

Z. A. BHUTTO

Speeches - Interviews
1948-1966



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Sani Hussain Panhwar

Member Sindh Council, PPP

ABOUT ZULFIKAR ALI BHUTTO

The articles, statements and speeches collected for the three-volume “*Politics of the People*” are by Zulfikar Ali Bhutto, President of the Islamic Republic of Pakistan. The titles of the three volumes - *Reshaping Foreign Policy*, *Awakening the People*, and *Marching Towards Democracy*—are indicative of his main contributions to Pakistan’s political development before he became President on 10th December, 1971 at the age of forty-three.

Progressive in ideas, persuasive in their advocacy and persistent in their implementation, Zulfikar Ali Bhutto’s exposure to politics began at an early age. As a student in Bombay he took part in the Pakistan Movement which in seven years, under the inspiring leadership of Quaid-i-Azam Mahomed Ali Jinnah and the overwhelming support of the people, resulted in 1947, in the establishment of Pakistan as an independent and sovereign state—a homeland for the Muslims in the South-Asian subcontinent.

In Pakistan’s early years Zulfikar Ali Bhutto was abroad studying political science, jurisprudence and international law; in Los Angeles at the University of Southern California and in Berkeley at the University of California from where he graduated in 1950 with Honors in Political Science, and at Christ Church College at Oxford University from where in 1952 he got his M.A. with Honors in Jurisprudence. He was called to the Bar in London at Lincoln’s Inn in 1953 and was then appointed Lecturer in International Law, University of Southampton. On his return to Pakistan he taught constitutional law in the Sindh Muslim Law College, Karachi and at about the same time, 1954-58, practised as a barrister at the West Pakistan High Court in Karachi.

Before his appointment as Commerce Minister in the Pakistan Government in 1958—the youngest Central Minister in the subcontinent he had represented Pakistan at the United Nations General Assembly in 1957, making an impressive debut with his statement on defining “aggression,” and led the Pakistan delegation to the Law of the Sea Conference at Geneva in March, 1958. After holding various other portfolios he was appointed in 1963 as Minister for Foreign Affairs, a field in which he had already made significant contributions—as Minister for Fuel, Power and Natural Resources of a Government fully committed to CENTO and SEATO he signed an Oil Agreement with the Soviet Union in 1960, led the Pakistan delegation in 1962 for six rounds of talks with India on the Kashmir issue, and was Chairman of the Pakistan delegation to the United Nations General Assembly in 1959 and 1960. After he became Foreign Minister he again led the Pakistan delegation to the General Assembly in 1963, 1964 and 1965, and to several meetings of the Security Council. He resigned from

the Government in 1966 following his differences with Ayub Khan over the Tashkent Declaration.

After leaving the Government, Zulfikar Ali Bhutto organised a new political party which soon had a mass following, an achievement of no mean order considering that the Government in power barely acknowledged the political claims of the party to which it nominally itself belonged. The country had been depoliticalised over the years and the Government was hostile to any movement which 'would disturb the status quo. The Government drew its strength from the armed forces and its functional support from the bureaucrats working hand in glove with the industrialists and feudal land owners. How this complex functioned is disclosed in the speeches and statements of Zulfikar Ali Bhutto in *Awakening the People* and *Marching Towards Democracy*.

The story of the massive people's movement which ultimately swept Zulfikar Ali Bhutto to power on the basis of the great electoral victory won by his Pakistan People's Party in the general elections of 1970 emerges vividly from these books. It was a victory against great odds, toppling in the first battle a military regime well-entrenched for over a decade. The imprisonment of Zulfikar Ali Bhutto is an important landmark in his struggle against the Ayub regime. His reply to the trumped-up charges became an indictment of the regime itself. His imprisonment, instead of stopping the people's movement, resulted in a staggering blow to the desperate regime. A round table conference of all political parties was called by Ayub Khan to work out a compromise. Zulfikar Ali Bhutto staved out, in "continuous conference" with the people, saying that the regime was only trying to strike a bargain to perpetuate itself. A few weeks later, Ayub Khan resigned and another military dictator, General Yahya Khan took over.

The new dictator conceded that general elections based on adult franchise would be held. Voters went to the polls twenty-on months after the Yahya regime came to power and promulgated Martial Law. During this period new combinations were made and political fronts formed to counter the People's Party. The regime itself supported some of them. His book, *The Myth of Independence*, was banned. Religious leaders with obscurantist views and others with vested interests in a powerful bureaucracy not accountable to the people, feudal chiefs fearful of losing their hold over their tribes and income from their lands, and industrialists making exorbitant profits opposed Zulfikar Ali Bhutto with all the means at their disposal. He survived attempts to assassinate him, and with courage and determination, he continued to canvass support for the Pakistan People's Party and its election manifesto which was based on the motto of "Islam is our Faith, Democracy is our Polity, and Socialism is our Economy, All Power to the People." The counting of ballots showed that his party had broken through the tribal voting pattern; awakened the people and' made them understand how

socio-economic reforms would revolutionize their lives; and swept the polls in West Pakistan, winning 82 of the 138 general seats for West Pakistan in the National Assembly and 144 of the 300 general seats in the provincial assemblies of the Punjab, Sindh, NWFP and Baluchistan. Zulfikar Ali Bhutto himself was returned from Lahore, Multan, Larkana, Hyderabad and Thatta.

The transfer of power, however, did not take place. Why this happened and the actions and attitudes which resulted in the tragedy of East Pakistan, and India's invasion of Pakistan territory, are the subject of Zulfikar Ali Bhutto's speeches in *Marching Towards Democracy*. He also discusses the events of this period in his book, *The Great Tragedy*, published separately.

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INTRODUCTION

Zulfikar Ali Bhutto went to the United States to study law and politics as a very young man, barely out of his teens. The section that follows contains some of his speeches and writings of that period. One can see in them the restlessness of youth, impatience with the status quo and a militant commitment to change. There is an urgency of spirit, identification with revolution that characterizes the man and the style. There is an abundance of ideas, clearly articulated and though there is a certain partiality to the ornate phrase and a lyrical feeling for words, one can see a serious, high-intentioned and erudite intellect at work.

Students at this age tend to be bookish and academically self-conscious. They are overawed at their newly-acquired knowledge and eager to display it. In this attempt originality tends to be lost. But this is not the case here. Though a certain excitement with academic ideas, recently acquired, is discernible, essentially, the writings remain purposive and perspicacious. One can see that these are the beginnings of Zulfikar Ali Bhutto's quest for change and a new order based on justice and egalitarianism, an order free from the shackles of what he was to term years later, the 'abominable Status quo.'

Another note which he strikes with superb lyricism is his rich and deep consciousness of being a Muslim and an Asian. There is pride in tradition and an awareness of historical and cultural roots. In an inspired and sustained piece of writing, he speaks of the glory and magnificence of Islam and the Islamic way of life. He ends it with an eloquent plea for a world federation of Muslim States to revive the pristine concept of Islamic brotherhood transcending race, colour and geography. What is striking about Zulfikar Ali Bhutto at that young age is his passionate attachment to the dream of Islamic renaissance. He has the vision to conceive and articulate issues and events on a grand historical scale. His basic motivation springs from his dissatisfaction with the world as he finds it. One can see in these writings signs of an emergent movement-maker, a man who will take up great issues and struggle for the vindication of principles. The urge to do things, to act and achieve, is powerful in him as is the promise. What Zulfikar Ali Bhutto was destined to do in future years, is discernible in essence from these early writings. The output that is being compiled is small and selective but the intensity of his commitment burns bright and clear.

Zulfikar Ali Bhutto came back to Pakistan in October 1953. It was a strange time, a time of disillusionment and frustration for those who had believed in Pakistan and fought for it. They had fought for an ideal and a dream, for a just and

egalitarian order, for the vindication of the iniquities that the Muslims had suffered at the hands of imperialists and exploiters. Pakistan's promise seemed to have faded away with the death in the early years, of its founder, Quaid-i-Azam Mahomed Ali Jinnah and the soon to-be-followed assassination of Prime Minister Liaquat Ali Khan.

All round there was a mad and immoral race for political and material plunder. It was ironic that a country born out of a democratic struggle should have so soon lost its soul to a power-hungry and Machiavellian coterie of rank opportunists. The people, whose struggle had culminated in the establishment of Pakistan, lay outside the portals of power, ignored and abandoned. No one heard their voice. No one felt it necessary to consult them. They were the expendable commodity, it seemed: There was a Constituent Assembly, but no constitution, only chair-grabbing. Black and repressive laws had been enacted on the books, and fundamental rights and basic freedoms lay derelict and denied.

It was in this atmosphere that Zulfikar Ali Bhutto, young and idealistic, returned to his country, the country for which he had struggled as a young, firebrand schoolboy in Bombay. He came back, unlike many of his contemporaries who had found it more congenial to stay away or return soon after arrival. Not Zulfikar Ali Bhutto. He decided to stay and fight.

Most writings that follow relate to this difficult period. However, there is no despair in him. On the other hand, he pleads for sanity, order and constitutionalism by laying down what he considers the true and legitimate blueprint of a federation. Some of the contributions may at first glance appear to be abstract and theoretical but what the young Zulfikar Ali Bhutto is trying to assert and underscore here is the fundamental-precept that law and constitutionalism are supreme and any deviation from them can only lead to chaos. Subsequent events, if one looks back were to prove him right. If Pakistan had been able to frame a constitution in the early years and establish the supremacy of the Rule of Law, the course of the subcontinent's history would have been different from the one it took.

His paper on the future form of Pakistan's Constitution, which he published as a pamphlet, remains one of the most clear-headed and, in places, prophetic expositions on a subject which was ultimately to lead to the breakup of the country. With characteristic lucidity he seems to have foreseen what the consequences of the nation's inability to frame an acceptable and democratic constitution would be.

A crucial fragment in this section is his short but eloquent assessment of the One Unit scheme, a scheme that was not only unpractical and politically naive, but

which was to sow the seeds of confrontational polarization between East and West Pakistan leading to the tragic events of December, 1971. He saw very clearly what the implications of the scheme were. He seems to have been equally under no illusions about the intentions of those who fathered this politically diabolical stratagem and put it into effect against the voices of sanity such as the young Zulfikar Ali Bhutto's.

One World
University of Southern California,
Los Angeles, February 3, 1948

Today my heart bleeds in a manner in which it has never bled before. As a citizen of the world, I consider it my solemn duty to try and convince people that our salvation lies in one world. We have to take the poignant choice between war and peace, between life and death. I am sure that everybody is aware of the fact that neither this world nor the world of tomorrow can survive another war.

If we look back on the dismal days of the past, we see nothing but horror and catastrophe staring us in the eye. Millions of lives have been destroyed; cities like London, Berlin and Stalingrad – metropolises half as old as time that have seen centuries go past their towers – are rubble and ashes. Hiroshima and Nagasaki were razed to the ground and, in spite of this destruction, we have not learnt our lesson; once again our political colossus is dangerously explosive, tenuously poised as it were. Hardly has the dust of the two atomized cities settled that already we have started afresh to destroy the remnants of our war-scarred and battered civilization.

For the sake of humanity, let us re-examine without prejudice the norm of our politics. Let us close the bloody chapters of war and engage ourselves in harmonizing our people. Let us erase from our minds the crazy nation-centric notion leading to fanaticism and intolerance. It is inconceivable to the progressive mind to see the sheer accident of birth play so important a role in hindering Universal peace. If we foolishly cling to our biased and bigoted ideas, we can never hope to find the path of eternal unity and, very soon in the morning of our days, our sun shall set. We have been miserably let down by our progenitors. Let us not follow in their footsteps and deceive the generations that follow us. Let us at least endeavor to penetrate this dense fog of the status quo and ease the task of the people of tomorrow.

History has clearly shown us that the doctrine of balance of power has proved unproductive in curbing war. We saw that it was far easier to create imbalance. After World War I the politicians of the day tried an experiment, but failed. The much-aggrandized League of Nations had little or no foundation to stand upon and its collapse was inevitable. Wilson's fourteen points were thrown into the dustbin of history.

And, now again the politicians of our times are creating a structure which they hope will endure the strains of time. I sincerely pray for their success, but commonsense makes me feel skeptical. The architects of this structure are power-mad politicians, filled with hate and greed. The proceedings of the U.N.O. make me feel all the more uneasy. This august assemblage of celebrities is fast developing into a sham platform. Surely, we do not desire to base our ambitions and hopes on mockery. No, we require something more substantial. There has not been a single vital issue of any consequence that has been satisfactorily resolved by the U.N.O.

In short the entire set-up is a race for supremacy between the two omnipotent nations while the rest of the world stands back in disgrace and helplessness to witness this titanic struggle. Sentiments of numerous nations have been ignored by this newly-created structure. It offers nothing but further antagonism and animosity among the peoples of the world. For selfish reasons, the two nations controlling the Assembly have deliberately ignored the interests of the weaker nations.

For instance, the problem of Iran was settled in a very ignoble fashion. At the cost of feeble Iran other nations enhanced their own wealth and left that little country poorer in the process. The brave and heroic people of Indonesia are appealing for the aid of the U.N.O. but a deaf ear has been turned to their cry. The essence of democracy has been belittled by the country proclaiming to be the child of democracy. The Palestine conflict has ensued on a large scale, but the U.N.O. has been incapacitated in dealing with the problem. On the contrary, it has merely added fuel to the fire. India and Pakistan, at the crossroads of their history, are up against a stone wall over the issue of the princely state of Kashmir. India and Pakistan have both put forward their case before the U.N.O. and, so far, nothing worth mentioning has been decided. The future of the Indo-Pakistan subcontinent should be of grave concern to all those who claim to be adherents of liberty, for that vast subcontinent is a world in itself.

I earnestly feel that we should halt this moribund pattern of our politics and rearrange our world in a revolutionary way. I have not come here to debate the merits and demerits of U.N.O. I have come to advocate one world—call it a Federation, call it a Confederation, call it what you may. But make sure that the weapon of our one world will not be the atomic bomb, but the weapon of love and where the creed should be that of simplicity—the simplicity which Prophet Mohammad expounded so effectively in the deserts of Arabia. In one world we shall not only eliminate a war, which is the basic concern of civilization, but also offer the promise of a new economic and social order.

My appeal for one world is not to the politicians but to the common people of the world and in particular to students. Brother colleagues rally round our cause and unite: we have the whole world to gain and all that is in it. You and I will go steadfastly together carrying the torch of a new order, as harbingers of brotherhood. We shall derive the full benefits of our birthrights and live like decent human beings in freedom and equality.

At the moment we are in a perturbed state but I find my inspiration in the words of Tagore:

“Where the mind is without fear;
And the head held high,
Where knowledge is free,
Where the world has not been broken up into
fragments by narrow domestic walls,
Where the words come out of the depth of truth,
Where tireless striving stretches its arms
towards perfection,
Where the clear stream of reason has not lost
its way into the dreary desert sands of dead habit,
Where the mind is led forward by Thee into ever-widening thought
and action,
Into that heaven of freedom, my Father, let my country awake.”

The Islamic Heritage
University of Southern California,
Los Angeles, April 1, 1948

The Islamic heritage: How am I to unfold this opulent heritage of ours; where can I begin? Where should I find the common meeting ground, the point of assimilation of our civilization with yours? Some say it lies in the conflict of the Crusades, others say it is to be found in the bloody conquest of Constantinople, yet others hold it to be the Moorish occupation of Spain, and still others maintain that the true blending of the West and the Islamic Past came when Sir Thomas Roe set foot on Emperor Jehangir's Hindustan. To lift the curtain from any point would entail the omission of some handsome part of the Islamic civilization. It would mean the omission of the immortal Omar, the dauntless Khalid, the wise Akbar, the brave Tariq and a host of other outstanding celebrities, including Ali, Abu Bakr and Amar. How can I dare to call this talk "The Islamic Heritage" if such names are omitted? How can I the effrontery to start from as late as the Crusades merely because the Western role in our lives is arbitrarily said to have started from that period? At the same time, it may seem out of place to reveal those aspects of Islamic history with which you do not share a common denominator. Nevertheless, I shall try to integrate all the important events and contributions of Islam in a manner that will interest you.

Throughout this talk, I shall refer to the accomplishments of Islam as my own accomplishments, for I genuinely consider any accomplishment of the Islamic people as a personal feat, just as I consider any failure of the Muslim world as a personal failure. There is something binding about the Muslim world in spite of the fact that it is torn by dissension. This may seem strange to you, but it is true. This unique attachment is partly because of a common religion which from the outset emphasised the strong ties of one Muslim to another as an essential part of the religion. This thought is cherished by the common association of the Muslim people in a geographical link that stretches from Europe to about the farthest corner of Asia.

I am not here to preach Islam to you or to threaten you with its dormant powers; I only want to tell you of the Islam that was a burning light of yesterday, the ember that it is today, and the celestial flame of tomorrow, for that is how I envisage the future of Islam. I must also tell you that religiously speaking, I am

not a devout Muslim. I do not say my prayers regularly; I do not keep all the fasts. I have not yet been on a pilgrimage to Mecca. Therefore religiously speaking, I am, a poor Muslim. However, my interest is soaked in the political, economic and cultural heritage of Islam. I will not discuss the religious implications of the faith, but its political and cultural developments. Before plunging into this task, I feel it essential to briefly give you a background of the essentials of Islam, the birth of the religion.

Arabia of the 6th century was surrounded by countries that had adorned world civilization. On the one hand was Alexandria in Egypt, Damascus in Syria, Antioch in Asia Minor, Mesopotamia, ancient Babylon, Baghdad in Iraq, the pageantry of India, and still farther East, the splendid civilization of China. On the other side of Arabia was the grandeur of Greece and the splendour of Rome and the majesty of the Byzantine Empire. Arabia was a little known and undisturbed expanse of sand in this array of jewels encircling it; even the reflections of these civilizations gave no light to the barbaric nomads of the desert. Not only was the country barren, but also the minds of its people. They were a people diseased with degrading moral codes. These people buried their daughters alive, considering the birth of one a disgrace; and a man among them could have a woman by merely throwing his cloak over her. Mecca was their centre of worship, with three hundred and fifty idols as their holy shrines.

But soon, these lizard-eating and moribund people of the desert were to be aroused by a vigorous force, a venerable and potent force that was to transform their lives. The founder of this dynamic force, whose religion was to embrace all the three known continents with lightning speed, was Mohammad, his religion was Islam which means submission to God. His fundamental tenets were:

- (a) The indivisibility of God.
- (b) The simplicity of belief.
- (c) The brotherhood of man.

He did not claim supernatural power or relationship with any deity. but said he was a humble messenger of the one and only Creator of the World. He was a rebel and a destroyer of all that was evil and decadent. Mohammad was at times forced to use the sword, not to defend himself, but to protect the infant religion of Islam. If the Arabs of his day had planned only to kill him, he would have given his life without hesitation, but the blood-thirsty, lawless nomads of the desert sought to destroy Islam and not Mohammad. These Arabs were brutal and fierce but it was Mohammad, who cultivated these people and stimulated them with moral and intellectual curiosity, refined their laws, prohibited gambling and drinking gave protection to women, raised them from the lowest human conditions to the most distinguished place in civilization. He inculcated

in them a spirit of brotherhood and loyalty, fed them with virtuous ideals, and established for them a meaningful code of existence. Without any nebulous symbolism, without any ostentatious exploitation of altars, Mohammad enshrined an immortal message in the hearts of not only his Arabs, but of the entire mankind.

“Ye people! Hearken to my speech and comprehend the same. Know that every Muslim is the brother of every other Muslim. All of you are of the same equality”, said he to his people again and again until the believing Negro became the equal of the Khalifa of Islam. Europeans, conscious of the racial complexion of civilization, may know that from the first day racial differences were stamped out in Islam. Through a free intermingling of Muslims, the dominance of one particular race over another was abolished. It may be worthwhile to substantiate these remarks by pointing out that when the Aryans invaded India centuries ago, they immediately segregated the people of the country, drawing up the obnoxious caste system, but when the Mughals entered India, they allowed marriages with the Hindus, and associated them in running the state. Freed slaves even became sultans.

Now I shall deal briefly with the rapid spread of Islam. In a hundred and fifty years the march of Islam covered vast areas. On the west, the nineteen-year old Tariq shattered the bulwarks of Spain, and with it, captured the strategic rock which is named after him, Jabal-ul-Tariq – the rock of Tariq, or, as we now call it, Gibraltar. In the Eastern theatre, the followers of Mohammad the Prophet reached the banks of the Indus and the Ganges. From the palaces of Vienna and France on the one side to the Great Wall of China; from the steppes of Russia and the fortresses of Venice to the plains of Iran and the jungles of Indonesia and Malaya; from the romantic Danube to the ever-winding Yangtze – vast territories came under the influence and control of a people who were derelict until the Prophet of Islam created in his followers the spirit to spread a doctrine of equality to the world. Many westerners believe that Islam was a danger to Christianity, but this notion is unfounded. At the peak of Islam’s strength, the Christians were treated kindly everywhere and given full liberty to Worship according to their ways. The Prophet had frequently stated that the lives, properties and laws of the Christians and the Jews were under the protection of God, and he said, “If any one infringes their rights, I myself will be his enemy and, in the presence of God, I will bring a charge against him.”

There have been numerous Muslims who have strayed from the Islamic path, but that has been in spite of the law and not because of it. By token, there have been many Christians who have been most unchristian in their dealings. Christian priests, bishops and popes have repeatedly sworn to exterminate the infidels, and as late as the time of Gladstone, Turkey was in danger of being exterminated

solely because she was a Muslim country. Isabella and Ferdinand of Spain did a much better job of wiping out the Muslims of Spain than any “infidel” had done with the Christians in any Muslim empire. Tolerance is not the monopoly of any one religion. All prophets and reformers have preached the love of humanity and the followers of all the religions have in some way violated the teachings of their founders.

Most of the literature I have read in this country on Islam has tried to show the intolerance of the Muslim people and the militant character of their religion. There is a reason for this propaganda and it does not lie in a true reading of history. It is based on prejudice arising out of rivalry.

During the Dark Ages, at the time when the kings and popes of Europe were exterminating “unbelievers”, the Muslims were harbouring non-Muslims in our lands. At the time when bigotry and hate drove out the non-Christians from Europe in the name of heresy and inquisition, the Islamic world opened its gates to them and gave them protection of their religious and social rights.

Pandit Nehru, the Prime Minister of India, says, “The Christianity that was practised there at the time was narrow and intolerant, and the contrast between this and the general toleration of the Muslim Arabs, with their message of human brotherhood, was marked. It was this that brought whole peoples, weary of Christian strife, to their side.”

So supreme was the Muslim thrust the West that the popes were occupied in organizing the Christian world to exterminate the infidels in the name of God. Eight crusades were mustered against Islam; on eight occasions the armies of Europe set out to defeat the Muslims in their own land. The first crusade, as you know, proved disastrous for the Muslims. The Christian armies, pent up with zeal and determination to crush the infidels, did a savage job of liquidating as many Muslims as came their way. The barbarism of the first crusaders has badly scarred the face of the human race.. It may have been a glorious victory of the Christian God, but it was a gruesome act of man against man in the name of God. After the first crusade, from the Christian point of view, all the other crusades were failures. When the intrepid Ghazi Salahuddin recaptured Jerusalem, he was magnanimous to the defeated Christians, allowing all of them to leave the Holy City after paying a ransom, and those who could not afford a ransom, were permitted to leave through the beggars’ gate; while those who wished to stay on, were allowed to do so, in spite of the fact that they had formed a dangerous fifth column on previous occasions. During that time, Muslims were not only engaged in repulsing the crusaders, but also the ferocious Mongols who repeatedly attacked Muslims from the East.

