians in South Africa', India had to face criticism of being sectarian. It is intriguing to note that there was no occasion during the period under review (1946-50) when India could get its own draft resolution adopted by the Assembly. In most of the sessions of the General Assembly it withdrew its draft in favour of a milder draft proposed by a member or group of members and when it insisted on voting during the second session, the Indian draft fell through the Assembly.

Failures in elections to various UN bodies were no less glaring. India contested elections without judging the situation well and with little lobbying. The results were successive

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failures in the Security Council (non-permanent seat in 1946 and 1947) and in the International Court of Justice in 1946.

The reasons for the above 'hesitant and inconsistent' approach were many. In the first place, India lacked personnel and mechanism for the conduct of multilateral diplomacy. When India became independent it did not have a trained diplomatic corps and had to start from the scratch.⁴ India's representation in the United Nations was also not institutionalized till 1949 when the Indian Permanent Mission was opened in New York. The lack of understanding of the real nature of UN diplomacy or 'Conference diplomacy' is reflected from Mrs Vijaya Lakshmi Pandit's expression of disgust at, what she called, the bargaining and 'horse-trading' going on in the UN forums.⁵ Perhaps she expected everything to happen in a "Gandhian way", open and above board. The fact, however, remains that bargaining and sometimes 'arms-twisting' are part of multilateral diplomacy. It was because of his inexperience in multilateral diplomacy that Gopalaswamy Ayyangar did not understand the implications of the change of the agenda item relating to Kashmir, from 'Jammu-Kashmir question' to 'India-

⁴ T.N. Kaul, Diplomacy in Peace and War : Recollections and Reflections (New Delhi, 1979), p.1.

⁵ See Report of the Indian Delegation to the Second Session of the General Assembly of the United Nations (New Delhi, 1948), pp. 4-5.

Pakistan question'. True, Indian representative⁵ showed enough of legal experience and debating skill, but as regards hard bargaining and negotiations they were, obviously, no good.

Another weakness was that some members of the Indian delegations to the Assembly did not get along with other members of the team. Both K.P.S. Menon and M.C. Chagla had, in their respective memoirs recalled several instances of disharmony among members of the delegation. They have, in particular, mentioned their sharp differences with V.K. Krishna Menon.⁶

The foreign policy mechanism of India was also not well developed during those initial years. The foreign policy planning did not exist and India's approach towards a particular problem used to be determined by its reaction to a given situation. The United Nations division in the External Affairs Ministry, which now looks after India's role in the world body, was then non-existent.¹

India was also facing internal problems of huge dimensions, like -- communal riots, food crisis, economic dislocation, etc., during the period immediately following its independence. Naturally it had to pay more attention to set the house in order and could afford little time for its role in the United Nations.

⁶ K.P.S. Menon on one occasion threatened the Chairman of the delegation to dissociate himself from the work of the Assembly if Krishna Menon's advice was accepted on a particular matter, see K.P.S. Menon, Many Worlds : An Autobiography (London, 1965), p.221. M.C. Chagla also did not get along well with Krishna Menon and referred him as a 'disturbing element', see M.C. Chagla, Roses in December : An Autobiography (Bombay, 1973), p.232.

By the end of 1950 India was all set to play a dynamic role in the United Nations. By that time India had a well organized permanent mission in New York with Shri B.N. Rau as its first Permanent Representative and Ambassador Extraordinary. Its domestic problems were not as acute as they were earlier. Some indications of the change was clearly available when in August-September 1950 its permanent representative, B.N. Rau, initiated steps which led to the emergence of the 'Afro-Asian' group and which played an important role in various issues. India's changing role in the Korean War also marked the beginning of a new dynamic role.

APPENDIX

Appendix

MEMORANDUM ON KASHMIR SUBMITTED TO THE SECURITY COUNCIL AT LAKE SUCCESS ON DECEMBER 30, 1947

1. Under Article 35 of the Charter of the United Nations, any member may bring any situation, whose continuance is likely to endanger the maintenance of international peace and security, to the attention of the Security Council. Such a situation now exists between India and Pakistan owing to the aid which invaders, consisting of nationals of Pakistan and of tribesmen from the territory immediately adjoining Pakistan on the north-west, are drawing from Pakistan for operations against Jammu and Kashmir, a State which had acceded to the Dominion of India and is part of India. The circumstances of the accession, the activities of the invaders which led the Government of India to take military action against them, and the assistance which the attackers have received and are still receiving from Pakistan are explained later in this memorandum. The Government of India request the Security Council to call upon Pakistan to put an end immediately to giving of such assistance which is an act of aggression against India. If Pakistan does not do so, the Government of India may be compelled, in self-defence, to enter Pakistan territory, in order to take military action against the invaders. The matter is therefore one of extreme urgency and calls for immediate action by the Security Council for avoiding a breach of international peace.