About 1228, Frederick II, grandson of Barbarossa, after being excommunicated by Pope Gregory, went to Palestine to negotiate with the Muslims. He was received honorably and was successful in inducing the Muslim rulers to restore Jerusalem to him in the name of the Christian nations. This was the most magnanimous gesture ever made, but it did not satisfy the Pope; on the contrary, it made him still more furious because he declared in anger that one should fight the infidel and not befriend him.

By citing these examples, I am not trying to state that only we are capable of tolerance, but that we also have an impressive record of virtue and moral goodness; that we are different from what the West thinks of us in the East. We are not barbarians. Instead, we opened the doors of civilization and culture.

The spread of Islam upset the *status quo* in Europe and Asia to such an extent that in the eighth century Pepin the Short, the son of Charles Martel, obtained the sanction of the Pope to declare himself the ruler of the Frankish nation merely because his father had defeated the Saracens in the Battle of Tours in 732. This Muslim defeat in a single battle ended the Merovingian Dynasty and established the Carolingian line of kings, a dynasty which has been the pride of the Christian world because it gave birth to Charlemagne.

It would suffice to say, without going into further detail, that before the advent of the industrial revolution it was Islam that challenged the combined powers of the West and the East.

Toynbee says, "Centuries before communism was heard of, our ancestors found their bugbear in Islam. As late as the 16th century, Islam inspired the same hysteria in the western hearts as communism in the 20th century. Like communism, it wielded a sword of the spirit, against which there was no defence in material armaments."

It is difficult to describe the yearnings of man to build for permanence. To probe into the depths of a civilization is a time-consuming task. To delineate the achievements of art and literature and of science and philosophy, of any people is a strenuous undertaking. How am I to explain the contributions of a Hafiz or an Iqbal in this brief period? Where can I ask you to tarry for a moment and admire the fine works of art? Shall it be Omar's Mosque in Jerusalem or the Badshahi Mosque in Lahore or, the Juma Masjid in Delhi or the city of Fatehpur Sikri? The followers of the Prophet have built for permanence wherever they have exerted their influence, at Granada, at Cairo, at Jerusalem, at Baghdad and at Delhi. The splendid Mosque of Omar, the gigantic Mosque of Hussain and the tall, dignified Qutb Minar depict in a most striking manner the Muslim talent for creative art.

In the lofty and masculine fort at Delhi, the silver and gold ceilings, the black marble floors the magnificence of the Peacock Throne and splendour of the jeweled halls, well befit the Persian inscription written in the rhythmic sweep of the Arabian script, which still survives, "If anywhere on earth there is paradise, it is here, it is here." The forts of Agra and Fatehpur Sikri are today in defeated ruins, destroyed not by age but by rapine and plunder. Their debris is a constant reminder of our defeat, a living symbol of our disintegration. The conquerors of India must have been blind in their aesthetic senses, for they uprooted all the delicate beauty of our forts and mosques, our palaces and our monuments. Lord William Bentinck once even thought of selling the Taj Mahal to a Hindu contractor who believed that better use could be made of the material.

The living pride of our architecture is the Taj Mahal, which we in our romantic feelings call "Love in Marble." It is the epitome of perfection, the most profound and concise symbol of love, the most lasting appreciation of man's affection, the most serene exhibition of his purity. On its main entrance is a quotation from the Quran which invites "the pure in heart" to enter "the gardens of paradise," There is nothing foreign about the Taj: it is the product of Muslim thinking and Muslim taste. Will Durant, the American historian, says, it is "completely Mohamedan, even the skilled artisans were, in part, brought in from Baghdad, Constantinople and other centers of the Muslim faith."

The gardens of Shalimar in Lahore and Nishat in Kashmir with their beautiful symmetry of the lawns and the cool surroundings chosen, with immaculate care, the careful plantations of alluring flowers and the systematic structure of sparkling fountains, are a living wonder of man's efforts to strive for the highest form of beauty. H. G. Wells says, "The artistic and architectural remains of Moguls are still very abundant. When people speak of Indian art without any qualification, it is usually this great period that they have in mind." At this stage, it will be interesting to note that before the Mongols were converted to Islam, they were ruthless and uncivilized, but after the mass voluntary "conversion, of the descendants of the warlike Chengez Khan, they developed refined and cultivated values.

Now, I would like to mention some of the Muslim contributions in the fields of literature and science, starting with some of the, universities' of today and going back to the past contributions.

The University of Al-Azhar in Cairo has the largest student body, in the world and it is the cultural seat of the Muslim world. Then there is the University of Istanbul an excellent centre of learning with all the modern facilities for educational research. Another outstanding venue of Islamic learning is the

University of Aligarh, the educational capital of the Muslims of the subcontinent. Yet another university of fame is the Osmania University in Hyderabad, Deccan; its fine campus, splendid buildings, and an outstanding faculty have made it a headquarter of learning.

The influences of Muslim knowledge have been tremendous. Arabic words such as zero, cipher, traffic, admiral, magazine, alcohol, caravan, cheque and tariff have become international words. The Moors of Spain have a distinguished history. Their hard work added much to Islam's wealth. Agriculture reached progressive stages under the Moors in Spain. They practised farming in a scientific manner, fertilizers were utilized by them, and they were the first to adapt crops to the quality of the soil. The Moors excelled in horticulture: they produced new varieties of fruits and flowers and introduced to the West many trees and plants from the East and wrote treatises on farming. Their skilful use of irrigation is still utilized in Spain. They introduced the plantation of sugar, rice and cotton, and also perfume syrups and a variety of wines. The Moors pioneered and perfected the carpet, silk, silver and gold embroidery and leather manufactures.

Says Henrietta Wagner, "We are indebted to the Saracens of Spain for the elements of many of the useful sciences especially chemistry. They introduced the simple Arabic figures which we use in arithmetic. They taught mathematics, astronomy, philosophy and medicine, and were so superior in knowledge to the Christian nations of Europe that many Christians of all nations went to be educated in the Arabian schools of Cordova."

Up to the fifteenth century the earth was considered as the centre of the universe, with the sun moving around it. However, as early as the seventh century, the Quran in its 36th Sura said, "The sun moves in a fixed place and each star moves in its own heaven," This explains the movement of the sun around an axis and the movement of the moon, the earth, and other bodies. When the western scientists read this explanation in the 36th Sura of the Quran, they ridiculed it. Nine hundred years later the world of science discarded the Ptolemaic conception, and Western astronomy adopted a line parallel with that of the Quran.

The zero was unknown until Mahmed Ibn-Musa invented it in the ninth century. He was also the first person to utilize the decimal notation and give the digits the value of position. However, many Indians claim that the zero is an Indian invention. Nevertheless, it would be safe to say that algebra particularly is a creation of the Muslims. Al Khwarizmi, besides writing treatises on astronomy and arithmetic, made great contributions in algebra dealing mainly with quadratics. Omar Khayyam, who reformed the calendar in 1079, went even

further with his contributions by using cubic equations. Spherical trigonometry is another Muslim achievement inventing sine, tangent, and cotangent. In physics, the pendulum is an invention of the Arabs. Al-Hazen developed optics and challenged the view of Ptolemy and Euclid that the eye sends out visual rays to its object. The Arabs built several observatories and astronomical instruments which are still used. They calculated the angle of the ecliptic and the precession of the equinoxes. Our universities also concentrated strongly on metaphysics, zoology and medicine.

In chemistry, the Muslims were the first to discover and use nitrate of silver, and nitric and sulphuric acids. Physiology and hygiene were developed by Muslims and the materia medica used by our forefathers was practically the same as today's Muslim surgeons understood the use of anesthetics centuries ago and performed some of the most difficult operations known. At the time when in Europe the practice of medicine was forbidden by the Church, the Muslims had a well-advanced science of medicine. Ibn Sina (Avicenna) known as "the Prince of Physicians", taught medicine and philosophy in Isphahan, and from the 12th to the 17th centuries he was used in Europe as a guide to medicine. Al-Razi, who wrote more than 200 treatises on medicine, is famous for his theses on the causes, development and remedies of smallpox and measles.

In manufactures the Muslims surpassed the world in beauty of design and accuracy of workmanship. Their contribution to the development of textiles is well-known. Muslims made glass and pottery of the finest quality developed all the intricate secrets of dyeing yarns and invented processes of dressing leather. The manufacture of paper, which the Muslims learned from the Chinese by way of Central Asia was brought to Europe by the Arabs. Before that, Europeans wrote on parchments.

Commerce was greatly developed by Muslim traders. This gave an impetus to worldwide contacts and spread Arabic as a world language.

At the time of Khalifa Al-Mansur's rule in the middle of the eight century, a research and translation bureau of Greek, Syriac, Zend, Latin and Sanskrit was established in Baghdad. Old monasteries in Syria were explored for valuable manuscripts. Greek philosophy mainly that of Plato and Aristotle was brought to the Muslim world by scholars driven out from old Alexandrian schools. Ptolemy and Euclid were studied extensively in universities at Baghdad and Cordova. When the works of Aristotle were banned in European universities, Muslim scholars encouraged their study in these centers of learning. Bertrand Russell says that Aristotle's reputation is mainly due to them; in antiquity he was seldom mentioned and was not regarded as on the same level as Plato. The philosophical works of Plato and especially of Aristotle, have had such a great influence on the

Muslim mind that ever since the eighth century they have become standard subjects for study in Islamic schools. The materialist school of Greek philosophy led to the rise of rationalism and materialism in the Muslim world. The intellectual clashes of the two schools of thought spread from Baghdad over all the Muslim countries, and finally reached Spain. In an age of religious fanaticism, the nature of God was discussed most freely in the various schools of Muslim metropolises. Ibn-e-Rushd, (Averroes) the illustrious philosopher, discussed with full freedom the nature of God in a spirit of free inquiry. Despite the rigid religious fanaticism of the ruling dynasty his views were heard and tolerated.

Muslim literature has been prolific both in poetry and in prose; Omar Khyyam as a poet pales into insignificance when compared with poets' of the caliber of Sadi or Hafiz or Nizami. The dazzling tales of Arabian Nights are only a fraction of our literature. However, our literature is little known to the West, perhaps because it is difficult to translate and perhaps because of the traditional difference in the matters of style and subject matter.

The flowering of Muslim culture has derived its inspiration from many sources; the Arabs have given it sensitivity and simplicity; the Turks, a spirit of vigor; the Indians, a rare subtlety; and the Iranians, the grace and delicacy of their creative talents.

We are living in a world torn by dissension, a world in which international relations are dominated by two factors—collective security and the balance of power, and according to the influence of our chaotic times, we are forced to align ourselves in blocs. In one breath, the leaders of the world preach peace and, in the next, threaten to obliterate civilization with atom bombs. Our position is pathetically unstable. Imperialism has sapped our vitality and drained our blood in every part of the globe. This is the time when the young generation of Muslims, who will be the leaders of a new force, of an order based on justice, wants the end of exploitation. We still retain a host of homogeneous affinities and with the unity of our culture we can unite again politically. In an Islamic confederation lies the future security of the disciples of Mohammad. In order to achieve this goal, we will have to tussle with destiny. To civilization we have given the essence of growth, and in return we have become a plaything of foreign powers. In Indonesia we are being butchered because we demand, freedom from foreign oppression, and we have enemies from Morocco to Java. I do not ask for unity in order to seek revenge, but in order to safeguard those rights which still remain in our possession. In order to be safe and secure, we have to be powerful, and that we can only do through unity. Force unfortunately, has to be met by force. In our hands lies the future of our people and the responsibility of protecting their liberty. We will give to the world a blueprint of

a brotherhood of mankind just as our founder gave the formula of human co-operation to the world thirteen hundred years ago.

During the First World War, the Indian Muslims refused to fight against the Muslims of Turkey. When Turkey was attacked in 1911, the Muslims of India felt a spontaneous wave of personal sympathy for them. The Muslim leader, Mohammad Ali and his brother were imprisoned by the British for their pro-Turkish feelings. The Khilafat Movement epitomized the fraternity of a Muslim people for their fellow Islamic nation. Mohammad Iqbal, the poet of Pakistan has been immortalized for expressing Muslim sentiment on the fate of Turkey. When Kamal Pasha died, a gloom blanketed Muslim India.

I was very young then, but I still remember my servant telling me with tears in his eyes that he would rather have heard of the death of his only son than to be told of the death of Mustafa Kamal. I must point out the deep feeling of brotherhood among the Islamic people for Indonesia and the Arab nations. After World War II, we in our country took a great deal of interest in the crisis of Iran and were jubilant when the tension subsided. When Pakistan came into being we received Muslim delegations from all over the world, and were touched by the affection shown by the Muslims of the world for our new State. Very recently in an article, "Labours of the North-West", in the London Economist, tributes were paid to the sense of Islamic brotherhood developing between Afghanistan and Pakistan. Making a comparison between the British and Pakistan administrations in the tribal areas, the article says, "The Pakistan government has had the advantage of being able to appeal to Islamic sentiments, and it has, consequently, been able to show decisiveness which seemed lacking in the previous administration."

I could go on indefinitely into the evidence of harmony that exists among the Islamic peoples. However, there is no guarantee that this feeling will last forever; as a matter of fact, there are signs of new tensions. It is my firm belief that these bonds will have to be consciously strengthened before the Muslim nations begin to industrialize on a larger scale. With rapid technological advances, and the values goes into it, traits of the past might come under new strains. It is incumbent upon us to consolidate our advantageous position at this stage and build a base for a new order bound by ancient ties. Another factor that will promote this unity is the sense of grief and grievance felt by all Islamic nations against the calculated injustice done to them, the common oppression experienced by all of them without exception.

Some people object to an Islamic confederation on the grounds that there will not be any economic gains from such an association. The cooperation of nations is an advancement. It has political and economic benefits but even if the benefits are

not colossal, even if certain Muslim countries have to make sacrifices economically for a few years, such a union should take place, for one blood, one culture, and one heritage subjected to ruthless exploitation for over a century demand this association. This is the century in which 'underdeveloped countries are being developed. Our potential economic resources are abundant, as is amply indicated by the Western interests in our theatre of the world.

Unfortunately, because of our feebleness, our economic resources are being most unscrupulously exploited by outsiders. The exploiters are shamefully busy filling the coffers of the money-mad and cut-throat business interests of the West. An Islamic confederation even at its weakest will take charge of the wealth of its people and place it in the hands of its own people.

Now I would like to present a skeleton of this plan. According to the law of evolution, this association will develop in stages; first will come a harmonizing of our own people by massive contacts, by a large-scale exchange of students, professors, artists, and all other intellectuals who influence the minds of men. Those intellectuals, through conventions and conferences will discuss vital common problems. In due course permanent information and cultural centers and public relations bureaus will be established in our large cities. Our people will be encouraged to travel in our countries on concessional rates. Passport restrictions will be lifted, and communications developed. These efforts will be followed by economic co-operation climaxing in a loose political alliance, from one continent to the other.

If we work conscientiously in this direction, I think that within the space of the next twenty years, this movement will take a definite shape. I must make it clear that it will not be based on a theocratic principle. There are some non-Muslim countries in the Middle East which are today members of Muslim Arab Leagues and which will willingly enter this union because of mutual interests. We will have to look mainly in the direction of Pakistan for this divine inspiration. From Turkey we will have to take the means of attaining methods of modernity without losing the Islamic identity, and from Iran the spirit of accommodation. The Arabs and the Africans, the Indians and the Indonesians will each render a profound contribution. The new concepts will have to be mingled with the spiritual values, the maxims of democracy with those of socialism. We will have to raise from our soil an Atatürk or a Thumberg who will mobilize our people, rekindle our spirits, reconcile our traditions and customs with technological developments, and establish an impregnable bulwark.

There are some people who say that Turkey will shy away from such a union. There is no truth in such a belief. Turkey was forced to retreat from the Muslim orbit because the weaknesses of the Muslim nations were heavily sapping her

vitality. Thus, because of the derelict position of the Muslim world and the delicate position of Turkey in European affairs, Turkey for her own security had no alternative but to concentrate fully towards the developments in the West. Because of her unique position and strategic location, Turkey has been forced to sign agreements with countries that have always sought to destroy her. She has been forced to bow her head to a country thousands of miles away from her only because she cannot turn today in another direction. Turkey has no desire to lose her Islamic character, and with the organization of a potent unification of the Muslim world, dictating its own terms, Turkey will align herself with her own people. With her own people awakening, Turkey will one day gladly untie the chains of the West and amalgamate with those who are of her own kind.

Today, I am as hopeful of an Islamic confederation as I was of the creation of Pakistan before the division of India. Pakistan has taken its rightful place in the family of nations; tomorrow a confederation of the Islamic nations will be a reality. Those who mocked the foundation of the largest Muslim nation are now retreating from their previous stands. It is inevitable that the small pebbles that are endeavoring to obstruct the flow of events will be washed aside. We shall toil ceaselessly for the rejuvenation and renaissance of our people.

Toynbee says, "Pan-Islamism is dormant—yet we have to reckon with the possibility that the sleeper may awake, if ever the cosmopolitan proletariat of a 'westernized' world revolts against western domination and cries out for anti-western leadership. That call might have incalculable psychological effects in evoking the militant spirit of Islam—even if it has slumbered as long as the Seven Sleepers—because it might awaken echoes of a heroic age. On two historic occasions in the past, Islam has been the sign in which an oriental society has risen up victoriously against an occidental intruder. If the present situation of mankind were to precipitate a 'race war', Islam might be moved to play her historic role once again."

Destiny demands an Islamic association, political reality justifies it, posterity awaits it, and by God we will have it. Courage is in our blood; we are the children of a rich heritage. We shall succeed.

Reflections on New York
New York September 15, 1948

Days spent in New York are usually memorable, especially when it is a farewell call to the great city. For me it was a day of farewell. There was nothing extraordinary about my last day in New York. After a full day of activity I rested for a while. I woke up the following day and I donned my favorite plaid suit, crossed Lexington Avenue for a luncheon appointment with an old reactionary acquaintance of the family whom I had not met before.

Apart from his anachronistic views, this man gave me a false alarm on immigration formalities. His false information kept me occupied for a number of precious hours.

On returning to the hotel I met a university friend, a student of economics from the University of Southern California, Selman the Turk. He invited me for a Turkish dinner. The day previous I had entertained him to a meal at the Raja Restaurant. This was his sweet way of returning the "honour" in the Asian style.

The dinner was delicious. After the repast, we sat discussing almost everything under the hidden sun of Manhattan, everything from Pan-Islamism to import regulations, from the nostalgic memories of glittering Los Angeles to the Young Turks' Revolution, from geology to the morals of American women, from cricket to communism and hamburgers. Eventually, at about midnight, the head waiter had to drive us out. Selman was furious and showed it by leaving no tip. The waiter muttered something in Turkish but Selman did not bother to answer.

From the restaurant we loitered about aimlessly, both silent, both thinking, we walked into a movie. He vetoed some I wanted to see and I did the same. The result was a miserable compromise, like all compromises. It was an early 1930 combination of Gary Cooper and Cary Grant. Out we came at three-thirty in the morning. The city was half dozing but yet alive. We walked in the direction of Selman's hotel, criticizing the movie and everything connected with the film industry. In about half an hour we reached the hotel and there Selman tried to convince me to join him in Switzerland for a few days. I did not agree. I told him that beautiful little Switzerland bored me. We again compromised to meet in London in Piccadilly and Leicester Square.

At about five, “when dawn’s left hand was in the sky,” I was back on the boulevard of the great city. As I sailed along, quite exhausted, a host of thoughts went through my mind in quick succession, thoughts of the first days in the great city and of the many wonderful moments spent in it on my numerous visits. All the vivid moments returned to my mind. I thought of the tranquil East Coast now greener than ever before.

In the space of these breezy young years I had begun to understand this country. So many ideas and thoughts crossed my mind in this last walk. I looked at all that was around me, and I saw silent, barren streets, garbage cleaners, milkmen and the erect, masculine sky-scrapers standing undisturbed and unaffected by the events that went on inside them. For once they no longer appeared to be cement jungles. For once they seemed to be terribly human soaring with emotion. It was a strange feeling, the strangest I have felt. Suddenly their character changed. The mask was withdrawn.

Indeed, these skyscrapers no longer appeared as cold monuments. They began to symbolize something magnificent—the elevation of man. They seemed to be the real creation, the only creation of human effort, a projection of man’s own soul, a reminder of our efforts to reach the highest heights. Lofty erect structures molded out of dust and rubble, servants and slaves of humanity.

As I peered a little higher, and still higher, I began to wonder if these gigantic architectural feats were made in our interest or whether they were even within our control. I wondered if they had got out of hand to become uncontrollable monsters. I wondered if they lived for themselves and selfishly dictated their own lives. I imagined that they were capable of plotting against their own creator called man. As I walked along deliberately confusing myself, I plunged into further fancy and came to the rash conclusion that these man-made monsters believed that man had nothing to do with their creation, just as some men believe that God took no part in their creation. I imagined them to believe that since they were not all alike, not all identical, they were the products of the law of evolution—Darwin put in reverse.

Such thoughts frightened me. My human pride was hurt. My inner feelings were brought out. I almost shouted and rebuked the tall stone structures, calling them ungrateful. At the same time, knowing full well that I had made them, they were a source of pride to me, a reminder of my progress and ingenuity. From caves to skyscrapers, from darkness to glowing neon lights, these were my accomplishments. I was pleased; I was proud.

Onward as I went, the portrait of my civilization’s progress enlarged to the extent that I began to see the basic contradictions within the span of progress. I

thought of the cruel wars that had obliterated chunks of the human race. I thought of persecutions and the racial theories of supremacy. I thought of the hatred and the bigotry that had emerged. I thought of all the pitiable repercussions of our times.

I wondered again. Was this progress or regression? Caves and darkneses had their failings, but the current propensities went beyond the limits of goodness. People in primitive times were hospitable and simple. Now they are cold and aloof and complex. Is this progress or regression? I went on thinking more and more about this, till I staggered into my room.

Hardly had the words progress and regression stopped ringing in my ears when the telephone buzzed. "It's time to leave, sir," said the hotel clerk.

Although I left the world of New York and reached Pakistan I still wondered and wondered whether man in the cave was more blessed than his son in the skyscraper.

The Indivisibility of the Human Race
University of California, Berkeley November 12, 1948

This is a cruel world. There are times when one feels the refreshing sweet wind breathing on a bank of violets, giving and stealing odor. There are times when deep-infested venom stalks the mind of man and makes him sink to the lowest of all living forms. There are times when the world' seems to be moving on a frictionless pulley, and there are times when pathos rules the fate of man.

What is the disease that makes an animal of man on a Monday; glorifies him on the following day; turns him into a barbarian on a Wednesday; inspires him to become a messiah on a Thursday; draws forth from him glimpse of Plato on a Friday; makes him display a streak of Machiavelli on the Sabbath; and comes Sunday and a shameless congregation of penance is held in splendour in the closest parish.

This is a strange world. There are those that hate you, those that hate me; and there are those that dislike our philosophies. Go there, and you are flattered; go somewhere else and you are insulted. Today it is the decline of the Turks; tomorrow it is the rule of the British, and the day for my domination is still to come, but then there are others as well.

There are some among us who want to hold back the clock. There are others who want to move it ahead of time, and there are a few who want to stop it forever, blocking, as it were, the passage of time. Some take a pride in brand names; they invariably end up in "isms." Some follow dogmas and doctrines without even knowing their meaning. Others lay down rigid convictions for the entire human race for all ages and demand 'that they be followed to the letter till the end of time.

We claim to be an advanced people, masters of civilizations, architects of cultures and founders of great religions. And yet, in the ultimate analysis, what do we really know of age, wisdom and tolerance? Some of us are of the opinion that by reading books in ancient universities we can become authorities on life now and hereafter. On my part I can provide no solution. By endeavoring to make ourselves believe that we have sown all the seeds of progress we are dangerously constructing, an internal resistance against the search for purity.

We have unabashedly started on a ceaseless career of thinking and acting superior to the next man. How then can we have the effrontery to face God and friend, that is, of course, if we believe in either? Why are we so contemptuous of lesser people? Not really lesser than us, but lesser in the sense of being less fortunate.

We are men that are said to be rational. Social limits cannot be assigned. This is the natural law that has been bestowed on humanity since the advent of time, and yet, in spite of this self-evident truth, we have laid waste mother earth and eradicated the concept of humanism, the thought of equality and liberty.

The agony of the past has shown us that we must begin to think of humanity in terms of a single indivisible body, all of us, irrespective of our ethnic and cultural differences should consider each other as members of the divine body pledging with our lives to work for the happiness of the people, of simple people without affluence or power. We must have fearless minds. Our spirit should never be daunted. Only then will life begin to get meaningful. Now is the time when we should resolutely lift our miserable people to the garden of a promised Eden, instead of sinking to the baser levels of a sordid existence.

We can only improve with the improvement of humanity, for we are an inextricable part of it. Let our achievements be for all, since this world has been created for all. In whatever land we live, wherever man is fighting for right, wherever man is struggling for justice and truth, there in that fight extend the warmth of your heart and the kindness of your soul. Whenever man suffers through oppression, or error, or injustice, or tyranny, preach your crusade without fear, raising high the banner of struggle and sacrifice. Men free and oppressed, opulent and impoverished must unite to banish poverty and misery from God's earth.

Does it matter if the language we speak is different, for what difference is there if Allah made this world a rich and colorful abode? Tears and starvation, blood and famine are understood in all languages. Measure not the power of the omnipotent but the intentions of the individual. We can be the torch-bearers of a new doctrine, the apostles of brotherhood and unity. This is the challenge, and neither God nor man can demand more of us.

Let us lift our heads with pride and look into the firmament to visualise the serene and unmolested days that will follow the period of turmoil and darkness. Then only can we dare tell our heirs that God is our partner and we shall never want.

Conventions of the Constitution 'Vision', Karachi, May. 1954

“Constitutional law creates obligations in the same way as private law, but its reactions as to persons possessed of political power are extra legal: revolutions, active and passive resistance, the pressure of public opinion. The sanction is derived from the threat of these consequences.” – Vinogradoff, Outlines of Historical Jurisprudence.

On account of the indisputable fact that in the span of six years a number of constitutional conventions have been broken in this country, it may serve some purpose to examine the scope and importance of conventions in a constitutional framework.

A constitutional structure comprises both legal rules and non-legal rules. The rules of strict law are those which are recognised and applied by a court of law in the determination of disputes. Non-legal rules are neither recognised nor enforced by a court of law. However, if at any time a court recognizes and applies non-legal rule, then that particular rule becomes a part of the body of law, strictly so called.

It is abundantly clear to a constitutional lawyer that in a constitutional structure it is essential to have a perpetual interaction between legal and non-legal rules. Without this imperative amalgam a constitution cannot function successfully. Legal rules give the constitution a coercive sanction; the non-legal rules give it the required modicum of flexibility which is so necessary to its organic life. On this issue K.C. Wheare is unusually dogmatic:

“In the British constitutional development, it is not the isolation of law from convention, but the association of law with convention within the constitutional structure which is the essential characteristic.”

Although this reference is to the so called “unwritten constitution” of Britain, in essence it is not restricted to the unique constitutional structure of Britain. With a slight variation in emphasis, it is true of all democratic constitutions. For instance, in the written constitutions of France, Sweden and the United States there is an inter-relationship of rules of strict law and non-legal rules. Convention governs the exercise in France of the legal powers explicitly conferred upon the President

in the constitution of 1875. Convention has established in Sweden a system of cabinet government. In the United States the most striking case of constitutional change through the operation of convention is found in the exercise of the powers of the presidential electors.

It is therefore, manifestly clear that an interaction and fusion of legal and non-legal rules is characteristic of all constitutional structures. But it is a matter of conjecture whether equal emphasis is placed on both the legal and non-legal rules or whether one set of rules is more important than the others. The answer to this question is dependent upon the attitude and social behavior of each community. The Anglo-Saxon race in general and the British in particular place as much emphasis on the one as the other, and there are several incidents in the constitutional history of Britain which seem to make non-legal rules the central theme of their constitution.

This is well illustrated by the Parliamentary records of the famous Statute of Westminster, 1931. When the Bill was presented in Parliament some members objected to the proposal not because of the terms it contained but because it threatened to reduce conventions of the constitution to rules of strict law. Lord Buckmaster an ex-Chancellor, said:

“It is not that its actual terms offend any of the relationships existing between ourselves and our Dominions. It is that it is, as I believe, for the first time, an attempt made to put into the form of an Act of Parliament rules which bind the various component parts of the Empire, and that I regard as a grave mistake. The thing which has made this country grow is that it never has had a written constitution of any sort or kind, and the consequence has been that it has been possible to adapt, from time to time, the various relationships and authorities between every component part of this State without any serious mistake or disaster.”

This is a misleading statement as regards written and unwritten constitutions, but it nevertheless indicates in no uncertain language Lord Buckmaster’s caution and reluctance to transform non-legal rules into legal ones. Again, at the Imperial Conference in 1921 the majority of the delegates from the Dominions agreed with Mr. W.M. Hughes, the Australian Prime Minister, that there was no need “to set down in black and white the relations between Britain and the Dominions.”

In the British Constitution, the role of convention is an exceedingly crucial one, and it is inconceivable to think of the constitution only in terms of pure law. The political and social repercussions would be of the most serious nature if an important convention were to be violated. Convention is the source of so many vital features of the British Constitution, that even if one of the non-legal rules

were to be alienated, the constitution would fall utterly to the ground. The following are some of the more important conventions:

- a. Most of the King's prerogative powers are entrusted to Ministers.
- b. The cabinet is responsible to Parliament as a body for the general conduct of affairs.
- c. The King acts upon the advice of his Ministers.
- d. The King is bound to invite the leader of the party which commands a majority in Commons to form the Government.
- e. The King is bound to dissolve Parliament on the advice of the Prime Minister.
- f. The King must appoint as his other Ministers such persons as the Prime Minister advises him to appoint, although in law the King can appoint and dismiss his Ministers at his pleasure.
- g. The King must assent to every Bill passed by the Houses of Parliament.
- h. Parliament must be summoned to meet at least once each year.

All these rules are non-legal and cannot be enforced in a court of law but in spite of this, it is unthinkable for any Monarch of Britain, or for any Prime Minister, to violate any of these hallowed rules. But it is quite reasonable to ask why conventions are followed and obeyed with such respect and regularity when they are not legally enforceable. What is the sanction by which obedience to the conventions of the constitution is ensured?

According to Dicey the paramount motives are:

- a. The desire to carry on the tradition of Constitutional Government;
- b. The wish to keep the intricate machinery of the ship of state in working order; and
- c. The anxiety to retain the confidence of the public and with it office and power.

“These influences secure that the conventions of Cabinet Government which are based on binding precedents and convenient usage, are observed by successive generations of Ministers.” Dicey championed the cause of conventions with egregious force and feeling, determined to establish that conventions were “intended to secure the ultimate supremacy of the electorate as the true political sovereign of the State.”

A convention is so inextricably inter-linked with rules of law strictly so called that the ultimate ramification of breaking a convention will inevitably be a breach of a rule of positive law itself. Furthermore, in an enlightened and a politically conscious social order a violation of a constitutional convention will produce mass resentment which in turn may lead to a conflagration. In view of these considerations, the chances are that a mature people, possessing a sense of responsibility will prefer to follow the path of tradition and precedent.

However, it is not possible for all people to view all problems in identical terms, and to have the same social and political values, especially if the history and culture of the communities are diametrically opposed to each other. Each community evolves for itself a pattern of government peculiar to its intrinsic needs, in consonance with the values and mores of its people. But for this to happen it is presupposed that the community is free to evolve its own social pattern, unhampered by extrinsic influences.

One of the anomalies and evils of imperialism is that the subjugated people are prevented from developing according to their innate needs and social values. Foreign standards are superimposed upon them. In the course of time some of the customs of the foreigners become a part of the colonial people, but some never fit into the social fiber of the enslaved community.

Unfortunately, not appreciating that the people of this subcontinent do not regard non-legal rules with the same reverence, the British gave and left us with a constitutional structure in many ways similar to their own. The consequences of this constitutional anomaly have been alarming on more than one occasion. The prorogation of the Sindh Assembly is the most recent example of breaking an important convention with impunity.

If we believe, or can be made to believe, that a convention is a vital feature of a constitutional structure, to be respected and honored, then we should retain the existing conventions notwithstanding the events of the past six years, for the utility of these elastic rules is immeasurably great; but if we consider them to be semantic blanks, existing entirely on the sufferance of expediency, then it is far better to transform all the important conventions into rules of positive law. This indeed is a poignant choice but under the circumstances, if our political and

social not encourage us to defend our conventions, it is better to give them the coercive and binding sanction of positive law rather than retain them in our constitution as deadweights.

***Pakistan: A Federal or Unitary State
'Vision'. Karachi, August, 1954***

The terms federal' and 'unitary' have been associated with the task of framing Pakistan's constitution even before the partition of the subcontinent. The claims of a federal constitution, however, are greatly enhanced by geographical conditions and the inveterate hiatuses in culture, language and history. Albeit, notwithstanding the dictates of indigenous realities, a small but vigorous element has recently espoused with fanatical zeal, the cause of a unitary state, chiefly on the ground that it would eradicate the ugly and soul-destroying virus of provincialism.

As a rule, we use political terms loosely, almost irresponsibly, without a clear and distinct meaning. Therefore, in the interest of legitimate understanding, it would seem sensible to define terms at the outset. Needless to emphasize, definitions vary with the outlook of the definer, no less in the case of political terminology.

K.C. Wheare, the distinguished historian of Oxford, makes a lucid distinction between the federal principle and the federal constitution. It is important to keep this distinction in mind if a proper understanding of the subject is desired. The federal principle means "the method of dividing powers so that the general and regional governments are each, within a sphere, co-ordinate and independent."

There is, however, no consensus of opinion on this issue. Many authorities find the crux of federalism in a different principle.

The contention of a number of theorists is that the federal principle consists in the division of power in such a way that the powers to be exercised by the general government are specified and the residue is with the regional governments. According to, this view a government is not federal if the powers of regional governments are specified and the residue given to the general government. The Constitution of the United States follows this principle. It specifies certain subjects over which the general legislature has control and provides that powers not so delegated remain with the states.

"This test," says Wheare, "concentrates on a relatively superficial characteristic of the American Constitution. The essential point is not that the division of powers is made in such a way that the regional governments are the residuary

legates under the Constitution, but that the division is made in such a way that, whoever has the residue, neither general nor regional is subordinate to the other.”

Another way of distinguishing the federal principle is by saying that in a federal system both general and regional governments operate directly upon the people, whereas in a confederation the regional or state governments alone operate directly upon the people. This also is insufficient. For instance, in the Union of South Africa, the general government and the provincial governments all operate directly upon the people, just as do the general and regional governments of the United States, and yet, there is a distinct difference between the two constitutions. In South Africa the regional governments are subordinate to the general government, while in the United States they are coordinate.

There are, of course, many other views on the subject. The lengthy discussion by Lord Haldane in the course of his judgment in *Attorney-General for the Commonwealth of Australia vs. Colonial Sugar Refining Company Limited* is thought provoking. But in the ultimate analysis, suffice it to say, the federal principle isolated from all the qualifications is, “A form of government in which sovereignty and political power is divided between the central and local governments, so that each of them within its own sphere is independent of the other.” This is how Sir Robert Garran defines it in the Report of the Royal Commission on the Australian Constitution (1929).

Having defined the federal principle, we turn to the meaning of a federal constitution. A simplified but nonetheless accurate procedure of determining whether a constitution is federal or not is by observing whether the federal principle is predominant in the constitution. If it is predominant, the constitution is federal, if on the other hand, there are many modifications in the federal principle, then that constitution cannot be called federal. That is the criterion. Thus, it is essential to define the federal principle rigidly and to apply it broadly in determining the form and character of the constitution.

In marked contradistinction, a unitary state is one centralized state, not divided into independent parts, in which only a small degree of local communal self-government based upon a law worked out by the central authority is admitted. In a unitary constitution, sovereignty is not divided between the central and local governments but vests indivisibly in the centre: the regional governments, if they do exist, are subordinate, not co-ordinate to the general government. Thus, in a unitary government there is no partnership between the central and local governments, there being only one authority in which all power vests. In view of the oneness of the system, the need to draw a distinction between the principle and the constitution does not arise.

Terms have been defined. Now let us scrutinize the difference, if any, between the federal and unitary forms of government. On this issue, there is a conflict of views. To some there is absolutely no difference in principle; the distinction, they argue, is only a transitory phases which whither away with centralization of law. Others maintain that not only is there a substantial difference between the two systems but also that the dichotomy is of a permanent nature.

The protagonists of the former view argue that there are inherent qualities in all federations which increase the strength of the general governments at the cost of the regional governments. The items which reduce the autonomy of the local governments are invariably in the control of the general governments and, therefore, the centralization of law is unavoidable. The general governments control defence and have the power to make war and peace; it is they who have the control over finance, foreign relations and foreign trade. A government endowed with such formidable powers, particularly finance, is bound to absorb the energies of the local governments. Thus, in view of this, Seeley says, "I deny then that between the unitary state and the federation or federal states there is any fundamental difference in kind."

In his *Federal Government* Wheare states that the main factors which have caused general governments to increase in strength at the expense of the regions are "war, economic depression, the growth of social services and the mechanical revolution in transport and industry. War and economic depression demand unitary control if their problems are to be effectively treated, and they impose financial strains which only the general governments have been able to bear." The prodigious growth of social services and the ever-increasing requirements of the modern community make it impossible for the local governments, with their limited resources, to incur the costs of ever-enlarging demands. Here, too, it is the centre which must assist the regional governments. And finally, as Wheare observes, "the revolution in transport and industry makes so much of life inter-state instead of intra-state, that large areas of activity come within the ambit of the general governments' control, until finally, in the United States, crime itself becomes a matter for Congress."

On account of these factors we meet the argument that in reality the difference between the two systems boils down to the degree of centralization of the legal order. At the initial stage, the degree of centralization of the general government in a federation is not as intense as that of a unitary government, but gradually it becomes so intensely consolidated that, in principle, the distinction vanishes.

In this respect, Professor Kelsen says:

“Only the degree of decentralization distinguishes a unitary state from a federal state. And as the federal state is distinguished from a unitary state, so is an international confederacy of states by a higher degree of decentralization only. On the scale of decentralization, the federal state stands between the unitary state and an international, union of states. It presents a degree of decentralization that is still compatible with a legal community constituted by national law, that is, with a state, and a degree of centralization that is no longer compatible with an international legal community, a community constituted by international law.”

This view, however, is disputed by many authorities. Wheare, for instance, says that the view that a federal government is only a stage towards a unitary government is “a prophecy, not an historical judgment.” Granted there are factors such as war and depression, finance and foreign trade which increase the strength of the general governments, but that is not the whole story. The other side of the picture is that, simultaneously with the growth of the general governments, regional governments also expand. “In all the federations the regions now perform functions which, at the establishment of the federations, they have performed either not at all or to a much less degree than now,” says Wheare, and he concludes, “that there has been a strong increase in the sense of importance, in the self-consciousness and self-assertiveness of the regional governments. This has gone on side by side with the growth in importance of the general governments and it has obviously been stimulated by it.” Thus, from this vantage point state rights are far from dead and federalism is anything but obsolescent.

The eminent Laski, in his *Grammar of Politics*, states with compelling force that authority is federal because of the inextinguishable differences between man and man. So ably does he propound this theory that it is necessary to quote him at length.

“We are never, as human beings, wholly included in any relation. About us is always an environment which separates us from others, or, at the best, makes our union with them but a partial one The unity we encounter in the world of social fact is never complete. For while we may all seek an end which can be described as identical the end is one only in the description. The good life for me is not the same as the good life for you. It has, of course, resemblances. In a well-ordered society, it has sufficient resemblances to make social peace effective. But resemblances do not involve identity. The things we want do not flow together with each other.

“Our relations are not like chorus in a great symphony in which what is important is the ultimate impression conveyed. Each piece of our experience is real for us; and therefore, the attachments of each piece guide our personalities

into a system of loyalties. How that system maintains its equilibrium, where, at any moment, the emphasis is to be thrown, is a matter that each of us must decide. For that system is ours and ours only.

“The political inference is, I think, clear. The structure of social organization must be federal if it is to be adequate. Its pattern involves, not myself and the state, my groups and the state. but all these and their inter-relationships.

“In such fashion the state might become a genuine search for social integration. It might cease to be the organ of a few because it would become instinct with the desires of the many. It would be responsive, not to the purposes of those whose power makes their demands immediately urgent, but, to all who have individuality, they would preserve and enlarge. They would be able to make their desires articulate. They would be able to feel that their desires were weighed, not in terms of the economic pressure they represent, but the social value they embody. Their experience of life, their sense of the meaning it has for them, would be taken in account. Such a state might be the true organ of a community, the meeting ground on which its varied purposes found the means of a unity adequate for its general enrichment. It would not impose a uniform rule. It would recognize that the material is too diverse to permit of such simplicity.

“A state in which the art of politics is, in its general terms, apprehended only by a few can never enrich the lives of the many. For it can never genuinely know the wants of the many. It can only roughly imagine those wants by assuming their identity with the wants of its own dictators.”

The intention is not to take up cudgels on behalf of one or the other view. However, for the sake of argument, even if it is true that the distinction is only of a temporary nature, it cannot be denied that in many countries conditions exist which make it imperative for those countries to have a federal government for at least that temporary period. To superimpose a unitary government on a decentralized society is bound to culminate in degeneration. An attempt to artificially hasten the process of centralization imperils forever the prospects of homogeneity. Hence, it is the transitory phase itself which is of fundamental importance in assessing the need for a federal government.

Having ended the general survey, we turn to some specific cases in which the transitory requirements and allied circumstances have made federalism indispensable. In the United States, the vastness of the country, the conglomeration of diverse races, the historical ties of alien nations like Britain,

Spain and France with certain states in the Union made federalism *the sine qua non* of unity and national consciousness.

Perhaps the most outstanding example is the Soviet Union. Marx and Engels had dogmatic views on the subject of federalism. They considered the system as a survival of federal particularism and a hindrance to economic and cultural development. "The proletariat," wrote Engels, "can use only the form of the one and indivisible republic." But in spite of such fixed views both Man; and Engels did not altogether rule out federalism. They admitted that in special circumstances federation might be a "step forward." a link towards integration serving as a form of transition toward the centralized unitary state.

From its inception to this day, the Soviet Union indisputably remains a federal government; and therefore, in accordance with the views of Marx and Engels it is passing through the transitory phase, the inescapable stage toward "the one and indivisible republic" envisaged by Engels. In the face of such set opinions, the Soviet leaders deserve the fullest admiration for having had the wisdom and vision to recognize the special circumstances which compelled them to frame a federal constitution.

Since 1917, by a series of constitutions, federalism has molded into one geographical unity a vast expanse of territory stretching from Asia to continental Europe, comprising numerous nationalities, each with its own history, tradition, religion, race, custom and language. "Time and again, given a real democratic order, a federation constitutes only a transitory step to a really democratic centralism. In the example of the Russian Soviet Republic we see most graphically that the federation we are introducing will serve now as the surest step to the most solid unification of the different nationalities of Russia into a single democratic, centralized Soviet State." said Lenin, the once-avowed opponent of federalism.

Stalin, who was himself a member of one of the minority nationalities, had been entrusted with the problem of finding a suitable compromise between the economic, political and cultural autonomy of the component nationalities on the one hand, and the monolithic dictatorship of the proletariat on the other. The emphasis placed by Stalin on local autonomy was best summed up by himself when he said that no unification of peoples into a single state could be firm unless these peoples themselves voluntarily so decide. Hence, each union has its own constitution, conforming to the federal one: its territory cannot be altered without its consent and it retains the right "freely to secede from the USSR."

In India the constitution of 1935 was a federal one or, as some would prefer to call it quasi-federal. The diversity of religion, race, language and culture in the

provinces and states gave the framers of the constitution little scope for considering other alternatives. For more or less similar reasons the 1950 constitution has followed the principle of federalism. Further, in India no attempt has been made to amalgamate provinces: on the contrary, one more province has been created in Andhra.

In Pakistan, the problem of constitution making has been *sui generis*. The men concerned with Government have waltzed in and out of the labyrinth of casuistry. Prior to the Partition of the subcontinent, the Quaid-i-Azam had unequivocally declared that in Pakistan the equality and autonomy of the component units would be guaranteed by the constitution.

The founder of Pakistan envisaged a federal constitution not because of any pre-conceived prejudices against other forms of government but because he was determined to give the country a constitution which would suit the genius of the people.

In view of the ethnic, linguistic and cultural differences of our relatively decentralized social order and, in view of the chasm of one thousand miles between East and West Pakistan only a federal government could foster the *solidarite sociale* of the people.

Undivided India was not a nation but a continent as populous and polyglot as Europe and as varied in language and race, in literature and religion, in custom and art. Each invader had left his mark in the parts he had harried. The intermingling of different races, taking their roots from, Paleolithic times, had eventually produced an accretion of cultures.

Before the advent of the Moghuls no concerted effort was made to knit India into a homogeneous unit. By the time the Moghuls had succeeded in this formidable undertaking, their decline had set in, and therefore they were unable to consolidate their empire.

The intransigent dictum of Pax Britannica was *Divide et Impera*. For over a hundred and fifty years, the forces of integration were held in abyss by this basic tenet of the Anglo-Saxon ruler.

Some may argue that India had seen unity, in the days of Asoka. This argument if advanced is incorrect. For one thing, even if the great Maurya emperor did succeed in extending his domain from the Northern tip of the subcontinent to the edge of Tamil land, many a century elapsed before Aurangzeb's rule gave India a central authority once again. From approximately 240 B.C. to about 1700 A.D., India remained a conglomeration of diverse races, if Asoka had achieved a

vestige of national consciousness during his illustrious reign, it had been completely undone by the time the great Moghuls re-established an Indian empire.

Furthermore, the concept of 'nationality' as we know it today was utterly unknown in the Maurya and Gupta eras and hence, there could not have been a conscious endeavor in those far-flung days to bring about national solidarity through the medium of a strong centre.

In his *Discovery of India* Pandit Nehru, the avowed opponent of the two nation theory recognizes the reality of India's diversity.

"The diversity of India is tremendous; it is obvious; it lies on the surface and anybody can see it. It concerns itself with physical appearances as well as with certain mental habits and traits. There is little in common, on outward seeing, between the Pathan of the North-West and the Tamil in the South. Their racial stocks are not the same, though there may be common strands running through them; they differ in face and figure, food and clothing, and, of course, language."