2. From the middle of September, 1947, the Government of India had received reports of infiltration of armed raiders into the western parts of the Jammu Province of the Jammu and Kashmir State; Jammu adjoins West Punjab which is a part of the Dominion of Pakistan. These raiders had done a great deal of damage in that area and taken possession of part of the territory of the State. On the 24th of October, the Government of India heard of a major raid from the Frontier Province of the Dominion of Pakistan into the Valley of Kashmir. Some 2,000 or more fully armed and equipped men came in motor transport, crossed over to the territory of the State of Jammu and Kashmir, sacked the town of Muzaffarabad, killing many people, and proceeded along the Jhelum Valley Road towards Srinagar, the summer capital of the Jammu and Kashmir State. Intermediate towns and villages were sacked and burnt, and many people killed. These raiders were stopped by Kashmir State troops near Uri, a town some 50 miles from Srinagar, for some time, but the invaders got round them and burnt the powerhouse at Mathura, which supplies electricity to the whole of Kashmir.

3. The position, on the morning of the 26th of October, was that these raiders had been held by Kashmir State troops and part of the civil population who had been armed at a town called Baramula. Beyond Baramula there was no major obstruction up to Srinagar, destroying and sacking the capital and massacring large numbers of people, both Hindus and Muslims. The State troops were spread out all over the State and most of them were

deployed along the western border of Jammu Province. They had been split up into small isolated groups and were incapable of offering effective resistance to the raiders. Most of the State officials had left the threatened area and civil administration had ceased to function. All that stood between Srinagar and the fate which had overtaken places on the route followed by the raider was determination of the inhabitants of Srinagar, of all communities, practically without arms, to defend themselves. At this time, Srinagar had also a large population of Hindu and Sikh refugees who had fled there from West Punjab, owing to communal disturbances in that area. There was little doubt that the refugees would be massacred if the raiders reached Srinagar.

4. Immediately after the raids into Jammu and Kashmir State commenced, approaches were informally made to the Government of India for the acceptance of the accession of the State to the Indian Dominion. (It might be explained, in parenthesis, that Jammu and Kashmir form a State whose Ruler, prior to the transfer of power by Britain to the Dominions of India and Pakistan, had been in treaty relations with the British Crown which controlled its foreign relations and was responsible for its defence. The treaty relations ceased with the transfer of power on August 15th last, and Jammu and Kashmir, like other States, acquired the right to accede to either Dominion.)

5. Events moved with great rapidity and the threat to the Valley of Kashmir became grave. On the 26th of October, the Ruler of the State, His Highness Maharaja Sir Hari Singh, appealed

urgently to the Government of India for military help. He also requested that the Jammu and Kashmir State should be allowed to accede to the Indian Dominion. An appeal for help was also simultaneously received by the Government of India from the largest popular organisation in Kashmir, the National Conference, headed by Sheikh Abdullah. The Conference further strongly supported the request for the State's accession to the Indian Dominion. The Government of India were, thus, approached not only officially by the State authorities, but also on behalf of the people of Kashmir, both for military aid and for the accession of the State of India.

6. The grave threat to the life and property of innocent people in the Kashmir Valley and the security of the State of Jammu and Kashmir that had developed as a result of the invasion of the Valley demanded immediate decisions by the Government of India on both requests. It was imperative, on account of the emergency, that the responsibility for the defence of the Jammu and Kashmir State should be taken over by a government capable of discharging it. But, in order to avoid any possible suggestion that India had taken advantage of the State's immediate peril for her own political advantage, the Dominion Government made it clear that, once the soil of the State had been cleared of the invader and normal conditions restored, its people would be free to decide their future by the recognised democratic method of a plebiscite or referendum which, in order to ensure complete impartiality, might be held under international auspices.

7. The Government of India felt it their duty to respond to the appeal for armed resistance because

- (1) they could not allow a neighbouring and friendly State to be compelled by force to determine either the internal affairs or its external relations;
- (2) the accession of Jammu and Kashmir State to the Dominion of India made India legally responsible for the defence of the State.

8. The intervention of the Government of India resulted in saving Srinagar. The raiders were driven back from Baramulla to Uri and are held there by Indian troops. Nearly 19,000 raiders face the Dominion Forces in this area. Since the operations in the Valley of Kashmir started, pressure by the raiders against the western and south-western border of the Jammu and Kashmir State has been intensified. Exact figures are not available. It is understood, however, that nearly 15,000 raiders are operating against this part of the State. State troops are besieged in certain areas. Incursions by the raiders into the State territory involving murders, arson, loot and the abduction of women continues. The booty is collected and carried over to the tribal areas to serve as an inducement to the further recruitment of tribesmen to the ranks of the raiders. In addition to those actively participating in the raids, a large number of tribesmen and others, estimated at 100,000, have been collected in different places in the districts of West Punjab bordering the Jammu and Kashmir State and many of them are

receiving military training under Pakistan nationals, including officers of the Pakistan Army. They are looked after in Pakistan territory, fed, clothed, armed and otherwise equipped and transported to the territory of the Jammu and Kashmir State with the help, direct and indirect, of Pakistan officials, both military and civil.