In fairness to Pandit Nehru, his Nehruian conclusion must be quoted else he is liable to be misinterpreted:

"Yet with all these differences, there is no mistaking the impress of India on the Pathan, as this is obvious on the Tamil."

These deeply entrenched differences did not vanish into oblivion on the Parturition of India. Although the supreme unifying force of Islam cut across gargantuan barriers of race and culture, language and custom, to galvanize a heterogeneous people into an independent state, the intra-state dichotomies dating back to primeval times remained unerased.

It is not in the spirit of Islam to produce cohesion by totalitarian methods. Its ways are voluntary and the phenomenon of Pakistan was rendered possible only because of the indefatigable virtues or such abiding methods. The magnanimous spirit of Islam cannot pollute itself by exercising compulsion. Hence, the leveling of cultures by coercion would, in a sense, tantamount to apostasy.

Never in Islam's distinguished history have arbitrary standards been superimposed on the territories that have gradually come within the fold of Islam. The richness of Islam's heritage stems not from the growth of a drab, monotonous scheme of life but from the dynamic assimilation of diverse cultures and values. The tolerance of Islam, in contradistinction of the narrow-

mindedness of medieval Christianity, has blessed the Muslim people with a legacy in which universal virtues predominate.

The genius of Islam, though Arabic in origin, has not been confined to Arab traditions and customs. It has been shaped by a blending of almost all Eastern people and a handsome portion of the Occident. Generally, the crusaders of Islam were exceptionally tolerant with the people who came in conflict with them. Not only did they leave the culture and language of the conquered intact but also their geographical units. When Muhammad bin-Qasim conquered Sindh, he left the entire administration in the hands of the local people. The only condition imposed upon them was that they recognize the sovereignty of Baghdad.

The synthesis of Islamic culture has been essentially a federal process. To take a hypothetical case: even today, if the Arab states were to merge into a compact unit, they would do so only on a federal foundation. Notwithstanding the fact that the people of Arabia have a host of common affinities such as religion, race and language, they would, if at all merge on the basis of a loose federation in which the autonomy of the acceding states is protected by the fundamental law.

Such a merger would unquestionably establish the unity of the Arab people and also protect the equality of the component states. Federalism alone is the formula of so noble a concert because, despite what some may think, federalism is not the antithesis of unity. It is the rampart of diverse heritages within a larger unity.

If, however, the concept of unity is congenital identity with indistinction in every facet of life, then, even an ultra-unitary constitution is grossly inadequate. But if unity means the acceptance of certain fundamental loyalties by a people of a geographical entity, then the best method of protecting these loyalties is through federalism, if of course, the degree of centralization is not high enough for a unitary government to exercise control from one indivisible centre.

In acquiescence to these fundamental truths, the 1940 Lahore Resolution stipulated that Pakistan would have a federal government. The Objectives Resolution, sponsored by the trusted and able lieutenant of the Quaid-i-Azam, reiterated the pledge in unambiguous terms.

For over fourteen years the rank and file of the Muslim League had in wisdom acknowledged the necessity of framing a federal constitution. The intrinsic conditions fortified by the lessons of history had erected an impregnable case for federalism.

The analogy between Quebec and East Bengal is of immeasurable value. The almost fanatical desire of the people of Quebec to protect their separate culture, race and language within the larger unity of the Canadian nation, is as great as that of the people of East Pakistan. A constitution antipathetic of such sensitivities inevitably stirs recalcitrance.

In the face of such imperishable circumstances, antagonism towards a federal constitution was not to be expected. The compulsion of logic, however, has rarely been a safe guide in assessing the requirements of the homo sapien. In this particular case, however, a plethora of conditions made federalism inescapable.

But agile minds can discover illusory outlets. In this respect, Mr. Mumtaz Daultana, a former Chief Minister of the Punjab, on his own admission, stated as late as on April 23, 1954 that:

“I have always advocated a unitary form of Government for Pakistan, even though I have been in a minority of one.”

As if that were not enough, he went on to express his views on federalism in the following words:

“As far as I am concerned, I have always stood against confederation or anything that practically amounts to that. The question of reserving the foreign exchange of one province for the use of that province alone or of confining the central services functioning in one province to the citizens of that province, is to me as ridiculous as to suggest that Punjabi soldiers should only be used to defend the Punjab, or that the public loans raised from the resources and population of one province should be exclusively used to the benefit of that province or area. Such narrow provincialism would, to my mind, be destructive both to the provinces of Pakistan and to the prosperity and greatness of this great land of ours.”

A more misconceived conception of federalism has still to be found. Such dangerous over-simplifications have in the space of three odd months precipitated a dangerous metamorphosis. In this period the lone voice of Mr. Daultana has become a shrieking crescendo in West Pakistan. Like John the Baptist, the former Chief Minister of the Punjab has succeeded in alluring the people of West Pakistan to the path of righteousness. Now the nation awaits the Messiah whose hand will transform rich diversity into barren identity.

John Stuart Mill said, “Political institutions are the work of men; owe their origin and their whole existence to human will. Man did not wake on a summer morning and find them sprung up. Neither do they resemble trees which once

planted, 'are aye growing', while men 'are sleeping'. In every stage of their existence, they are made what they are by voluntary human agency," Mill was hopelessly wrong.

Literally one fine summer morning in 1954, the federal principle, which had been evolved in every stage of its development by voluntary human agency was suddenly declared inherently discrepant by an array of powerful politicians.

Efforts were made to scrap a federal constitution in the making and put in its place a unique hotch potch which would accommodate 'the one unit scheme for West Pakistan' in a device that would ostensibly reconcile the irreconcilable, that is, blend federal and unitary governments.

Without giving the people an opportunity to examine the proposal, and without rendering a blueprint of the hotch potch, a relentless effort was made to present the nation with a fait accompli.

The proponents of the new scheme bellowed in vague generalizations that the amalgamation of West Pakistan into one unit would eradicate provincialism and reduce national expenditure. In actual fact the scheme, if implemented, would augment disintegration.

Above and beyond the fact that the proposal to convert West Pakistan into a single unit would be a negation of the historic 1940 Lahore Resolution and the Objectives Resolution, it would be totally unacceptable to Kashmir if and when that state becomes a part of Pakistan.

It is fairly obvious that Kashmir is most determined to guard its autonomy. Its tussle with India on this issue is too well known to be repeated here. It is, therefore, unlikely that the leaders of Kashmir too, will tergiversate and renounce all that they have been proclaiming with passionate conviction throughout these long and arduous years of struggle. Are we then to give preferential treatment to Kashmir and accept it at par only with East Bengal, or, have we forgotten Kashmir altogether and cannot envisage a West Pakistan with Kashmir included?

The dance made over One Unit turned into a fetish. All other forms of government were labeled anti-national, in particular, the federal one. In so thunderous a clamor a compromise on the new order seemed unlikely.

But strangely enough, when the resistance to the scheme gained momentum, a good number of the protagonists of One Unit came out with a compromise plan, which they, in their inscrutable wisdom, called "Zonal Federation." The

electrifying somersault, in itself, speaks volumes for the bankruptcy of their principles.

Thus, the people of Pakistan had to digest another absurdity. Out of sweeping political oscillations had emerged a compromise which added insult to injury. The conspicuous features of the Zonal Federation were that it had no precedent in history and that nothing was known of its details beyond the repetition of the cliché that it would destroy provincialism.

Some off-the-cuff idea of it conveyed the impression that it would usher in a top-heavy paraphernalia which would shoot up the expenditure on government to Himalayan heights. Individuals who had supported the One Unit scheme on the ground that it would reduce expenditure were the self-same people who associated themselves with a counter-proposal which would milk dry the national exchequer. This was the quintessence of audacity.

Political vicissitudes are such that, at the time of writing, the Zonal Federation proposal has been shelved aside and the One Unit scheme has reappeared with a vengeance. After a tense period of hidden tussle, the advocates of One Unit have regained political supremacy. An ex-Minister of the Central Government who credits himself -with the authorship of the formula has said that the writing on the wall is clear, and that the end of provincialism is near.

For whatever it is worth, the writing is clear on each and every wall, but as for the disappearance of provincialism—that is a matter of grave doubt. Out of the provincial rivalries of two major units, a scheme is born which boasts of being the iconoclast of provincialism. Indeed, if executed, it will unquestionably annihilate the geographical boundaries of the smaller units but, with the same decisiveness, it will perpetuate provincialism.

The canker of provincialism is a recent malady and the causes for its hold are, among others, the high-pressure methods used to implement schemes such as One Unit and Zonal Federation. Geographical lines can be blotted out by a stroke, of the pen, but cultural differences cannot be wiped out by legislation or executive ordinances.

It is futile to run counter to the movement of history. Diversity must be recognised and government must be so constituted as to stimulate the common weal.

By all means reduce the units of West Pakistan to the barest minimum but do it on the principle of cultural, geographical and historical affinities, and not by arbitrary whims.

Expenditure can be reduced by liquidating certain anomalies, which have been carved out of the provinces. Such amalgamations are logical and just and in no way jeopardize the federal principle. But a merger beyond the integration of the anomalies will create anarchy.

Federalism is not a voluptuous damsel over whose charm and desirability men differ. There can be no blind obsession for a legal concept. It so happens that the federal experiment has been put to test with remarkable success in countries where diversity prevails.

The examples of USA and USSR, to mention only two, are engraved in the annals of history. In both these great republics, tremendous economic, political and cultural progress has been achieved. Federalism has been instrumental in bringing about this progress.

Federalism has stretched the 'manifest destiny': of the United States to the borders of Alaska and Hawaii. It ties together into a national entity people from all parts of the world, with different languages and customs, religions and habits. They are all there—Greeks, Persians, Hindus, Mormons, Red Indians, Chinese, each proud of his origin, his religion and his heritage, and at the same time, conscious of his greatness as an American. Likewise, in the Union of Soviet Socialist Republics, each republic is a world in itself, and yet cemented to a single legal entity by federalism.

Undeniably, in the not so distant future, the inexorable process of evolution will establish a synthesis in all these countries, including our own, as in the case of the United Kingdom., That is the time when the transitory phase reaches its apogee and federalism gives way to unitarianism.

*The Distinction between Political and Legal Disputes
'Vision', Karachi, October, 1954*

A dispute arises when a claim is rejected. Hence a dispute presupposes both a claim and its rejection. The end of a dispute may be brought about either by peaceful means or by means of war. In the history of civilization, the latter method has been employed to the hilt. In recent years, however, sovereign, independent nations have manifested a striking propensity to experiment with the other alternative. Modern warfare's potential for total destruction has virtually obliged nations to partake in negotiation discussion and conciliation with an earnestness which was neither necessary nor possible in the pre-atomic era. Albeit, there are still a few among us who tenaciously clutch at the idea that war alone is the most efficacious system of determining disputes. This notion persists regardless of the fact that a resort to arms creates a host of new problems and vendettas instead of terminating the ones which ignited the conflagration. This discussion is solely restricted to the adjustment of disputes by means other than war and, more specifically, to the distinction between political and legal disputes.

The settlement of disputes by peaceful means may be achieved in two ways: (i) by an agreement of the parties to the dispute, and (ii) by a binding decision of international agencies.

In principle both these are legal methods but some authorities are of the view that the determination of disputes by an agreement of the parties is a political issue because the parties invariably apply their own rules in preference to the rules of existing law in determining the dispute. The word 'agreement' of course is used in a liberal context for, in the sphere of international relations, it is not a term of art. There is a catena of agreements since the middle of the nineteenth century. Exceptional are the agreements of 'consensus and idem' in the true contractual sense in the slippery game of 'machtpolitik.'

The usual definition of legal disputes is found in the famous treaties of Lorcan, according to which legal disputes are all those disputes in which the parties are in conflict as to their respective rights. This definition is of problematical value. It refers only to rights and not to obligations, though obligations are always involved in all disputes.

Perhaps the fairest and most accurate method of distinguishing legal disputes from political ones is by stating that legal disputes are those disputes which are capable of settlement by the application of existing legal norms, whereas political disputes are those which are left to the disputants themselves to determine according to their own norms. It can never be over emphasised that the nature of a dispute is not dependent upon the subject matter but exclusively upon the type of norm used to settle the dispute.

In distinguishing legal from political disputes it is argued that there are disputes to which international law cannot apply because it is not a complete, all pervading body of law. On account of its deficiency, the parties are constrained to apply their own norms. For a dispute to be settled by rules of law there must be pre-existing norms capable of application to the particular dispute. If such norms are non-existent, it is not possible to put international law into operation.

There is an inherent fallacy in this argument. It overlooks the fact that when a party submits a dispute to an international tribunal, it is given the option of requesting the tribunal to settle the dispute either in observance of pre-existing law or by the application of principles of natural justice and equity. In either event, the decision of the tribunal is a legal one.

Even if the tribunal applies principles of natural justice and equity, the result is a legal determination of the dispute. Just as in national law, legal norms are extended by judge-made case law, so also, in international law, the decisions of the tribunal, although based on principles of equity and natural justice, become legal precedents for subsequent disputes. In each event the relevant principles are transformed into individual legal norms. Once a dispute is submitted to an international agency, the determination thereof becomes a matter of law irrespective of the type of norms applied.

It must be admitted, however, that the advocates of the distinction between political and legal disputes are greatly fortified by a series of precedents in international affairs. Nonetheless, such precedents are of dubious merit because most of them brazenly ignore the most elementary standards of reason and logic. Furthermore, in any event, a precedent of a decentralized legal order does not carry the same force as that of a relatively centralized legal order.

The framers of the covenant of the League of Nations were the first and foremost delinquents in contemporary international relations to draw a distinction between legal and political disputes. This was done by splitting up the subject matter of disputes into justifiable and unjustifiable disputes: a justifiable dispute being capable of settlement by the application of existing rules of international

law, whereas a non justifiable dispute, not capable of such solution, being left to the parties to settle.

The Act for the Pacific Settlement of International Disputes adopted by the Assembly of the League of Nations was based on the principle of severance of disputes into justifiable and non-justifiable ones. This Act provided for the submission of legal disputes to arbitration and stipulated that other disputes were to be settled through conciliation. If efforts at conciliation failed, the dispute was to be referred to a tribunal which would apply principles of natural justice and equity if the prevailing norms of international law were found 'inapplicable.' Barring some formal amendments the Act remains in force.

The Charter of the United Nations also draws a line, between legal and political disputes by providing that if the decision of the International Court of Justice is not accepted, the Security Council may recommend other means. Thus, there is nothing to prevent such recommendations from being contrary to the legal decision of the International Court of Justice. Article 94 states:

- (1) Each member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.
- (2) If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

Hence in making a recommendation, the Security Council is not prevented from setting aside the judgment of the International Court of Justice with which the party concerned does not comply. In other words the five veto-blessed powers with permanent representation on the Council have the final word in all international disputes. Such a provision establishes without doubt the supremacy of politics over the rule of law. It is profoundly anomalous to find the Charter on the one hand enunciate in Article 2 paragraph 1 that "The Organization is based on the principle of sovereign equality of all its Members," and on the other, remain a pawn of the permanent members, entirely on the sufferance of their goodwill.

Despite the Charter's obvious bias towards political interests, as already stated, the rules of logic and reason cannot be subordinated by the pressure of political considerations. According to a scientific analysis of positive international law, there is absolutely no distinction between political and legal disputes. The

distinction arises only because certain elements consider it advantageous to their narrow personal interests. From an objective standpoint it is entirely superficial. The fact that one of the parties may not agree to settle a dispute by the application of international norms does not make the dispute a political one.

For instance, in the initial stages of the seven-year old Kashmir dispute, the contention of the Indian Government was that the ruler of Jammu and Kashmir had legally acceded to the Indian Union and that on the strength of the Instrument of Accession, legally executed between the Maharajah and the Indian Union the Government of India was legally obliged to render assistance to the State of Kashmir. It was further contended that on the basis of the accession, Kashmir became an integral part of the Indian Union. Hence it was solely the legal aspect of the dispute which prompted the Indian Prime Minister to submit the Kashmir question to the Security Council. That the dispute was submitted to an international agency, and as admitted by India, made the Kashmir dispute strictly a legal one.

Subsequently, however, India had second thoughts. Now the Government of India has, for all intents and purposes, reconverted the dispute into a political one and, thereby, paralyzed international legal machinery. International law is thoroughly competent to determine the dispute but one of the parties morbidly fears that the decision most probably will be inimical to its political interests and so it seeks to thwart every move of the international agency.

The distinction between political and legal disputes presupposes the doctrine of gaps. It is this theory of "gaps in the law" which is the fountainhead of the distinction between political and legal disputes. The *raison d'être* of the theory is that provisions must be made by the legal apparatus to gradually remedy the lacunae in the law.

The doctrine of gaps is not merely confined to the relatively decentralized international law. It finds place even in centralized national legal orders.

The theory of gaps is a dangerous fiction and. it is most unfortunate that it has permeated even through the fabric of highly developed national legal orders. It is utterly erroneous to subscribe to the view that prevailing law cannot be applied to a specific case because there is no general norm which refers to it.

In his *General Theory of Law and State*, Professor Hans Kelsen says: "The legal order cannot have any gaps. If the judge is authorised to decide a given dispute as legislature, in case the legal order does not contain any general norm obligating the defendant to the behavior claimed by the plaintiff, he does not fill a gap of actually valid law, but he adds to the

actually valid law an individual norm to which no general norm corresponds. The actually valid law could be applied to the concrete case – by dismissing the suit. The judge however, is authorised to change the law for a concrete case. He has the power to bind legally an individual who was legally free before.”

It has already been stated that even when a legal tribunal applies the principles of natural justice and good conscience in preference to the rules of existing law, its decision is a legal one. In addition to this, there is an important maxim of general international law which stipulates that that which is not legally forbidden is legally permitted. Hence, there can be no dispute outside the domain of international law. Indeed, international law categorically permits the disputants to frame their own norms in settling their disputes. Therefore, on the strength of this maxim, even when the parties are permitted to settle their own disputes according to their own norms, outside the precincts of an international tribunal, they are complying with a provision of general international law. Thus the disputants are not filling the lacuna in the law but merely complying with pre-existing rules. Where then, is the deficiency in the law?

Those who prescribe to the theory of “gaps in the law” are in reality only anxious to find a rationale for retaining the supremacy of politics over law. Efforts to establish the predominance of one over the other arise because there is a general tendency to confuse the true relationship between the two social techniques. Politics is the end in view, the objective one strives to attain; law on the other hand, is one of the many means to achieve the political end. If this relationship is recognised, then the need to campaign for the supremacy of the one over the other becomes quite redundant.

In the ultimate analysis each individual must ask himself whether political ends should be attained by peaceful means or by the use of brutal, barbaric force. If peaceful means are preferred then the only logical and decent method is through the application of the rule of law. No other peaceful technique can replace it. The need to quibble over unscientific and transient expedients vanishes once each person acknowledges the permanent and all-embracing quality of law.

In national legal systems, apart from a few exceptions, people have come to accept the supremacy of law over all other means in the achievement of certain ends. In the sphere of international relations, however, humanity has still to travel much farther before such a desired state of affairs is achieved. But here also the relentless mill of law is gradually grinding the wheels of centralization which will eventually solidify the structure of the international community and place the entire burden on the rule of law as the only means of solving disputes.

The most rapid way in which such a condition can be created is by submitting all disputes to the International Court of Justice for compulsory and binding adjudication. Such a shift in the international organization will, of course be violently denounced by a number of states, but if accomplished, it will not only replace a servile and senile social order by a fresh and invigorating one but will also give this war-sick humanity genuine cause to believe that bloodshed as a means of achieving political or economic ends is dead forever.

*Treaties of Self-Defence and Regional Arrangement
'Vision', Karachi. November, 1954*

When the North Atlantic Treaty Organization came into existence on the 4th of April, 1949 in Washington, the Soviet Union flanked by its satellites removed the lid off the colossal communist propaganda machine in order to spit fire and venom against the treaty. In Manila, on the 8th of September, 1954 under the aegis of the United States of America—SEATO the counterpart of NATO was christened and baptized for the defence of that amorphous geographical expression—South East Asia.

As the objectives of both the treaties are essentially the same, the Soviet bloc has reacted as adversely against SEATO as it had done against its counterpart in Europe. By way of illustration, the statement issued by the Ministry of Foreign Affairs of the USSR reads;

“The Soviet Government can regard the Manila Conference and the signing of the South East Asia Defence Treaty, only as actions directed against the interests of security in Asia and the Far East, and at the same time against the interests of the freedom and national independence of the peoples of Asia. The states who initiated the creation of the above new military bloc in the South East Asia and Pacific area assume entire responsibility for their actions which grossly run counter to the tasks of strengthening peace.”

Associated with the harsh reaction of the Soviet Union is the characteristic outburst of Pandit Jawaharlal Nehru’s oratory. Drawing inspiration from George Orwell’s book ‘1984’, the Indian Prime Minister has said of the Manila Treaty. “That is what I call doubletalk, doublethink.”

Pakistan, as a signatory to the Pact, must take cognizance of the hostility enwrapping it and scrutinize dispassionately its status as a founder member of the new organization. The decision to cast one’s lot with the destinies of either bloc is based upon two fundamental assumptions:

- (i) That neutrality in the present conflict of the Titans is impractical.
- (ii) That the emergence of an equally powerful Third Force capable of establishing a balance of power is unforeseeable in the near future.

The recent commitments of Pakistan clearly indicate that the authors of our foreign policy have rejected both the imminence of neutrality and the emergence of a Third Force. In this respect, the foreign policy of the United States is not dissimilar to that of Pakistan. The central motif of the so-called bipartisan policy of the United States is to tie up all the nations outside the Iron Curtain into an intricate net of interlocking alliances which will embroil them all in any attempt by the communist states to spark off a conflagration.

But in the event of aggression by any force other than a communist power, the United States policy is somewhat different. In such a contingency the unambivalent intention of the United States is to desist from committing herself in a forthright manner. In other words, beyond moral pressure, nothing more; although in such events, it is that something more which is of significance.

In strict adherence to this basic tenet, the U.S. has not really involved herself in issues such as Trieste and Kashmir. When Yugoslavia was in the communist bloc, the United States supported the Italian claim but when Tito's split from the Soviet Union occurred, the U.S. successfully sponsored the move to split Trieste as well. But the Korean story is quite different and is too well-known to be repeated here. In the case of Indo-China, had it not been for the pressure exerted by France and Great Britain, the United States, prior to the Geneva Conference, would have manifested its anxiety to settle the problem in a more forceful manner.

Hence, while blood flowed in Kashmir, Jeffersonian America kept aloof with remarkable nonchalance, whereas the first shot out of a trigger-happy communist in any theatre of the world can cause a chain reaction throughout the non-communist bloc to inveigle us all to march against the Soviet Union and her allies, and the powerful People's Republic of China.

The above stated policy of the United States is vigorously pursued in her SEATO commitments. Indeed, it is self-evident from the special protocol appended to the treaty which reads:

"The delegation of the United States of America in signing the present treaty - does so with an understanding that its recognition of the effect of aggression and armed attack and its agreement with reference thereto in Article 4, paragraph one, apply only to communist aggression but affirms that in the event of other aggression or armed attack it will consult under provisions of Article four."

Article 4 is the fulcrum of the treaty and will be discussed later. At this stage the relevant provisions will be compared with similar provisions of the North

Atlantic Treaty with the purpose of detecting the true value of 'consultation' in the event of an emergency.