9. As already stated, raiders who entered the Kashmir Valley in October came mainly from the tribal areas to the north-west of Pakistan, and, in order to reach Kashmir passed through Pakistan territory. The raids along the south-west border of the State, which had preceded the invasion of the Valley proper, had actually been conducted from Pakistan territory and Pakistan nationals had taken part in them. This process of transit across Pakistan territory and the utilisation of that territory as a base of operation against Jammu and Kashmir State continue. Recently, military operations against the western and south-western borders of the State have been intensified and the attackers consist of nationals of Pakistan as well as tribesmen. These invaders are armed with modern weapons, including mortars and medium machine-guns, wear the battledress of regular soldiers and, in recent engagements, have fought in regular battle-formation and are using the tactics of modern warfare. Man-pack wireless sets are in regular use and even Mark V mines have been employed. For their transport the invaders have all along used motor vehicles. They are undoubtedly being trained and, to some extent, led by regular officers of the Pakistan Army. Their rations and other supplies are obtained from Pakistan territory.

10. These facts point indisputably to the conclusions
- (a) that the invaders are allowed transit across Pakistan territory;
 - (b) that they are allowed to use Pakistan territory as a base of operations;
 - (c) that they include Pakistan nationals;
 - (d) that they draw much of their military equipment, transport and supplies (including petrol) from Pakistan; and
 - (e) that Pakistan officers are training, guiding and otherwise actively helping them.

There is no source other than Pakistan from which they could get such quantities of modern military equipment, training and guidance. More than once, the Government of India had asked the Pakistan Government to deny to the invaders facilities which constitute an act of aggression and hostility against India, but without any response. The last occasion on which this request was made was on the 22nd December, when the Prime Minister of India handed over personally to the Prime Minister of Pakistan a letter in which the various forms of aid given by Pakistan to the invaders were briefly recounted and the Government of Pakistan were asked to put an end to such aid promptly and without reserve. No reply to this letter has yet been received, in spite of a telegraphic reminder sent on the 26th.

11. It should be clear from the foregoing recital that the Government of Pakistan are unwilling to stop the assistance in material and men which the invaders are receiving from their

territory and from their nationals including Pakistan Government personnel, both military and civil. This attitude is not only unneutral but constitute active aggression against India, of which the State of Jammu and Kashmir forms a part.

12. The Government of India have exerted persuasion and exercised patience to bring about a change in the attitude of Pakistan. But they have failed, and are, in consequence, confronted with a situation in which their defence of the Jammu and Kashmir State is hampered and their measures to drive the invaders from the territory of the State are gravely impeded by the support which the raiders derive from Pakistan. The invaders are still on the soil of Jammu and Kashmir, and the inhabitants of the State are exposed to all the atrocities of which a barbarous foe is capable. The presence, in large numbers, of the invaders in those portions of Pakistan territory which adjoin parts of Indian territory other than the Jammu and Kashmir State is a menace to the rest of India. The Government of India have no option, therefore, but to take more effective military action in order to rid Jammu and Kashmir State of the invader. Indefinite continuance of the present operations prolongs the agony of the people of Jammu and Kashmir, is a drain on India's resource and constant threat to the maintenance of peace between India and Pakistan.

13. In order that the objective of expelling the invader from Indian territory and preventing him from launching fresh attacks should be quickly achieved, Indian troops would have to enter

Pakistan territory, only thus could the invaders be denied the use of bases and cut off from their sources of supplies and reinforcements, in Pakistan. Since the aid which the invaders are receiving from Pakistan is an act of aggression against India, the Government of India are entitled, in international law, to send their armed forces across Pakistan territory for dealing effectively with the invaders. However, as such action might involve armed conflict with Pakistan the Government of India, ever anxious to proceed according to the spirit of the Charter of the United Nations, desire to report the situation to the Security Council in accordance with the provisions of Article 35 of the Charter. They, therefore, feel justified in requesting the Council to ask the Government of Pakistan

- (1) to prevent Pakistan Government personnel, military and civil, participating in or assisting the invasion of Jammu and Kashmir State;
- (2) to call upon other Pakistan nationals to desist from taking any part in the fighting in Jammu and Kashmir State;
- (3) to deny to the invaders
 - (a) access to and use of its territory for operations against Kashmir;
 - (b) military and other supplies;
 - (c) all other kinds of aid that might tend to prolong the present struggle.

14. The Government of India would stress the special urgency of the Security Council taking immediate action on their request. They desire to add that the military operations in the invaded area have, in the past few days, been developing so rapidly that they must, in self-defence, reserve to themselves the freedom to take, at any time when it may become necessary, such military action as, they may consider, the situation requires.

15. The Government of India deeply regret that a serious crisis should have been reached in their relations with Pakistan. Not only is Pakistan a neighbour but, in spite of the recent separation, India and Pakistan have many common ties and many common interests. India desires nothing more earnestly than to live with her neighbour State on terms of close and lasting friendship. Peace is to the interest of both States; indeed to the interests of the world. The Government of India's approach to the Security Council is inspired by the sincere hope that, through the prompt action of the Council, peace may be preserved.

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