Article 4, paragraph 2 of the Manila Treaty stipulates:

"If in the opinion of any of the parties, the inviolability or integrity of the territory or sovereignty or political independence of any party in the treaty area or of any other state or territory, to which the provisions of paragraph one of this article from time to time apply, is threatened in any way other than by armed attack or is affected or threatened by any other way than by armed attack or is affected or threatened by any fact or situation which might endanger peace of the area, the parties shall consult immediately in order to agree on the measures which should be taken for common defence."

In comparison, Article 4 of the North Atlantic Treaty reads:

"The parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the parties is threatened."

It is quite obvious that the two articles are not dissimilar. As a matter of fact, one is the barometer of the other. Hence, the ineffectiveness of one, *ipso facto*, engenders skepticism against the other. The opportunity to test the value of the North Atlantic Treaty article arose in the case of Goa. Dr. Salazar laid stress on Article 4; but as the dispute was between noncommunist countries, the United States, Great Britain and Canada deemed it prudent 'merely to send a note to India stating that Portugal could ask the North Atlantic Treaty Council to take up the dispute. Pandit Nehru, or anybody else for that matter, is unlikely to be greatly disturbed by such prow. As If this is the purport of 'consultation' as envisaged by Article 4, there is little hope of it being taken seriously. Thus ends the obiter dictum.

In contradistinction to the 'Free World's system of collective security, based on multilateral agreements, the Soviet system is founded on a series of bilateral treaties. The Soviet Union seems to detect some innate virtue in the bilateral character of the communist agreements. When it expressed its objections to the Atlantic Pact in a memorandum on March 13, 1949, addressed to the intending signatories of the Pact, it rejected in anticipation the Western criticism of the Soviet treaties by stating:

"All the Soviet Union's treaties of friendship and mutual assistance, with the countries of peoples' democracy have a bilateral character....."

This argument ignores the fact that, when all the Soviet and satellite bilateral agreements are put together, there is an impregnable network imposing the same obligations as one multilateral treaty.

According to the Charter of the United Nations, treaties of collective security fall either in the chapter on 'self-defence' or in the one on 'regional arrangements'. Strict observance of the Charter is profoundly important for at least two very cogent reasons:

- (i) The Charter of the United Nations takes precedence over all other treaties and pacts because Article 103 provides:

"In the event of a conflict between the obligations of the members of the United Nations under the present Charter and their obligations under any other international agreement their obligations under the present Charter shall prevail."

This provision binds non-members as well because Article 2, paragraph 6 states:

"The Organization shall ensure that states which are not members of the United Nations act in accordance with these principles so far as may be necessary for the maintenance of international peace and security."

- (ii) In any event, there is no system of collective security which is explicitly repugnant to the Charter. Both NATO and SEATO recognize its supremacy. A part of the SEATO preamble reads: "The parties to this Treaty recognize sovereign equality of all parties; retain their faith in purposes and principles set forth in the Charter of the United Nations and their desire to live in peace with all peoples and all governments. Reaffirming that in accordance with the Charter of the United Nations, they uphold the principles of equal rights....."

Furthermore, Article I of the same treaty stipulates:

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

It is therefore, fundamentally essential to examine the provisions of Chapter VII pertaining to 'self-defence' and Chapter VIII of the Charter pertaining to 'regional arrangements.' The dire necessity to draw a distinction between self-defence treaties and regional arrangements has been felt abundantly in the annals of international politics. Undeniably a great deal of material overlaps, hence the urgency to draw the distinction.

Self-defence means the violation of the right of another for the purpose or preventing or redressing the violation of one's own right. This right established by a rule of general international law which has the character of *jus cogens* so that it cannot be affected by any treaty.

In the opinion of numerous jurists, it is an inherent right recognised not only by the social technique called 'law' but also by the forces of morality and religion. Islam, for instance, categorically recognizes the right of self-defence.

The Holy Quran says (Sura 11):

"Fight in the cause of God those who fight you, but do not transgress limits; for God loveth not transgressors.

And slay them wherever ye catch them and turn them out from where they have turned you out; for tumult and oppression are worse than slaughter; but fight them not at the Sacred Mosque, unless they (first) fight you there; but if they fight you, slay them. Such is the reward of those who suppress Faith.

But if they cease, God is oft-forgiving, Most Merciful.

And fight them on until there is no more tumult or oppression, and there prevail justice and faith in God; but if they cease, let there be no hostility except to those who practice oppression.

The prohibited month for the prohibited month—and so for all things prohibited—there is the law of equality. If then anyone transgresses the prohibition against you, transgress ye likewise against him. But fear God, and know that God is with those who restrain themselves."

So fundamental is the right of self-defence that Mr. Kellogg, the American Secretary of State, objected to the introduction of a reservation of self-defence in the 1923 Pact of Paris, Article I of which merely contained that the signatories renounce war as an instrument of national policy in their relations with one another.

In support of his position, Mr. Kellogg declared in somewhat sweeping language that the right of self-defence 'is inherent in every sovereign state and is implicit in every treaty. Every nation is free at all times and regardless of treaty provisions to defend its territory from attack or invasion and it alone is competent to decide whether circumstances require recourse to war in self-defence.'

Since the right of self-defence individually interpreted by each nation as the sole judge is capable of great elasticity, the Charter of the United Nations endeavors to limit the right to resort to armed force by the provisions of Article 51 which states:

"Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a member of United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

Thus this Article confers the right of self-defence in the event of an "armed attack." It makes no difference whether the armed attack is carried out by a member or by a non-member. But the attacked state must be a member of the United Nations. However, if the right of self-defence is an inherent right, how can it be denied to a non-member? Notwithstanding the fact that Article 51 is silent on the right of self defence vis-à-vis a non-member, it is absurd to contend that the Charter denies a non-member its inalienable right to defend itself against an armed attack. Furthermore, if such a contention were recognised, a member state would be barred from aligning itself with a non-member in a treaty of self-defence.

The term of paramount consideration in Article 51 is "armed attack." The Charter omits to define it. Who, then, is entitled to sit in judgment and ascertain that an armed attack has taken place in a concrete case? According to the canons of common sense, it ought to be the attacked state. On the other hand, an individual state being the sole umpire may regard even the remotest interference by an outside power in its domestic matters an "armed attack." It may even view monetary and moral assistance to revolutionary groups within its frontiers as an 'armed attack' by the power which renders the assistance to the revolutionaries in their fight against the established government.

However, the most significant and far-reaching effect of Article 51 is that it puts the veto into reverse. Under this Article a state is permitted to resort to arms in self-defence until the Security Council “has taken measures necessary to maintain international peace and security.” Hence, since a state is permitted to take up arms in self-defence without any pre-existing reservations, an interested party on the Security Council can pulverize the Council by a single veto from taking the necessary measures to assist the attacked state. In this sense the veto is reversed with the result that a twentieth century Nero can quite easily burn a Rome while the Council debates in New York.

As Article 51 permits the use of force in a restricted sense, it is an exception to Article 2, paragraph 4 of which reads:

“All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.”

Article 107 and 53 also permit the use of force and are, therefore, equally inconsistent with Article 2, paragraph 4. Both Articles 107 and 53 will be discussed later.

In contradistinction to self-defence, the term ‘regional arrangement’ is, relatively speaking of recent origin in international politics. It was incorporated in the Charter primarily to safeguard the sanctity of arrangements covered by political commitments and declarations such as the famous Monroe Doctrine. It is abundantly clear from America’s initial attitude towards the League of Nations that she has been ultra sensitive about the Monroe Doctrine. Now, of course, the political equilibrium has shifted radically and the Monroe Doctrine has been overcast by new commitments. But in those halcyon days of the San Francisco Conference, there were very few among us who had the foresight to think in terms of the present tensions.

Chapter VIII of the Charter deals exclusively with regional arrangement, Article 52, paragraph 1 stipulates:

“Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the purposes and principles of the United Nations.”

“Regional arrangements” is a nebulous term. Literally interpreted, it connotes geographical propinquity. However, the perimeter of interest in the various regional arrangements is certainly not limited to geographical propinquity and, what is more, Chapter VIII of the Charter provides no such restriction. Indeed, in Article 53 the term is used to cover any treaty concluded by some members for action against enemy states without regard to geographical location of the states which are parties to the treaty.

At the San Francisco Conference, the Egyptian delegate observed that “regional arrangements are not intended solely to guard against aggression but to serve wider purposes also, such as the promotion of social and economic co-operation”. In the Egyptian view it was of the essence of a regional arrangement that it should be of a permanent nature. In reply, the delegate of United States said, “The question of defining the term ‘regional arrangements’ has already been fully debated, and the decision has been recorded that reliance should be placed upon the general terms of the Charter ...The attempt to enter into definitions would entail indefinite discussion and interminable delay.”

A regional arrangement can, from a certain vantage, be interpreted as a treaty of self-defence if the exception explicitly recognised by Article 53 tacitly includes the condition of resorting to force under Article 51.

Article 53 of the Charter states:

- “1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against an enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Government concerned, be charged with the responsibility for preventing further aggression by such a state.
2. The term ‘enemy state’ as used in paragraph I of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.”

On the face of things, this Article permits “enforcement action” without the authorization of the Security Council only in the case of “measures against an enemy state”. If, however, self-defence is an inherent right, it follows that the

sanction under Article 51 is also an exception, though an implied one, which permits “enforcement action” under Article 53 without the authorization of the Security Council.

Hence if this interpretation is to be accepted, there are in fact two conditions under which regional arrangements are permitted under Article 53 to carry out “enforcement actions” without going through the Security Council ordeal. The express condition is the action against enemy states and the implied one is in the event of self-defence. If this analysis is correct then Article 53, like Article 51, reverses the veto.

If, however, action against enemy states is the only exception, then Article 53 is a serious impediment to those who establish regional arrangements solely for the purpose of self-defence. Under such circumstances, it is incumbent upon the parties to take the authorization of the Security Council before resorting to any action. In such an event, the veto acts directly, and hence, can frustrate the implementation of the necessary measures.

Apart from this disadvantage, regional arrangements are also caught by the strings of Article 54, which reads:

“The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.”

This provision can be a source of unfathomable embarrassment to members of a regional arrangement who do not relish the idea of disclosing all their schemes and statistics to a potential aggressor on the Security Council. Such a regional arrangement has the possibilities of devolving into a farcical carnival which would entertain only its enemies.

Furthermore, a member of a regional arrangement cannot assist an enemy state which is a fellow member of the regional arrangement in the event of an attack upon an enemy state by a member of the United Nations.

Such a possibility was not beyond contemplation when Yugoslavia was in the Soviet bloc. In that period the Soviet Union could have viewed the activities, of Italy in regard to Trieste as hostile to the interests of peace and security, and taken action against it under Article 107 of the Charter, which reads:

“Nothing in the present Charter shall invalidate or preclude action, in regard to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorised as a

result of that war by the Governments having responsibility for such action.”

If regional arrangements are to remain consistent with the purposes and principles of the United Nations and organizations such as NATO and SEATO are regarded as regional arrangements, then it is doubtful whether the NATO powers could have assisted Italy, a fellow member of NATO in such a situation.

The crucial question, therefore, is to determine the true character of pacts such as NATO and SEATO. If they are regional arrangements, they must comply with the restraints imposed upon them by the Charter. If, on the other hand, they are treaties of self-defence, the Charter gives them greater scope of achieving their real objectives. Significantly enough, Article 5 of the North Atlantic Treaty stipulates:

“The parties agree that an armed attack against one or more of them in Europe or North America shall be considered as armed attack against them all; and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the party or parties so attacked by taking forthwith, individual and in concert with the other parties such action as it deems necessary, including the use of armed force, to restore and maintain the securities of the North Atlantic area.

“Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.” The second portion of Article 5 of the North Atlantic Treaty is quite innocuous in view of the fact that the Security Council may be prevented by the veto from taking the “necessary measures to restore and maintain international peace and security”.

Hence, the North Atlantic Treaty deliberately relies on Article 51 of the Charter and avoids containing any provision that may be interpreted as conforming with Article 54 of the Charter which obliges the parties to the treaty to keep the Security Council fully informed of “activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.”

In an effort to avoid being trapped by Article 51, the North Atlantic Treaty manages to keep Article 3 of the Treaty outside the restrictions imposed by the Charter on regional arrangements. Article 3 of the North Atlantic Treaty reads:

“In order more effectively to achieve the objectives of this treaty, the parties, separately and jointly, by means of continuous and effective self-help and mutual aid will maintain and develop their individual and collective capacity to resort to armed attack.”

If this provision was subject to Article 54, it would have been most awkward for the North Atlantic Treaty powers. Hence, it is not a mere accident that the North Atlantic Treaty consciously chooses to fall within the perimeter of Chapter VII of the Charter and with equal caution avoids being caught by Chapter VIII.

The Manila Treaty makes no specific mention of either Chapter VII, Article 51 or Chapter VIII. Nevertheless, Article 4 of the Treaty gives the impression of partiality towards Article 51. In comparing the North Atlantic Treaty with the Manila Treaty, some people have called the latter ‘toothless’. The strength of a treaty, however, is entirely dependent upon the political convictions of different communities.

Diametrically opposed reactions to the Manila Treaty from the basic attitude of the respective blocs. Some non-communist observers have stated that the provisions of Article 4 of the South East Asia Treaty are cumbersome and that the procedure to counteract an emergency is highly dilatory.

On the other hand, Soviet commentators have severely condemned the same Article and have said that it envisages the interference of its participants at any time and on any pretext in the internal affairs of the South East Asian countries.

This discussion, however, is incomplete without dilating upon the question whether NATO and SEATO are regional arrangements. A particular norm is generally open to two or more logical interpretations and a treaty such as SEATO is not immune from an analysis which can attribute more than one meaning to its text. The North Atlantic Treaty, for instance, has been called a regional arrangement as well as a treaty of self-defence. Sir Eric Beckett, Legal Adviser to the British Foreign Office, has argued that the North Atlantic Treaty is not a regional arrangement. His main contention is that the principal purpose of the North Atlantic Treaty is collective self-defence and therefore it is not a subject matter of Chapter VIII of the Charter.

Professor Kelsen has discussed Sir Eric Beckett’s thesis in the American Journal of International Law and has said:

“It is hardly possible to deny the possibility of interpreting the North Atlantic Treaty as a regional arrangement within the meaning of Chapter VIII of the Charter. This seems to be the most plausible, but it is not the only possible interpretation. Since the Charter does not define the concept of regional arrangement and especially since the exercise of collective self-defence is not expressly referred to in Article 53, it is not impossible to consider a treaty for the implementation of Article 51 as an agreement different from a regional arrangement. As in so many cases the Charter allows contradictory interpretations.”

Pakistan must ascertain all the important consequences of the Manila Treaty before ratifying it. Whatever may be Pakistan’s weaknesses, it is not in its character to violate the sanctity of an international commitment.

A treaty may be open to varying interpretations, but if the purposes are clear, the interpretation can never be ambiguous, no matter what the antagonists of the hallowed maxim *pacta sunt servada* may do or preach.

On One Unit

Press Statement, Larkana, November 24, 1954

Relentless efforts are being made to write the last chapter of Sindh's history by those who erroneously think that the ancient land of Moenjodaro came into existence only when the British deemed it prudent to cut up the subcontinent into small areas for administrative purposes. Thus the battle of Miane is a figment of our imagination.

It is most painful to have baseless accusations hurled at us merely because we are striving to preserve all that is dear and sacred to us. If it really was a question of vested interests, a feudal lord would not have become a Chief Minister in order to ram One Unit down our throats.

As for genuine fears.—they are indeed genuine. No province or administrative device can erase them in the near future. The history of the last seven years serves as a witness.

Sindh played a valiant part in the creation of a state in which she expected to be an equal partner of all component units. Sindh still stands for that equitable distribution of political power between all the provinces and not merely between the two major units.

The Essentials of a Constitution
Karachi, May 1955

On the 24th of October, 1954, the Governor-General of Pakistan issued the following proclamation:

“The Governor-General having considered the political crisis with which the country is faced, has with regret, come to the conclusion that the constitutional machinery has broken down. He, therefore, has decided to declare a state of emergency throughout Pakistan. The Constituent Assembly as at present constituted has lost the confidence of the people and can no longer function.

The ultimate authority vests in the people who will decide all issues including constitutional issues through their representatives to be elected afresh. Elections will be held, the administration of the country will be carried on by a reconstituted Cabinet. He has called upon the Prime Minister to re-form the Cabinet with a view to giving the country a vigorous and stable administration. The invitation has been accepted. The security and stability of the country are of paramount importance. All personal, sectional and provincial interests must be subordinated to the supreme national interests.”

This proclamation, of far-reaching significance, has reopened the question of constitution-making from item number one, and therefore, the nation’s attention must be riveted to, what are without a doubt, the basic disciplines of fundamental legal norms.

The anarchists would have us believe that the framing of laws is in itself an evil which merely perpetuates the stranglehold of the state. They believe that in the rudimentary stage of social evolution, human beings lived in splendid fraternity because they were not chained by laws. According to them, humanity must return to those halcyon days by abolishing both the state and the laws regulating it. Norms of law ante-date the state.

For the sake of argument however, even if there were a period in history when homo sapiens were not restrained by the fetters of law, that stage, in the evolution of the social order is, in this day and age, as distant from the realities of life as Neptune is from this planet.

An analytical study of jurisprudence reveals that laws are the pillars of the state, and that the constitution is the highest law, the very basis of the state. It is the ‘Grand norm’ from which the state derives its legal validity, the juristic source

from which the state emerges with rights and duties in an international community.

The forces which give shape to this fundamental norm are, strictly outside the precincts of juristic investigation. Not infrequently, these meta-juristic elements are to be found in the expression of the "People's Will." But even so, the "Volksgeist", irrespective of its innate vitality is incapable of bestowing the state with a legal validity, because "law proceeds only out of law, and the force of law is law itself."

In view of this proposition, the preamble of the American Constitution is from analytical considerations impolitic. It begins as under: "We the people of the United States, in order....."

The Founding Fathers were not "the people of the United States" until their constitution created the legal entity called the United States of America. The enforcement of the constitution was the condition precedent for the coming into existence of the Republic itself. An assembly composed of representatives of the thirteen states of the Confederation entrusted with the task of framing a constitution was not and could not be the people of a state which had not, at that particular juncture, come into existence.

This preamble is indicative of the thin line that prevails between the basic juristic and meta-juristic sources. Although the latter invariably precede the fundamental juristic source, that is, the constitution, and is essential for its effective implementation, never must it be forgotten that the former alone is capable of conferring the state with legal rights and duties. However, although in most cases the constitution is the fundamental juristic source of "the state", such need not always be the case.

For instance, as far as Pakistan is concerned, the fundamental legal norm that established the legal entity called 'Pakistan' was the Indian Independence Act of 1947. The Constituent Assembly of Pakistan was not entrusted with the task of creating a sovereign state. In a manner similar to that of the assembly of the representative of the thirteen American colonies, an act of the British Parliament had already achieved this purpose. Hence, the Constituent Assembly of Pakistan was charged only with the responsibility of framing a constitution that would give Pakistan a form of government more in consonance with its independent status. Even in this case, it can be argued with force that the modified Government of India Act, read with the Indian Independence Act, 1947, is the Constitution of Pakistan, and therefore, there is no real exception to the proposition that the constitution is the basic norm of all states. There is no need to cavil at this point.

In countries where the constitution is the basic norm, the renunciation of the constitution tantamount to the extirpation of the state itself. Pakistan cannot be forced with this consequence unless and until the constitution becomes the fundamental law, that is not until a constitution is framed which supersedes all other norms. Then, and then only, will the constitution replace the Indian Independence Act, 1947, and the Government of India Act, 1935, and become the fundamental norm, the legal *raison d'être* of the State of Pakistan. Those who contend that the Indian Independence Act 1947 is the constitution, for them the repeal of that Act is sufficient to question the legal validity of the State of Pakistan as brought into existence by that Act.

Such an anomalous situation irresistibly poses the question whether a repeal of the Indian Independence Act of 1947, by the British Parliament before the enactment of a national constitution, extirpates the State of Pakistan?

This is purely an academic question. But even so, Section 6(4) of the Indian Independence Act guards against such a possibility by providing that:

“No Act of Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to either of the new Dominions as part of the law of that Dominion unless it is extended thereto by a law of the legislature of the Dominion.”

An abrogation of the constitution, must not, however, be confused with a law which brings about a change in Government. The former puts an end to the state *per se*, the latter only alters the authority within the state. Even if a new government drastically alters the ordinary law and amends a pre-existing constitution, it does not impair the legal validity of the state.

The only condition under which a change in the government extinguishes the legal entity of the state is when a government established by law is overthrown by the use of force. In such an event, the application of means not permitted by the law of the land, is the meta-juristic source of the new constitution. This extra-judicial source is commonly called “revolution.”

Hence, as the state and its constitution are concomitant phenomena, an examination of the basic attributes of the fundamental law is important. If a constitution seeks to leave its impress on posterity, it must comply with the following rules:

- i. It must be framed in consonance with the personality and the will of the people.

- ii. It must retain its flexibility.
- iii. It must confine itself to essential norms.

A constitution may be federal or unitary in form, it may or may not stipulate for the independence of the judiciary it may vest the executive power in the President or the Prime Minister and his Cabinet, it may even provide for the minutest detail of administration; but, no matter what its normal provisions be, it cannot be a “good” constitution if its form is inimical to what Leon Duguit called the “solidarite sociale” of the people. Form is important, but substance is of supreme importance.

There is a plethora of incidents in history which clearly illustrate the ultimate doom of constitutions which fail to reflect the true spirit and the native genius of the community. Although one need not go all the way with Hegel, he nonetheless observes:

“What is called the making of a constitution is a thing that has never happened in history. A constitution only develops from the national spirit identically with that spirit’s own development.”

Obviously a constitution cannot control the machinery of state in a satisfactory manner if it prescribes a form of administration antipathetic to the people. Indeed, if the constitution ceases to represent the “Volkgeist,” that is the will and the sentiments of the people, there is sure to be a revolt against it. The greatest danger of this exists when constitutions are uprooted’ from their natural and logical surroundings and hastily superimposed upon a totally different soil. Of course ideas have to be borrowed and adapted to indigenous conditions, but the bulk of the document must fit into the local setting and be in concord with the personality of the community.

“Doctrinaire enthusiasms may adorn a constitution, but if they are out of tune with the existing power relationship they are no more than an ornament. And by ‘power relationship’ is meant not merely a situation where the naked force of so many people in the country could overcome that of the minority, or where an armed and more homicidal minority could dictate to majority, but also the spiritual values, awake or habitual, prevailing among the various groups which dwell together within a single nation.”

A constitution is no trivial object that can be transplanted *in toto* from one cultural pattern to the next without causing serious repercussions. Hence, infinite caution must be exercised in studying the local needs and values and judicious

discretion applied in borrowing ideas and concepts from alien constitutions. Plagiarism in constitution-making is an unpardonable error, and in the last analysis, the cause of recalcitrance towards the constitution.

Montesquieu, the renowned continental jurist, made the following observations in this respect:

“Law, in general, is human reason in so far as it governs all the peoples of the earth, and the political and civil laws of each nation ought to be only the particular cases to which this human reason is applied.

“They ought to be so closely adapted to the people for whom they are made, that it is very improbable that the laws of one nation can never be suited to the wants of another nation.

“The laws must harmonize with the nature and the principle of the government which has been established or which it is desired to establish, whether they serve to constitute it as do political laws or to support it as do civil laws.

“The laws ought to be relative to the physical character of the country, to its climate, whether frozen, burning or temperate; to the fertility of the land, to its situation and to its extent, to the prevailing mode of life among each people, accordingly as it is agricultural, pastoral, or employed in the chase, they ought to be relative to the degree of liberty which the constitution can bear, to the religion of the inhabitants, to their tastes, their riches, their numbers, their commerce, their morals and their manners.”

It is impossible, however, for a constitution to retain the national will and personality for long if it is rigid. Peoples’ values are subject to incessant modifications, and it is incumbent upon a good constitution to register the changes accordingly or it cannot maintain its vigor and remain the true embodiment of the community’s will. Indeed, it is essential for a constitution to be a judicial mirror of changing realities, reflecting the shifts in the community’s moods and power relations.

Unfortunately, many well-drafted and basically good constitutions become obsolete because they fail to follow this rule. The reason why some constitutions are inelastic is that orthodox theorists consider it improper to tamper with the fundamental law. They argue that since the constitution is the basis of the national legal order, it must be of a more permanent nature than the ordinary law. Hence, a change in the constitution is made more difficult than the amendment of ordinary laws.

In marked contradistinction to the deification of the fundamental law lies the rational belief that a constitution is a thing to serve, not to be served or idolized. The outstanding characteristic of the British constitution is its extraordinary elasticity. Amery, in his *Thoughts on the Constitution*, rightly says:

“It is a living structure, shaped by the interaction of individual purposes and collective instincts with changing external circumstances. It has followed the laws of its own growth, and not a preconceived intellectual plan designed to control and confine that growth.”

“The principle of flexibility is a rational one. In a world which is fast changing, in which economic and political forces move from one direction to another, in which science explodes old concepts and institutions from day to day, it is the wiser community which takes cognizance of the empirical approach and keeps abreast with the changes.”

However, it is not contradictory in any way to accept the principle of flexibility on-one hand, and to consider a frequent tampering with the constitution inadvisable on the other. The fundamental law must conform with the changes, but at the same time, it is vital that it retains its basic and original character, which in turn is based on certain lasting principles. Thus, a constitution must preserve its fundamental postulates and also accept the principles of flexibility.

This is indeed a difficult balance to achieve and can only be done if the contents of the constitution are kept to the barest declaration of essential legal norms. In a detailed and over-loaded document this desirable balance is an impossibility.

After all, a constitution is only a part of the law of the community and is not supposed to cover every conceivable contingency. It is primarily a legal document, intending to state only the supreme rules of law and, therefore, should confine itself strictly to stating the fundamental rules of law, not opinions and ideologies.

It is unfortunate that there are some among us who do not look upon a constitution as a purely legal document. To them it is a manifesto, “a statement of ideals, a charter of the land.” Hence, the tendency to make lengthy preambles and policy directives a traditional part of most modern constitutions. This is an unhappy trend and produces confusion rather than clarity in the true approach to the fundamental law. Since preambles and directive policies have an ideological rather than juristic force and cannot be enforced by a court of law, the constitution should avoid being contaminated by subjective value judgments and political manifestos.

Chief Justice Marshall of the United States said in the case of *McCulloch v. Maryland*:

“A constitution to contain an accurate detail of all the subdivisions of which its great powers will admit, and of all the means by which they may be carried into execution, would partake of the prolixity of a legal code, and could scarcely be embraced by the human mind. It would probably never be understood by the public. Its nature, therefore, requires that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects be deduced from the nature of the objects themselves.”

As far as Pakistan is concerned the observations of the eminent American judge bear the stamp of prophetic revelation.

Sanguine enthusiasts little versed in the science of fundamental laws aired their views about an “Islamic Constitution,” and in their naive quest to give Pakistan something entirely ‘new’, vagueness reigned supreme. As the years rolled by, a catena of insoluble riddles became synonymous with the task of constitution-making.

In the midst of such confusion and apathy, vacillation turned into a fine art. Those entrusted with the mission of framing the constitution got engrossed in frenzied bouts. Out of such chaos, a document would have emerged studded with partisan irrelevancies. A commercial firm’s ledger book, instead of an Islamic Constitution, would have been the nation’s inheritance. After seven years of flippancy, the masquerade was put to an end by a proclamation which was the fitting epitaph of the Constituent Assembly.

In so difficult a situation no individual or partisan enterprise, no matter how courageous it be is sufficient in itself to elevate the nation from the unfathomable depths of a constitutional lacuna. In this deadly crisis it is the duty of free men to put an end to internecine conflicts and strive for the re-establishment of tranquility and order as opposed to the regimented dogmas of estatism.

Whether the old Constituent Assembly, with all its obvious limitations, is called upon to function again, or whether another body legally constituted is entrusted with the supreme responsibility of making the constitution, the olympian end must never be confused, which is. to work tirelessly to raise the rule of law from the quagmire of political entanglements and establish its paramountcy so firmly that no force ever dare to rival it.

The nation will watch with concern the political and constitutional developments. But whatever be the shape of things to come it must not be forgotten that “a

constitution," in the words of Herman Finer "is the autobiography of a power relationship" and since it is evident that the power relationship within a state is very seldom, if at all, of a permanent nature, the authors of the constitution ought to have some regard for the cardinal rules enumerated herein, if the intention is to frame a constitution calculated to be of a relatively enduring nature and one which will not precipitate another constitutional convulsion.

The destiny of this great Islamic state is in the balance. Let us not falter in righting the great wrong that each among us has done to the other.

*A Development for Democracy?
Karachi, December, 1956.*

We may define a political party as an association organised in support of some principle or polity which, by constitutional means, it endeavors to make the determinant of government. Without such party organization, there can be no unified statement of principle, no orderly evolution of policy. — Mactver

The Muslim League headed by Quaid-i-Azam achieved Pakistan. This fact is so incontrovertible that those who jumped on the League bandwagon, at various junctions, much after August 1947, decided to sit on this truism with the sanguine belief that a phenomenal achievement was sufficient for perpetual pleasure in perpetual power.

Immediately after the realization of its supreme objective, the Muslim League, instead of channeling all its vitality in the service of the people preferred to go into voluntary liquidation. It lost contact with the masses with their feelings and problems.

But despite such self-evident failings, the Muslim League managed to remain in power for a long time. This was so because the Muslim League and Pakistan had become synonymous terms especially for the teeming multitudes of refugees who poured into the Promised Land from across the hostile border. The party's only capital was its name and, on the magic of a name, it ruled this new nation for more than seven formative years, invaluable and irreplaceable years of great opportunities missed and discarded.

Had it not killed- itself in the very city where it passed the historic resolution calling for Pakistan's creation, the intrigue-ridden Muslim League may well have continued to run amuck with the destiny of Pakistan.

The rather sordid manner in which the League handled Dr. Khan Saheb was the immediate cause of its collapse. The more basic causes are to be found in what has been observed at the outset. The Muslim League, in spite of its brilliant beginnings, lost miserably the opportunities to serve the interests of the common man. Conceit and inertia replaced humility and dynamism, so that eventually the soul oozed out of the body that was once beautiful.

This is not an obituary of the Muslim League. The purpose is more general and more constructive inasmuch as this is meant to be a warning to the party that has stepped into power in West Pakistan.

Political parties flourish, degenerate and, on occasions revive. In a democracy, the chances of revival are always present provided the party eclipsed has the determination to revitalize itself. Democratic machinery guarantees such a revival. A democracy functions on the assumption that political parties complete the boom-burst-boom cycle in successive and recurring elections. So, as long as Pakistan remains a democracy, the resuscitation of the Muslim League cannot be ruled out.

The edifice of the modern nation-state, whether democratic or dictatorial, is rooted in the party system. In a dictatorship the ruling party controls the entire organism of the state and tolerates at best a sham opposition.

In the Soviet Union, the Communist Party is accorded recognition in the fundamental law of the land as “the vanguard of the toilers”, that “represents the directing kernel of all organizations of toilers, both public and state.” Stalin reflected the policy of the Soviet State vis-à-vis the Party in these words:

“Here in the Soviet Union, in the land of the dictatorship of the proletariat, the fact that not a single important political or organizational question is decided by a Soviet and other mass organizations without directions from the Party, must be regarded as the highest expression of the leading role of the Party.”

The Communist Party in the socialist state eliminates all traces of opposition within the state and establishes a monopoly of power. Internal changes in the hierarchy of the party have not to this day affected the basic principle of party unity and party predominance. The foundation of the monolithic party, centralism and discipline are the abiding lessons learnt from the victory of the Bolsheviks in the Civil War.

Similarly, Fascist states organise and run governments on the principle that the ruling party is the sole custodian of political power. In Nazi Germany, Adolf Hitler embodied the “will” of the German people through the National Socialist Party. “Our constitution,” wrote Nazi Germany’s famous lawyer, Dr. Hans Frank, “is the Will of the Fuehrer.” And the Fuehrer’s strength stemmed from the National Socialist Party.

The prime object of a party that seeks to establish dictatorship is to suppress and, if possible, wipe out all opposition. The quest for power is the dominant motive. Once power is seized, the purpose is served. Whether the party in power reflects the will of the people or has the free consent of the governed, is not a relevant factor. The control of the government of the state is guaranteed by the threat and

use of force. Hence, in a dictatorship the ruling party perpetuates its stranglehold so long as it can bind the people. The ruling party may, for some period, as was the case in Nazi Germany, have the support of the people, but as far as the objective of the party is concerned, such support is not really important. The party does not relinquish power on losing the support of the governed. It retains its control until the time it is overthrown, either by internal disturbances or by armed 'action from outside.

In contradistinction, democracy functions on the reverse premise. Without a constitutional opposition, a democracy cannot survive. Thus, it is the duty of the party in power to respect other political parties. Most important of all, in a true democracy, the party in power must have the support of the governed. If the consent is withdrawn, the ruling party must surrender power to the one that wins popular support. The expression of this popular support is found in the system of elections.

In a democracy it is vital for all political parties to try to reflect the will and the sentiments of the people. The party closest to the desires and aspirations of the people is the one that succeeds. Progress is achieved by this keen competition. The party out of power seeks to attract the sympathy and support of the electorate by trying to offer even more than that promised or achieved by the ruling party. This competition has its disadvantages in that, at times, especially in backward countries, irresponsible promises are made to capture votes. False promises of this nature create a sense of cynicism and frustration in the people when it is realized that the promises were only a political stunt. Notwithstanding these defects, in the final analysis, the advantages of this perpetual tussle and competition between rival political parties produces infinite good for the governed.

In a democracy, a political party must have a permanent ideological purpose. The emphasis may vary from time to time, but in the absence of a permanent objective, a political party cannot succeed. All terrestrial things are relative and, therefore, on occasions, even permanent objectives are achieved. If political parties intend to extend their lives after the realization of permanent objectives, they must immediately seek new objectives of a permanent nature.

For example, in undivided India, the permanent objective of the Congress Party was the independence of India and, of the Muslim League, the attainment of Pakistan. For the realization of these objectives, the two parties struggled against British imperialism. Once the independence of India was achieved and Pakistan established, both these parties were faced with the choice, either of dissolution or of drawing up of a new objective and ideals. The Congress Party in India immediately reoriented its outlook and mapped out a permanent programme,

the objective being a welfare state. In Pakistan, as has already been mentioned, the Muslim League, instead of striving for a new and attractive ideal, chose to sit on its achieved victory. In these circumstances the afterglow of its victory began to fade and it did little to light up a new path for the people to follow.

In England, both prominent parties—Conservatives and Labour—have permanent goals and both command the respect of the people of Britain because they are striving for worthy objectives and things that are within the grasp and expectation of the people. Whereas, the Liberal Party, which some years ago, had some of the most talented statesmen within its ranks, is now a moribund party. In this revolutionary age of thermo-nuclear activity there is no room for parties of the centre and, in a clash between extremes, those advocating the vital centre fade into the background.

In the United States, the spirit of democracy is kept alive by the rivalry between the Democratic and Republican parties. In periods of stress, like the Great Depression, other parties enter the scene of American politics but only for brief interludes. Political power has, therefore, been shared in seasons between the Democrats and the Republicans. Both parties fulfill the basic requirements in that they both have permanent objectives, although there is not much difference in their approach to problems.

One has either to be an American, or a very observant student of the American way of life, to discern a fundamental difference between the rival parties. In the dark days of the Great Depression the basic difference was more obvious but, with the return to normalcy, the cleavages narrowed to a diminishing point. The important thing, however, is that both parties have a permanent appeal for the American voter and this fixed appeal cannot, by its very nature, be based on passing objectives. Furthermore, in advanced democracies, political parties cannot advocate irreconcilable ideologies. In an arena restricted to shades of differences, the shades themselves assume fundamental importance. So, when Democrats and Republicans make violent issues out of innocuous things, or when they vehemently accuse each other of violating the bi-partisan foreign policy, the electorates consider the disputes to be fundamental. And so it is, for, who would dream of undoing the New and Fair Deals even under a Republican administration?

Just as the one-party system leads towards dictatorship, so also, a multiparty system tends to usher in confusion and instability. The multi-party system functions on the basis of uneasy and unholy coalitions. These political alliances result from the dictates of expediency and are generally headed for doom. In such weak systems intrigue has the upper hand. All constructive interests are on the sufferance of cantankerous day-to-day political horse-trading.

In a democracy, political parties must rely on their inherent strength. Thus only can the party in power strive to fulfill the promises made to the people and also take the responsibility for the failure to fulfill solemn pledges. To share responsibility with another party is a sign of weakness and an escape from true obligations. In such circumstances, it is far more honorable to remain in the opposition. The formation of coalitions is excusable only in the event of grave national emergencies. It is only during an emergency that politicians subordinate their political differences and vendettas.

Three conclusions can be deduced thus far:

- a. Constitutional opposition to the party in power is indispensable to democracy;
- b. Political parties must have a relatively permanent ideology;
- c. Political parties must rely on their intrinsic strength.

The Republican Party in West Pakistan was born in dubious and inauspicious circumstances. However, notwithstanding its tainted origins, the emergence of this party was welcomed by those who were of the view that until the advent of this rival political force, the country, in this Wing at least, was in fact under the ominous shadow of a one-party system. In these circumstances there was always a danger of converting a new democracy into a fascist dictatorship. So, when the Republican Party popped out from a battered womb, many people of this country thought this development was good for the survival of democracy.

The fact that tried and trusted warriors of the Muslim League flocked to the fold of the Republican Party mattered little. The main thing was that an opposition had at least come into existence to challenge the decadent Muslim League and to fulfill one of the basic pre-requisites of democratic government. Time alone will tell if this new party will serve the cause of democracy.

The Muslim League argues that the Republican Party is bound to fail as it has come into existence for a narrow and selfish purpose – for power. In other words, it lacks a permanent ideology which is so necessary to political life. To substantiate this charge, ancillary accusations have been made and not without rhyme or reason. One of the subordinate but compelling arguments was that the bulk of the Republican material was recruited from the Muslim League and that such material is easily repurchaseable.

This accusation is correct. Prior to the formation of the Republican Party there was no other organization in West Pakistan to mother the ambitions of politicians. It is not given to each individual to burst into prominence on independent strength. There was no choice. Whether politicians liked it or not, whether they agreed with it or not, a good portion of them were forced to march under the banner of the only party—the Muslim League. As soon as an alternative appeared, the choice was enlarged. Let us see if the Republican Party will become dynamic enough, revolutionary enough to attract fresh blood. There is reason for doubt and suspicion. Unionists who had joined the League in the Punjab and the Congressites of Sindh who acquiesced to the League tag after partition were among the first to vacate the concentration camp that the Muslim League had become.

The Republican Party has been born in uninspiring circumstances. What matters from the broader perspective is not the circumstances of birth but the upbringing, the growth and the deeds has the Republican Party come into existence to challenge the Muslim League's monolithic control, as a harbinger of democracy or has it come into being as an opportunistic force? Time will tell. In the meantime the younger generation will watch with cynicism if the new party will draw up an elaborate economic, social and political manifesto for the purposes of having a permanent philosophy to attract the electorate.

Regrettably, many precious months have gone by and so far the Republican Party has not shown the acumen of realizing this necessity. Blindly and foolishly it is treading the path of its predecessor. The architects of the Republican Party have also fallen in the quagmire of intrigue and internecine conflict. The leadership of the party does not seem to have the vision for the attainment of basic needs. Each moment is of prime significance. Therefore, it is incumbent on the responsible elements in the Republican Party to frame a manifesto and a philosophy reflecting the genuine desires of our people. Life cannot be extended on the basis of nebulous utterances of the good old man who leads the party. A bankruptcy of principles leads without a doubt, to disaster. So, thus far, the Republican Party has failed to take note of the condition that a political party in a democracy must have a permanent ideology. In this respect, time is of the essence, and time is marching by at quick step. Little purpose, if any, would be served if the task is accomplished at the time of death, for then only naked dictatorship will follow.

At the present juncture this country does not face a grave national emergency. There is no real need for a coalition Government at the centre. In sheer desperation, the Republicans have coalesced with a party that has its roots one thousand miles away in East Pakistan, and to it has had to offer, on a silver

platter, the coveted office of premiership. In a coalition of this nature between parties that are poles apart, there can be very little hope for a constructive future.

A very important figure in the Republican Party had recently expressed the view that this coalition is of temporary duration and that the object of the Republican Party is to capture power for itself. This declaration is unwarranted inasmuch as it presupposes that the object of every political party is to capture power. The only difference is that in dictatorships the party in power does not relinquish authority voluntarily, nor does it adhere to constitutional means in its quest to secure power.

The Awami League undoubtedly nourishes ambitions not dissimilar to the ones expressed by the former Secretary-General of the Republican Party. An objective analysis of the political situation tends to lead to the conclusion that the Awami League is much better organised and has far better chances of stealing a march on the Republicans.

The Republican Party would be well advised to study the lessons of history. Pakistan, like the Weimer Republic, has the symptoms of fascism in its body politic. Let us, therefore, look at Germany on the eve of its conversion to totalitarianism.

The disease of coalitions pock-marked the face of the Weimer Republic. The social and economic consequences of the depression created appalling problems for war-crippled Germany. In an environment of endless crises the democratic parties were unable to face the gigantic problems that beleaguered the country. Due to their helplessness the parliamentary parties found it necessary to accost extremists. In these conditions Hindenberg was persuaded to accept "the Bohemian corporal." The German rightists formed a coalition with the Nazis at the end of January 1933 with a view to using the Nazis during the emergency and then disbanding the coalition at the appropriate moment. Papen boasted that Hitler was his prisoner, tied head and foot by conditions he had accepted. True, Hitler had the Chancellorship, but the real power, in Papen's view, rested with the Vice-Chancellor that is Papen himself.

It was the Vice-Chancellor who enjoyed the special confidence of the President and it was he who held the key post of Minister-President of Prussia with control of the Prussian administration and police; and it was the Vice-Chancellor who had the newly-established right to be present on all occasions when the Chancellor made his report to the President. Only three of the eleven cabinet posts were held by Nazis and apart from the Chancellorship, both were second-rate positions.

In the words of historian Alan Bullock, "Rarely has disillusionment been so complete or swift to follow In the six months that followed the formation of the Coalition Government, Hitler and his supporters were to demonstrate a cynicism and lack of scruples—qualities on which his partners particularly prided themselves—which left Papen and Hindenburg gasping for breath. At the end of those six months they were to discover, like the young lady of Riga, the dangers of going for a ride on a tiger."

There is always an element of danger in drawing analogies but analogies have to be made. The Republican Party has coalesced with the Awami League at the Centre. The calculation is that Mr. Suhrawardy and his handful of followers can be checkmated by the strength of the Republican Party in the National Assembly and also by the Republican representatives in the Central Cabinet.

Whether there was an emergency in Pakistan or whether other circumstances compelled the Republican Party to enter into a coalition with the Awami League is a question which only the leadership of the Republican Party is best suited to answer. There is no doubt however that an empirical analysis reveals that there was no emergency properly so-called. The Republican Party has not worked out its political philosophy but from its composition it is clear that it is a rightist party. The Awami League, on the other hand, is relatively speaking, a leftist party at least as far as its economic objectives are concerned or so it claims.

It is quite conceivable that like the German rightists the Republican Party has failed to combine with parties more in consonance with its own views and philosophy, if indeed a combination was essential. This country is fortunate in that the Awami League of Mr. Suhrawardy unlike the Nazis, is a party dedicated to democratic principles and that it would not resort to all the loathsome tactics adopted by the Nazis to destroy its partners in the coalition. The fundamental defect in the Republican Party's strategy lies in its having readily acquiesced to the formation of a coalition. It is hard to pay a heavy price for it but the country will pay a heavier price.

It is too early to say whether the Republican Party has paid any heed to the basic demand of democracy by allowing the parliamentary opposition to function without fear. The leader of the party is never tired of declaring that he will see to it that the country has free elections. This promise presupposes that political parties will not be victimized or molested by the Government. However, the temptation to suppress the opposition cannot be ruled out altogether. In our politics the germs of intolerance are ever present. It is hoped that the Republican Party would kill those germs but hope may give way to disillusionment.

Judging from the standards of Western democratic practices, it is unlikely that the Republican Party will emulate the Western system by allowing the opposition parties to function freely at the time of the general elections, or even during the Assembly sessions. It is quite likely that the Republican Party will not desist from pursuing traditional methods. It can give our politics a new meaning, make it cleaner and more akin to what is expected from democratic systems. The present conditions, however, do not justify such optimism.

The Republican Party is about eight months old. It is an infant organization but tender age is no excuse for not fulfilling the basic conditions required of a political party. If infants seek total power and the attendant obligations stemming from power, they must fulfil the basic requirements of political life.

If MacIver's definition of a political party is valid, it would be found that the Republican Party is not a political party in the strictest sense of the term: for, although it is an "association" after a fashion, it does not seem organised to support some principle or policy which it endeavors to make the determinant of Government.

In addition to the essential conditions already mentioned, a political party must organise itself into an efficient and competent machine. A party must study the national temperament, the needs of the people, their values and cultures, and on the basis of these important considerations, formulate a principle and a philosophy acceptable not merely to one facet of the community but to as many as possible. This is a colossal undertaking and must, therefore be approached with sagacity and tact, with vision and determination. I doubt if the Republican Party has such vision. Maurice Duverger says:

"A party is not a community but a collection of communities, a union of small groups dispersed throughout the country and linked by coordinating institutions."

To solidify these dispersed groups a party must have branches, caucuses. and cells throughout the country. These coordinating links must be inter-connected so as to form a pyramidal arrangement. The base of this arrangement—the rank and file—is the most important part of the structure for it constitutes the real master.

It is indeed sad to observe that the Republican Party is not taking steps to organise itself according to the requirements of the modern nation-state. Being in power, it has the resources to embark on a mission of organizing itself on a national plane. Why it has not given due consideration to this vital need, is a thing that baffles many people. An efficient organization is as important to a

party as its philosophy. The Nazis in Germany and the Fascists in Italy had, if anything, negative philosophies, yet on the strength of their organizational ability and genius both of them were able to capture power.

The Republican Party must also concentrate on the methods it intends to follow in electing its leadership and also on the manner in which power and responsibility are to be shared between the leadership and the people. So far there does not appear to be any coherent approach. Until this is determined, there are bound to be frictions in the party's hierarchy, between the titular leaders and the real leaders, and between the real leaders and the masses.

The manner in which members are to be recruited to the party is also a factor. A solid rank and file makes the party a monument of stability. There is plenty of talent in this country but painstaking efforts have to be made to discover and recruit this talent. Those faithful and loyal to the party have to be stationed in responsible positions. The youth must have its say; so also labour and the peasantry.

There are numerous other things which a political party must attend to if it aspires to gain the confidence of the people. The Republican Party has a choice either of giving this country's politics an unprecedented turn for the better or of destroying democracy altogether. In either event, it has to act promptly.

What matters in the final analysis is not the attainment of power, for a defeat with honour is infinitely better than victory with dishonor. If the Republican Party desires to leave an indelible mark on the history of Pakistan, it must begin to think not of the end, but of the means that it might follow to attain that end.

The performance we have seen in these crucial months leaves much to be desired. Let us hope we are wrong. Let us pray that we are proved to be wrong. It is better to be wrong than to pave the way for a military dictatorship. The Republican Party does not appear to be conscious of this living threat. Let the people make it known to everyone, to all the politicians and their constituents that we are on the threshold of dictatorship.

Defining Aggression
Address to the Sixth Committee of U.V General Assembly,
October 25, 1957

Mr. Chairman.

My delegation has heard most attentively the statements made thus far. The task of defining the concept or motion of aggression is indeed a gargantuan one. We have to face this delicate issue in a spirit of fallibility and caution. Sir Francis Bacon began his essay *Of Truth* by saying, "What is truth? Said Jesting Pilate and would not stay for an answer." If Pontius Pilate were confronted with the task facing this Committee, I seriously doubt if the Roman governor would even ask the question

At its 368th plenary meeting in 1952 the General Assembly adopted resolution 599 (VI), which states *inter alia*,

"Considering that, although the existence of the crime of aggression may be inferred from the circumstances peculiar to each particular case, it is nevertheless possible and desirable, with a view to ensuring international peace and security and to developing International Criminal Law to define aggression by reference to the elements which constitute it." This resolution establishes three conclusions:

- (a) That aggression is a crime;
- (b) That the existence of this crime can be inferred from the circumstances peculiar to each particular case without specifically defining the crime of aggression;
- (c) That, notwithstanding this, it is possible and desirable to define aggression to ensure international peace and security and to develop international criminal law.

And with this end in view, the question of defining aggression was considered thoroughly at various levels, all known to this Committee. However, it is pertinent to observe that the first wave of enthusiasm envisaged in the passage of resolution 599 (VI) was considerably mellowed and dented on a fuller analysis: so that the General Assembly was constrained to take cognizance of the innate catena of complexities by adopting at its 408th plenary meeting, another resolution, being resolution 688(VII), which stipulates *inter alia*,

“Considering that the discussion of the question of defining aggression at the sixth and seventh sessions of the General Assembly and in the International Law Commission has revealed the complexity of this question and the need for a detailed study of:

- (a) The various forms of aggression:
- (b) The connection between a definition of aggression and the maintenance of international peace and security:
- (c) The problems raised by the inclusion of a definition of aggression in the Code of Offences against the Peace and Security of Mankind and by its application within the framework of international criminal jurisdiction:
- (d) The effect of a definition of aggression on the exercise of the jurisdiction of the various organs of the United Nations;
- (e) Any other problem which might be raised by a definition of aggression.

“Considering that continued and joint efforts shall be made to formulate a generally acceptable definition of aggression, with a view to promoting international peace and security and developing international law, decides to establish a Special Committee of fifteen members and requests the said Special Committee:

- (a) To submit to the General Assembly at its ninth session draft definitions of aggression or draft statements of the notion of aggression:
- (b) To study all the problems referred to above on the assumption of a definition being adopted by a resolution of the General Assembly.”

The concentrated research apparently revealed insurmountable difficulties, necessitating the adoption of this second resolution. The first resolution was emphatic in tone and intent. It assumed that a definition of aggression would *ipso facto* ensure international peace and security. The second resolution was more in step with realities of the international situation, in that it sought the exact connection between the definition of aggression and the maintenance of international peace and security. And, therefore, in view of the doubts engendered, the General Assembly requested the first Special Committee to enquire even further into the question.

The deliberations of the first Special Committee necessitated the formation of another Special Committee to coordinate the views expressed by 'state members and to submit to the eleventh session of the General Assembly:

1. A detailed report; and
2. A draft definition of aggression.

Among the three proposals submitted for a working plan of the second Special Committee, the Netherlands proposal suggested **inter alia**,

“To determine whether or not the outcome of these discussions warrants the drafting of a definition of aggression and in case the answer is in the affirmative to draft a definition of aggression.”

This abundantly indicates that even at so late a stage of study skepticism was apparent in the minds of some of the delegates on whether a definition of aggression was warranted.

It is, therefore, erroneous, in my delegation's view to submit that the General Assembly's resolution 599(VI) of January 31, 1952, has irrevocably settled that it is both possible and desirable to define aggression. If that were so, the General Assembly would not have formed the Special Committee to consider this case and all its attendant implications at specialized levels. Indeed, the *entire raison d'être* of creating the Special Committees would have become vitiated.

The report of the Special Committee on the question of defining aggression states that about twenty-six representatives considered a definition both possible and desirable but out of this category some representatives declared that they supported the adoption of a “generally acceptable definition” which, in fact, may be interpreted to mean that they opposed the idea of defining aggression, because “a generally acceptable definition” could not be found at the present time. Moreover, even these twenty-six representatives did not form what the report calls “a homogeneous group.” They differed in opinion as to the function, the content, and the form of a definition. In other words, they were classified into one group solely on the ground that they agreed in principle to a principle, which carries the art of nebulousness to its apogee.

All this obviously shows that it is fundamentally wrong to hold that the resolution of the General Assembly of January 31, 1952, or any other resolution of that body on the subject has prejudiced the issue to the point where it can be pre-supposed that a definition of aggression is possible and desirable.

In this context, a resolution of the General Assembly is not an irrevocable and an unalterable edict. It is not a judgment of a court of last resort. Hence my delegation firmly believes it is not *ultra vires* of this discussion to consider if a definition of aggression is both possible and desirable.

Before entering into the substance of the issue, please allow me, Mr. Chairman, Sir, to conclude, so to speak my *obiter dicta*, by saying that the most salutary aspect of this discussion is that the "End" or "Objective" of all gathered here is identical. That end is, if I may be permitted to take a slight liberty with the wording of the preamble, to save succeeding generations from the scourge of aggression. All are sedulously seeking to find lasting guarantees for the ensurance of perpetual peace. This factor is of considerable significance. It establishes an indissoluble link. This spirit and unity of purpose may well be the most important single factor in the achievement of our aspirations.

On the first day of this debate, the distinguished and eminent Representative of Belgium referred to the miraculous achievements of modern science and felt, if I am correct, that this phenomenal progress is evidence of the undesirable fact that homo sapiens can attain his objective if he labors tenaciously and industriously to that end: and that it is imperative to keep our social sciences in rhythm with the development of world movements; else, our concepts and institutions will face the danger of becoming effete. This is true, but it is a double-edged argument. If modern man can launch a sputnik, to use the terminology of the successor, into outer space, he can also define aggression. However, if man's ingenuity is limitless and if his resources and capabilities know no frontiers, then he is, and indeed must be, ingenious enough not only to define aggression but also to circumvent, subvert, and abuse it. A definition, under these circumstances, would literally mean the presentation of our civilization on a uranium platter to a would-be aggressor, to a twentieth century Chengiz Khan or Attila; a would be world dictator who would most certainly find the means to distort and mutilate the definition for his own wicked and gruesome ambitions.

Let us now examine if under the present state of International Law's development, it is possible to define aggression. International Law has made tremendous strides since the far flung days of the era of ancient Greek city states, and ever since the relatively more recent time of Hugo Grotius. From a primitive law, dependent mainly on the sanction of self-help, it has developed into a body of recognised norms. It has institutionalized itself, and at Nuremberg, it asserted itself to that pitch of centralization which made it possible for it to take sanctions against individuals. Nonetheless, in comparison with the highly centralized and galvanized municipal law, it is still in its infancy. It does not have the force monopoly of the international community to enforce effectively all its sanctions.

Its efficacy is entirely dependent upon the caprice of national sovereignty. In 1935, a decade before the auspicious gathering at San Francisco, that celebrated jurist, Hans Kelsen, characterized the status of International Law in words which despite the substantial progress since achieved, to this day remains essentially the same; he said:

“The present state of international law is characterized by the fact that international common law—considered from a technical standpoint-- is still in the stage of a primitive system of law, that is to say, it is at a stage from which the legal system of the individual States originally developed.’ This is a condition of extensive decentralization.

There are not—as in a technically developed system of law—central organisms dividing among themselves the functions of making and executing law. The general rules valid for the whole community have not been consciously laid down by a legislator in an exact and regulated procedure, but—as in the beginning of the development of law within the individual state—they have been evolved by custom, that is to say, by the practice of the persons concerned with that law--the members of the community.

“Within the framework of international common law there are no central tribunals whose business it is to apply general rules of law to particular cases. A state injured by another state is the one to decide whether a violation of international law has taken place, and if the other state denies the breach which is imputed to it there is, under international common law, no objective procedure by which the dispute can be determined. Thus the state whose rights are impugned itself retaliates at its own discretion for the wrong perpetrated, in its opinion, with the measures of coercion peculiar to international law, war or reprisal.”

I hasten to admit that since 1935, International Law has developed by leaps and bounds. However, this notwithstanding International Law, in marked contradistinction to municipal law, is still decentralized law, and the dichotomy between the two laws is enormous. I am aware of the International Court of Justice’s existence but also of the subjective reservations of the states accepting its jurisdiction. I am aware of the existence of the Security Council and of its primary responsibility for the maintenance of peace and security, but I am also aware of article 27 (3) of the Charter, an article that looms over all matters of consequence.

My delegation deeply respects the Charter of the United Nations. However, my delegation believes that no disrespect is shown or intended to this august

organization if reality is mirrored accurately. Here, my delegation is fortified by the erudite statement of the Foreign Secretary of the United Kingdom who, during the course of his brilliant speech on September 24, 1957, in the General Assembly said, and I quote:

“This debate is an appropriate opportunity for frank discussion of the state of the Organization—its achievements, its failures, its strength, its weaknesses, its standing in the world, the hopes for its development in the future.

“The United Nations is not a super-state. It is not a world authority enforcing its law upon the nations. The General Assembly is not a parliament of individually elected members legislating for the world. The United Nations is an instrument of negotiation between Governments. It can blunt the edges of conflict between nations. It can serve a diplomacy of reconciliation. Its tendency is to wear away or break down differences and thus help towards solutions. In the Secretary-General’s view, the real limitations upon the actions of the Organization do not derive from the provisions of the Charter or from the system of one vote for one nation irrespective of strength or size. They result from the facts of international life at the present time. The balance of forces in the world sets the limits within which the power of the world organization can develop.”

These words represent reality so completely that even the most devout worshipper of the United Nations must accept them. For, to conceal such self-evident truth is to do an irredeemable disservice to the United Nations and the cause for which it stands.

There is no escape from the fact that International Law at the present moment bows at the altar of national sovereignty. Indeed the Charter itself is a political instrument. It is inevitable, therefore, that any discussion on the question of the definition of aggression must revolve around both political and legal issues, that is, on metajuristic considerations, on factors contaminated by the virus of subjective value judgment. In isolation, and on its own, the attempt to define aggression is, from a pragmatic stand-point, utterly futile.

It is an axiomatic fact that this endeavor cannot possibly be detached from socio-political influences. It gets inevitably recoiled in the web of politics. In these circumstances, are we to have two definitions of aggression, one political, and the other juridical? One based on the foundation of thermonuclear strength and the other, an analytical and objective definition, poised rather uncomfortably on the fragile edifice of an international legal tribunal functioning on the sufferance of national sovereignty? If that were to be permitted, it would achieve for almost

all times the ascendancy of politics over law. It would gravely endanger International Law's struggle for the realization of its autonomy to enable it to establish permanent international peace through the rule of law; a system we cherish so dearly. Time and again, men of goodwill have solemnly appealed to sovereign states to submit their legal disputes to the International Court of Justice; but in spite of such pleadings, we find states resorting to other measures in the determination of disputes. In the present circumstances, such conduct is not really a matter for alarm or surprise. The Charter itself places the primary responsibility for the maintenance of international peace and security on a political organ of the United Nations. By virtue of article 94 (2) it places the International Court of Justice under the domain of politics Article 94(2) states:

"If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment." In support of my submission I would like to quote from Hans Kelsen's monumental treatise on the law of the United Nations:

"The Statute does not contain a provision guaranteeing the execution of the decisions of the Court against a recalcitrant State. Article 94(2) does not impose upon the Security Council the obligation to enforce the judgments of the Court against recalcitrant parties. It provides for a procedure of appeal in case of non-compliance with the judgment of the Court and makes the action of the Security Council to be taken as the result of the procedure dependent upon the Council's discretion by authorizing this body to choose between two different actions: Either to make recommendations or to decide upon measures to be taken to give effect to the judgment of the Court. In case the Security Council chooses to make recommendations, it may recommend to comply with the judgment of the Court. But, in making a recommendation under Article 94(2), the Security Council is not bound to conform with the judgment of the Court with which the party concerned did not comply. The Security Council may recommend a solution of the dispute totally different from that decided by the Court.. If Article 25 of the Charter is interpreted to apply to recommendations of the Security Council, recourse to the Security Council under Article 94(2) has the effect of an appeal to a higher authority. Even if it is assumed that recommendations made by the Security Council are not binding upon the parties, a recourse under Article 94(2) may have the effect of an appeal. For the Council may consider non-compliance with recommendation made under Article 94(2), a threat to the peace and take enforcement action under Article 39 against the state which does not comply with the Council's recommendation. That means that the Security Council may enforce its recommendatioal instead of enforcing the Court's judgment. Article 94(2) confers upon the Security Council the power to substitute its

recommendation for the Court's judgment. This means further, that the obligation imposed upon the members by Article 94(1) and by the Statute of the Court to comply with the decisions of the Court, may be restricted by application of Article 94(2). By having recourse to the Security Council under Article 94(2), the party places the Court under the control of the Council. Since under the Charter self-help (except in the case of an armed attack as self-defence) is prohibited, non-compliance with the Court's judgment may compel the other party to have recourse to the Security Council under Article 94(2). Such recourse may have the effect of transforming a legal dispute, decided-by the Court in accordance with existing law, into an issue to be settled anew by the Council according to political principles."

In these circumstances it would be the quintessence of irony to have only a legal definition of aggression the interpretation of which may not even be determined by a juridical tribunal, and if determined, not enforced by it. A legal definition would acquire empirical utility only when the International Court assumes an exclusive jurisdiction over all disputes without exception and reservation. However, the international community will have to traverse quite a distance to reach this destination. That would be the first effective step to the super-state as it may be called in a legal sense, and not merely in the language of demagogic politics.

It would, therefore, be a melancholy defeat of the object of defining aggression if we were to try it at the present moment, at a time when it is not possible. It would mean the application of double standards to all international issues and the cruel incarceration of law by politics. Hence, my delegation fears that under the existing conditions of International Law, it is not possible to have a legal definition of aggression. It is only possible to have a political definition. Of course, it can be called legal but in effect, it will have a political connotation, emphasis and outlook.

Even if my delegation were to concede that a legal definition is possible in a juridical sense, we would still be far away from the solution of the problem. We would immediately encounter a crisis of words, and get involved in an interminable semantic warfare. There would be disagreement on the scope, content, and function of the definition. Should it be in strict conformity with Article 51, or should it be a more comprehensive definition in which the expression "armed attack" as used in Article 51 is merely one form of aggression? Clarification and agreement will also be needed on Article 39 of the Charter, which speaks of "act of aggression." Would an "act of aggression" mean an armed attack only or would it mean aggression direct and indirect, aggression as envisaged by the Soviet draft resolution, in document A/C 6/L/399? A rigid and a limited definition may well defeat the object of defining aggression, and, on the

other hand, an all-embracing definition including “aggressive intent,” “the notion of indirect aggression,” “the notion of economic aggression,” “ideological aggression,” and other forms of indirect aggression may create an anomalous state of affairs in which aggression may become a regular and normal feature of human conduct and thereby lose its dreadfully abnormal, fearful, and emergent meaning. From an abnormal notion it would be turned into a natural notion. This half-exhausted twentieth century is in the grip of a most dramatic ideological battle. In every part of the world, there is a clash of ideas, ideas that cannot be easily controlled or liquidated. In so pregnant a setting, ideological aggression can be detected in almost every area of the globe. Normalcy would be characterized by the word aggression if ideological aggression were to form a part of it. However, basically, a definition, whether narrow or broad, is without an obol of doubt, explosively loaded with far-reaching implications, and is fraught with a host of dangers.

Assuming a definition, is possible, is it desirable? A definition’s immediate effect would be to stultify and hamper the progressive, growth of International Law. In this respect, my delegation noted with approval the distinguished Representative of Ceylon’s reference to the Law of Torts, when he made his lucid statement during the course of the discussion on the Report of the International Law Commission.

Because of the enormous dichotomy in the degree of centralization, the only branch of Municipal Law that can be profitably compared with International Law is the Law of Torts. Like General International Law, the Law of Torts is in a stage of dynamic growth. If the Law of Torts had been codified at a premature juncture, an irreparable harm would have been done to the province of jurisprudence as a whole. The Tort of Negligence would not have emerged and bloomed to its fullness. Out of the historic judgment of Lord Atkin in *Donohue vs. Stevenson* emerged not only a Tort of Negligence but also a philosophy of law establishing, beyond all reasonable doubt, the virtue of undefined norms. “The categories of negligence are never closed.” said the sagacious law Lord, and so it truly was; with the result that redress and relief is now readily available to all who suffer and groan physically and financially for the negligence of their fellow citizens. If the Law of Torts had been stultified and cramped within the four walls of a definition, it would not have been possible for thousands of individuals to seek and receive relief according to their due. And, certainly it would not have been possible for the distinguished representative of India to extend the Principle of the General Duty of Care to the ambit of International Law and argue, as he rightly did, that the principle enunciated in *Donohue vs. Stevenson* imposes a duty of care on every state in its international conduct.

The virtue of undefined legal terms has been well described by an eminent American authority and to summaries the thought of my delegation in this respect, it would perhaps be beneficial to quote an extract from the Supreme Court's decision in Davidson vs. Board of Administrators of the City of New Orleans, for in this case the Supreme Court expressed its reluctance to define the exact meaning of the term "Due Process" for much the same reasons that compel us to shy away from a definition of aggression. I now quote the relevant passage: "... if, therefore, it were possible to define what it is for a state to deprive a person of life, liberty, or property without due process of law, in terms which would cover every exercise of power thus forbidden to the State, and exclude those which are not, no more useful construction could be furnished by this or any other court to any part of the fundamental law. But, apart from the imminent risk of a failure to give any definition which would be at once perspicuous, comprehensive and satisfactory, there is wisdom in the ascertaining of the intent and application of such an important phase in the Federal Constitution, by the gradual process of judicial inclusion and exclusion, as the cases presented for decision shall require ..."

If it is wise to keep the door open for the development of law in the highly centralized system of Municipal Law by avoiding a priori definitions, how much more wise and beneficial it would be to emulate this policy in the highly decentralized system of International Law. Are we so certain, so dogmatically committed to the belief that the categories of aggression are closed and therefore fit for definition?

Those nurtured in the system of the Common Law have seen through experience the inherent weaknesses of defined terms. It is true that even in countries where the Common Law prevails; the dictates of modern society have compelled to some extent the codification of laws. No effort has, however, been made to codify laws that are in the process of development. The Common Law countries present an excellent opportunity for judging simultaneous and side by side workings of both codified and un-codified laws in one legal framework. Suffice it to say that codification gives rise to a host of new problems, particularly those pertaining to interpretation. Most certainly it is no automatic machine that produces the required results on the insertion of the proper coin. At times not infrequent it gives rise to problems far more complicated and difficult than those that existed prior to codification.

Law is a coercive order. This is a characteristic of law recognised from time immemorial. Without the element of force, law is reduced to naught, instead of maintaining order it becomes a part of anarchy. For this very reason it is not infrequently asked if International Law is true law. If International Law possesses the ingredients of coercion, it is true law; if it can take effective

remedial and prohibitive sanctions against civil and criminal delicts, it is true law. As the distinguished Representative of Colombia so aptly said, and I quote, "There could be no society without law, and no law without penalties."

Those who regard International Law as true law consider that the most effective and potent sanction of International Law is war, both defensive and aggressive. According to the protagonists of this school of thought, the theory of *bellum justum* is an inextricable part of International Law. My delegation does not express any views on the merits of this theory. We only say that it is necessary to reckon with this theory and its manifold implications, if we are to define and declare aggression an international crime. A situation may arise, as has happened so often in the past, calling for the application of this doctrine. The theory of a Just War is not confined to the right of self-defence. Aggressive collective action is conceivable. Counter-war is the only effective reaction against an unpermitted war. If war is a delict, counter-war must be a sanction. The theory of *bellum justum* fell into eclipse during the era of unbridled and unfettered national sovereignty. But, once again, it is reasserting itself in the field of International Law. So argue those who subscribe to this theory. They also say that it forms the basis of many important landmarks in Positive International Law, such as the Peace Treaty of Versailles the Covenant of the League of Nations, and the Kellogg Pact. It is even traceable in Article 51 of the Charter.

This doctrine creates complications of very great magnitude not so much in the exercise of legitimate self-defence measures but when aggression, technically so-called, becomes necessary or is thought necessary as a sanction of International Law. History is studded with a plethora of cases that blur the line between measures of self-defence and unmitigated aggression. Legitimate exercise of the right of self-defence and aggression are concomitantly interwoven. The latest instance of this is epitomized in the Korean conflict. Each party accused the other of aggression and each claimed that it was exercising the inherent right of self-defence.

A situation may arise in which State A accuses State B of organizing or encouraging the organization of armed bands within its territory or of subversive infiltration and on this pretence, in the exercise of its inherent right of self-defence, attacks and subdues State B. In such an event, the victim may appeal to another state or states, either under treaty obligations or under the rules of General International Law, to come to its rescue. Interference by other states would technically constitute aggression against State A. This notwithstanding, the intervention would be a just resort to counter-aggression against State A.

The distinguished Representative of Colombia has stated, as an instance of indirect aggression against France and the United Kingdom, the German attack

on Poland in 1939. This may be one interpretation of the chain of events that unleashed the Second World War. The proponents of the doctrine of *bellum justum* would, however, interpret the declaration of war by the United Kingdom on Nazi Germany as an act of just aggression against a violator of International Law.

It may be argued that under prevailing conditions, a state cannot abuse its right of self-defence beyond a given limit. The latter part of Article 51 of the Charter would be an effective bar against the abuse. This argument, if advanced, would be found wanting in actual practice. For, in such a contingency, the veto right may have the opposite effect. Instead of preventing action, or counter-action, it would thwart the cessation of hostilities, once hostilities have started in the case of an abused exercise of the right of self-defence.

In view of the possibility of the occurrence of such abuses under the existing conditions of International Law and without a radical amendment or revision of the Charter, is it really desirable to classify aggression as an international crime? A crime forbidding counter-aggression on occasions when civilized nations are bound ethically and legally to fulfill their solemn obligations of individual and collective action against the misdeeds of a naked aggressor, an aggressor who vainly and shamelessly seeks to conceal his aggression behind the facade of the abused right of self-defence. International Law would be relegated to a set of empty norms if its lost effective coercive sanction is so circumscribed.

Hence, it is my delegation's concerted view that at this rather critical juncture, it is neither possible nor desirable to define aggression. Furthermore, we believe that we have the machinery, competent, capable, and mobile enough to take appropriate corrective action against aggressive acts, against other breaches of the peace, the threats to the peace and all other disputes and situations endangering international peace and security without defining aggression. On the contrary a definition may quite conceivably act as a barrier against quick and decisive counter-action, and bog down the proceedings of the Security Council by a prolonged and futile discussion on the niceties of interpreting facts. As a definition would inevitably entail a drastic revision and amendment of the Charter, perhaps it may be more opportune to explore the possibility and necessity of a definition at the time when the revision of the Charter comes up for consideration.

My delegation has voiced its apprehensions vis-à-vis the possibility and desirability of defining aggression. However, as Pakistan is incontrovertibly dedicated to the cause of peace, it is a fundamental tenet of our policy to approach all issues impartially. My delegation does not harbour any preconceived prejudices. Issues of such paramount importance cannot be tackled

in a dogmatic and doctrinaire manner. We have indicated the more apparent, or what may appear to us to be the more apparent impediments in the path of a definition. But if even one out of this galaxy of jurists is able to dispel our doubts, we are quite prepared to examine sympathetically and objectively the suggestions and proposals made to that effect. Society is composed of far too many imponderables for there to be a finality of decision on such questions.

However, with this qualification my delegation must state categorically that despite the fast changing pattern of human activity, there are certain immutable factors. My delegation is fully aware of the character and function of this Committee, albeit it cannot be denied that on occasions the terms of reference of the various committees overlap. The question under consideration is not exclusively a legal issue. That it is part legal and part political is an incontestable proposition. If it were strictly a legal issue, it would not have caused so much perplexity. By its very nature, it brings to the fore political and even socio-economic problems. But even strictly legal issues involve the legitimate discussion of facts. However, in deference to the apparent sense and feeling of this Committee, my delegation will state in general terms a matter of fundamental Concern to my country.

If there is a generally acceptable definition of aggression, if we are to close the categories of aggression, that definition must include economic aggression. In this respect, paragraph 3 (a) and (c) of the Soviet draft resolution is not specific enough to dispel the fears of my delegation. If we are to adopt a definition, then that definition must contain a separate article on economic aggression stating clearly and unambiguously that economic aggression or indirect aggression is perpetrated if lower riparians are deprived of their natural rights in the use of rivers which flow through two or more countries. My delegation cannot overstate the importance of this issue.

An armed attack is gruesome and odious because of the damage it inflicts. Hence, everyone agrees that an armed attack is aggression, pure and simple. If more devastating and deadly damage to life and property can be inflicted without an armed attack, without the use of force, by means far more callous and perfidious, then such means must constitute a part of aggression as much as an armed attack. If there is any interference in the normal and assured supply of irrigation waters, my country would face the threat of total annihilation. It would be the most invidious form of aggression. It would turn green alluvial and fertile fields into a scorching desert. It would create widespread famine, frustration and fear. It would make it -virtually impossible for any authority to control civil strife and bloodshed. Starvation would compel civilized human beings to resort to cannibalism. It would shatter all concepts of decency and morality. This indeed would be the outcome of such an aggression.

This is a situation not peculiar to my country. There are other states that, due to their geographical position and their economic reliance on supply of irrigation waters from an international river must take cognizance of such a form of aggression.

Economic blockade of land-locked countries may, likewise, have similar results and, therefore, my delegation will support the proposal of the distinguished Representative of Afghanistan made in this connection provided there is a generally acceptable definition of aggression and provided, on merit, my country's great neighbours recognize our legitimate fears and are prepared to admit that violation of riparian rights can cause as much if not more economic havoc as an economic blockade of a land-locked country. There could be no better demonstration of my delegation's bonafides than this voluntary acceptance of facts based on merits.

I have taxed a great deal of your time and patience but before I close I must appeal to you, my distinguished colleagues, that we must strive tirelessly and continuously for the search of the necessary political equilibrium and adjustments guaranteeing the maintenance of perpetual peace. This is a duty we owe not only to our own war-sick generation, but to our progeny.

We are inbounded by our Charter not only to save ourselves, but also the succeeding generations from the scourge and carnage of war. I have often heard it said that in the event of world conflagration, there will be neither victor nor vanquished. This seems obvious, but even if there is a sham and farcical victory, it will be that of the dying over the dead, and the dying will have the dubious thrill of glory by witnessing the utter demolition of civilization; the destruction of our homes and universities, our centers of art and science our mosques and temples and churches, our Taj Mahals and Westminster Abbeys; and among the wailing of orphaned infants and crippled widows, the victors will breathe their last breath. So it is our sacred duty to work for a lasting peace and to give a ring of reality and not merely that of hope to the words of an English poet who visualized the day-

"... when the war drums beat no longer and the battle flags are furled, in a Parliament of Man, in a federation of the World..."

... A NEW PHASE BEGINS

In 1958, Zulfikar Ali Bhutto was offered a post in the new Government. He was only 30 then. It was to be a fateful choice. It has been asked since why he chose to serve under a military government at all. For an answer one will have to go back to the year 1958. When Ayub Khan took over the country through a quiet and uneventful coup, the people at that time welcomed it. There was so much chaos and uncertainty all round that in that atmosphere of gloom and political despair, Ayub did appear to be the only answer. In the years to follow, of course, this initial acceptance and public enthusiasm was to end in disillusionment, culminating in a countrywide movement which overthrew the once popular strong-man. But in 1958, Ayub's assumption of power spelled promise—the promise of a strong, stable and clean Pakistan, free of petty intrigue among small-minded men. Another factor which played a part in making up his mind was the then Governor-General, Iskandar Mirza's assurance that Martial Law would be lifted in three months and a constitutional referendum held.

Zulfikar Ali Bhutto who was practicing law at Karachi and, in between, living on his estate in Larkana at the time accepted the challenge. In a few months he was to become the most talked about Minister. His youth, his brilliance, his charisma seemed to have caught the people's imagination. In a government which was dominated by the strong, central figure of Ayub, Zulfikar Ali Bhutto was reputed to be the one man who stood up for his views, was listened to with respect and assigned the most delicate tasks despite his young years. He soon came to be regarded among the people as a man of impeccable integrity and driving enthusiasm. They admired him for his con-temporariness and his forward-looking approach to Pakistan's problems. He was known to be fearless and principled. Bhutto in his turn took this as an opportunity to serve the people in accordance with his lights. He was not afraid to speak his mind and bold enough to experiment with ideas and concepts.

He was put in charge of the portfolio of Commerce and later of Fuel, Power and Natural Resources. In these capacities he had to deal with international problems of fundamental importance to the interests of Pakistan. In 1960 he went to Moscow to conduct negotiations with the Soviet Union for an oil agreement. This was a crucial mission because it marked the point at which Pakistan's relations with the Soviet Union, most unsatisfactory till then, began to improve. From the very start of this association with the Government, Bhutto had advocated a shift in Pakistan's foreign policy. In the first cabinet meeting under Ayub, which made

an exhaustive survey of foreign policy, Bhutto pleaded for a basic modification in Pakistan's foreign policy assumptions and its conduct. He had no illusions about its unrealistic and lopsided character. All through the years he kept advocating a change. On his return from the famous 1960 General Assembly, he felt all the more convinced that the time had come for Pakistan to revise its foreign policy. He once again made his recommendations to the Government which were finally accepted after much opposition from powerful vested interests.

In 1963, Zulfikar Ali Bhutto was appointed Foreign Minister—a position for which he was destined. This was the true beginning of his rendezvous with greatness. He not only transformed Pakistan's foreign policy by giving it a new dimension but came to be regarded in world capitals as one of the most brilliant and outstanding men in any Foreign Office. During these years he was to cultivate many lasting personal friendships with great world personalities, with men like Soekarno and Nasser. He also became an authentic voice of the Third World. His many distinguished appearances at the United Nations and world conferences were to win him an international reputation.

It was at his urging and under his lead that Pakistan normalized its relations with the People's Republic of China by signing a historic boundary agreement with that great country. But Bhutto's ascent to greatness was not without its concomitants in the form of intrigue and rivalry within the Government. His forthright views, his liberal advocacy of right causes made him many enemies, within and outside the country. The break came at Tashkent, that short-lived experiment in peaceful living, whose lacunae and basic naivety Bhutto saw with prophetic clarity. Subsequent events were to prove him right. His advice at Tashkent was disregarded by Ayub. He came back and made no secret of his disillusionment and dissent. A parting of the ways came in a few months. The Tashkent Agreement, as predicted by him, was to lead to a violent reaction in Pakistan.

The speeches and addresses in this section relate to that period. Some idea of the tremendous contribution made by Zulfikar Ali Bhutto to Pakistan's resurgence and international esteem can be had from the sheer range and variety of the section that follows. His speeches at the UN and elsewhere as Foreign Minister are available separately. Some of them, however, are included in this collection. This was his period of apprenticeship to destiny and he came out with his integrity both as a statesman and a citizen unscathed. No wonder, when he left the Government people from one corner of Pakistan to the other rallied behind him, choosing him as the leader who would deliver them from the blind and iniquitous rule of Ayub Khan.

—EDITORS

Territorial Sea Limits.

Address to the First Committee of the United Nations Conference on the Law of the Sea, Geneva, March 17, 1958

Mr. Chairman,

In the very first speech in the general debate, the distinguished delegate of Saudi Arabia paid a rich and well merited tribute to your ability by using one of the exceptions to the Hearsay Rule of the Law of Evidence. If permitted to emulate the renowned jurist from Saudi Arabia, I too, would like to draw on the same body of law by urging this Committee to take judicial notice of your erudition and eminence. I say this because I most sincerely mean it and not because it is the unwritten law of such conferences to indulge in courteous preliminaries. Nor, indeed, to win your sympathy, for; Sir, my delegation has much too much of faith in your impartiality to sway you by semantics. Having said this, I pray that my delegation, like that of the United Kingdom, has made a really successful bid for your sympathy.

As a member of the Commonwealth of Nations, Pakistan takes particular pride in your election and, as Asians, we feel elated in seeing an Anglo-Saxon Asian in the Chair. My delegation also welcomes the election of the Vice-Chairman and the Rapporteur. Together, you form a most impressive trinity of scholars.

My delegation would also like to voice its admiration and appreciation for the balanced and empirically constructive draft code on the Law of the Sea. It is the product of a great labour. Each member of the Commission is to be applauded for the contribution made towards the accomplishment of this learned and coherent maritime code. Special tribute is, however, due to Professor Francois. We all know that without his painstaking effort, without his juristic wisdom and experience, this draft code would not have been as complete as it is. This document seeks to reflect the realities of the International Community as faithfully as possible. It seeks to strike the chord of compromise by skillfully associating recent trends and developments with the rules of the past, rules that have acquired a character of permanence despite the relentless grind of time and space.

However, my delegation would like to make it abundantly clear that our appreciation of the report does not in any way bind or commit us to the draft articles in their entirety. According to the object of this general debate, my delegation will, at this stage, confine itself, as far as possible, to the enunciation

of principle and policy. When a detailed discussion of the articles takes place, my delegation will intervene whenever the discussions so warrant.

This report of the International Law Commission is indeed an all-embracing one. It covers all aspects of the law pertaining to the sea. In addition to the vast canvas that has to be covered by this Conference of Plenipotentiaries in so short a period of nine weeks, the General Assembly has called upon us to study the question of free access to the sea of land-locked countries. As it is, the truly germane issues are complicated enough to take up the entire time of this conference. Despite this we have been assigned additional burdens.

It is my delegation's conviction that if we are to achieve some measure of success, we must discipline our deliberations in such a fashion as to tackle only those issues that form the subject matter of the report per se. It is far better and far more constructive to achieve limited and modest results than to dabble in each and every controversial issue without any result.

We have to arrive at solutions to problems that cover the surface of vast oceans and the space beneath and above them, measure the breadth of the sea and examine its freedom, and give attention to the Continental Shelf and the Contiguous Zone. Doctrines and rights relating to Innocent Passage and Hot Pursuit have to be scrutinized. These and a multitude of other crucial aspects of the Law of the Sea have to be considered and, if possible, settled. The verdict of this conference will, without doubt, affect most significantly the conduct of nation-states vis-à-vis the sea. Too much is at stake and too many vital interests involved for us to cherish unfettered hope. Nevertheless, hope and faith prompt us to move forward with guarded optimism. We are conscious of the failures of the past but are also poignantly aware of the dictates of this thermonuclear age that gives us the ultimatum to either embrace peace with the arms of law, or perish for ever in the graveyard of a world Carthage.

The law on the subject we are called upon to codify is prolific. There is a mass of documentation on it. The International Law Commission has, as a result of its eight years of unremitting labour, collected and correlated all the Law of the Sea in its draft. The document containing the draft articles greatly facilitates our task but much ground has still to be covered to complete the work.

Codification, as used in Municipal Law, cannot be applied to International Law in its purest context. Only well-recognised and settled rules of law are the subject-matter of codification. New laws, laws in their embryonic and formative stage, cannot be codified. Such an attempt would be injurious both to the norm itself and the society it seeks to regulate. New rules must be permitted to mellow and mature before they are tabulated into a code. Whereas old and established

rules of law are codified, new laws are enacted by legislative organs of the state. Had we gathered here as legislators of a world parliament, we could have formulated new rules of law into a statute. International Law, being as decentralized as it is, can only give us the mandate to codify existing law and that, too, if we stretch the meaning of the word codification to a point where it all but snaps. If this proposition is accepted, new rules of International Law, as contemplated in Article 13 of the Charter of the United Nations, may be recognised but not codified.

During the course of this debate we have heard several eloquent and euphemistic references to the progressive development of International Law. Times have undoubtedly changed. Institutions and values of yore have become effete. Invincible states that controlled the destinies of teeming multitudes are now weak and vulnerable. Those held in bondage are now free and, with that freedom, have changed the path of history. Revolutionary changes, to achieve normalcy, call for revolutionary laws. That the pattern of humanity has undergone a radical change is admitted; only those who are spiritually and culturally barren will deny it. It is also agreed that law must mirror most faithfully the pace of human activity and conduct. However, by its very infinite nature, new law can be created and recognised but not codified until it is fully developed.

Pakistan is deeply concerned with all the Law of the Sea. Each part of this law is so wedded with the other as to form a composite whole. Both wings of Pakistan have fairly large coastlines. Its fisheries are of considerable economic importance, both from the point of view of consumption in the country and of export. Our fisheries industry is developing rapidly and its potential advancement carries a great promise not only for the many citizens directly concerned with this industry but also for the prosperity of the nation as a whole. The wealth of the sea-bed and its subsoil, both of the Territorial Sea and of the Continental Shelf, are being explored by modern technological means. Most important of all, it is the sea that connects East and West Pakistan and through this mighty force of nature we maintain the geographical indivisibility of our slate. Perhaps for this reason, the concept of the Freedom of the High Seas has far greater meaning for us than for many other states, including the great maritime powers.

There are two paramount aspects of the Law of the Sea that must be synthesized. In dialectical terms the thesis is the doctrine of Freedom of the High Seas and the antithesis, the Right of the Coastal State to a Territorial Sea. The clash of these two fundamental rules does not only suggest a clash of norms but also a keen and critical rivalry between International Law and National Law, between the sovereignty of states and that of International Law.

Our primary duty is to reconcile this conflict. Each of these important aspects of the Law of the Sea carries with it a set of rights and obligations. The breadth of the Territorial Sea has an immense bearing on the coastal state, indeed it is within its sovereign domain. This view has remained by and large unchallenged since the time of Bartholus. It is indispensable for the security and socio-economic well-being of the coastal state to exercise sovereign rights over its Territorial Sea. This right, though sovereign is not absolute. No right is absolute, not even the fundamental rights guaranteed in the constitutions of municipal states. The limitations on this right over territorial waters have been mentioned often enough in this debate and do not require repetition. Similarly, the concept of Freedom of the High Seas permits no one to make the High Seas an arena for anarchy and chaos. The Freedom of the High Seas means that they are open to all nations without discrimination and without let or hindrance.

It is so important a freedom that in 1918 President Woodrow Wilson proclaimed it as the first principle of his Fourteen Points. Its importance over the years has not diminished. Both President Roosevelt and Prime Minister Churchill reiterated and re-emphasised this freedom in the Atlantic Charter. Important though this freedom is to all nations, it is not absolute in form or content. For example ships on the high seas are subject to the jurisdiction of the flag state, and, likewise, piracy and slave trade are subject to international jurisdiction. In recent times some authorities have contended that the Doctrines of the Contiguous Zone and the, alleged right to explore without limit the Continental Shelf have made further inroads into this freedom. None can, therefore question the truism that neither the sovereign rights of the coastal state over Territorial Waters nor the Freedom of the High Seas are absolute. One can, however, challenge with cogency the degree of legitimate interference with the right over Territorial Waters and with the Freedom of the High Seas.

Numerous interesting arguments have been advanced in favour of and against the three-mile rule. The defenders of the classical standard have in the main contended that the three-mile limit is the only recognised limit permissible under International Law and that Article 3 of the draft code of , the International Law Commission confirms this view. The conclusions drawn from Article 3 and the commentary thereon are that as long as certain territorial claims are not based on a generally recognised rule of International Law they cannot be valid *ergo omnes*. Article 38(I) b of the Statute of the International Court of Justice is quoted in support of this contention. These are forceful contentions and my delegation has heard and studied them with care.

My delegation has given equal attention to the arguments advanced against the classical rule. Those who claim a ceiling of twelve miles have sought to rest their contention chiefly on the ground that the maximum limit of twelve miles is the

recognised norm of International Law as spelt out in Article 3 of the draft code. This clearly indicates that Article 3 is subject to conflicting interpretations. I would like to mention that my delegation has also taken cognizance of the views of delegations that have chosen to ignore Article 3 altogether and demand an extensive territorial limit stretching to hundreds of miles. They claim that they cannot be bound by those rules of law in the formation of which they played no part. They, thus, have an honest approach to the subject. They reject totally the old norm on the ground that rules formulated way back in 1703 cannot remain valid in the fast changing and dynamic conditions of the present. For them, the three-mile rule, founded on the range of cannon-shot, is clearly a relic of the past and, therefore, cannot find any place in the panoply of modern international affairs. They vehemently denounce the classical rule for the following, amongst other, reasons:

- (1) That when these rules were formulated, they were under colonial domination and had no voice in their creation.
- (2) That for reasons of security the three-mile rule must be abandoned.
- (3) That economic needs demand in the interest of conservation, an extension of the Territorial Sea.
- (4) That regional needs and circumstances require such action.

These are all extremely attractive arguments. But I would like to say, not by way of a rebuttal, but for the purpose of exploring these arguments, that some authorities hold that when a nation is under colonial domination, the will of that nation is expressed through and by the country exercising sovereignty over it. They add that only when the nation in question acquires its independence, does it become a member of the international community with a distinct and separate personality and that all the rules of International Law existing at the time are binding on it. Should it be opposed to certain rules, it must follow the procedure laid down by International Law for the repeal, amendment, and modification of such rules. It cannot unilaterally repudiate them on the ground that it was not a member of the international community at the time when they were formulated. If such a course of action were legally permissible, there would be widespread uncertainty in International Law. There is, however, no need to enter into this controversy. At the time of this conference, the States that hold the aforesaid views are free independent sovereign states. Among others, they have been called upon to pronounce the limit on territorial waters. They are now free, wholly free, to pronounce their verdict in favour of Article 3 as interpreted by them.

Much has been made of the argument that the three-mile limit is obsolete and that its *raison d'être*, the artillery range of the cannon-shot, has vanished altogether, and that advances of modern science call for much greater breadth of the Territorial Sea for the protection and security of the states concerned. Whether the three-mile rule has its origins in the cannon-shot range is, from historical considerations, rather uncertain. Reference to a learned article on this subject in the American Journal of International Law for October, 1954, under the title "The historical origin of the three-mile limit" will reveal that the real origin of the three-mile rule lies in the principle of the marine league.

The range of artillery increased far beyond three miles in the early phases of the 19th century without affecting the principle of the three-mile limit. If, for security reasons alone, the three-mile limit was fixed within the range of the cannon-shot, extensions would have automatically followed in the breadth of the Territorial Sea. But we have seen that while artillery range progressed tremendously, the three-mile rule remained unchanged. Furthermore, even when the range of the cannon was well within three miles, and indeed even before that, there were cases in which territorial limits were fixed beyond three miles. For example, in the Middle Ages, the Italian states claimed a Territorial Sea of 100 miles on the basis of Sassoferrato's theory. The three-mile rule, therefore, cannot be condemned and discarded on the ground that its utility from the point of view of security has disappeared. Even if there was some vague historical connection between the three mile limit and the artillery range that connection was lost many many years ago. Hence, it is respectfully submitted that this relationship has been grossly exaggerated. However, if the sole purpose or even the chief purpose of the Territorial Sea is based on the need of defence and security under modern conditions, in this age of intercontinental ballistic missiles, even an extension of 200 miles would be hopelessly inadequate.

Much has also been said on the anachronism of the traditional breadth. I have already stated that we are in full accord with the view that new conditions demand new laws. Albeit, these new rules must, however, stem from recognised norms. In the hierarchy of norms the basically sound and pragmatic norms of Customary International Law form the base of the pyramid. Without this base you cannot have a legal edifice. By all means discard useless and moribund norms but for the sake of progressive development of International Law do not tamper with old, recognised and highly beneficial laws on the ground that they are old.

Perhaps it may be useful to recall the words of the representative of the United States of America in the 6th Committee of the 11th session of the General Assembly and I quote:

“It is of course, correct to argue that we should not blindly follow a rule merely because it has persisted for many years. We agree that a law should not be retained just because it is old but neither do we believe that a law must be regarded as obsolete and should be abandoned just because it is ancient. On the contrary, there is a strong presumption that a long-accepted rule of law has valid and sound reasons for persisting throughout the years. The rules of the world are examples of rules of conduct which have an ancient origin but which continue to have validity in modern times. The Ten Commandments are ancient, but that does not mean that they are obsolete. The teachings of the Koran are old, but that does not make them invalid today. I do not of course, mean to suggest that the 3-mile rule is on the plane with the laws laid down in the Ten Commandments or in the Koran, or that it is of the same character. But I do strongly urge that those who advocate changing a rule that has been upheld through the years have the very heavy burden of demonstrating that the rule has outlived its usefulness and can no longer be upheld.”

Far be it from me to compare the immutable laws of God with the transitory laws of man. However, I would maintain that ancient laws are not always redundant merely because they are old. The onus of proving their redundancy rests on those who challenge their validity and it is so heavy an onus that it cannot be discharged by mere platitudes.

Extensions in the breadth of the Territorial Sea have also been justified on economical grounds. With respect to conservation of fisheries, the Pakistan delegation intends to express its views on the economic problems in the Third Committee. Here I will only say that if conservation of fisheries prompts incursions into the Freedom of the High Seas, that object cannot thus be fulfilled, at least in our part of the world. If extensions are made for the purpose of exclusive exploration and exploitation, then, not only is the aim of conservation defeated but also the desire for exploitation. The High Seas are free to all. Every nation, large and small, old and new, has the right to take the fullest advantage of the resources provided by this freedom. The argument that this freedom is illusory in that only the great maritime powers can take real advantage of it is a defeatist attitude. The life of a nation cannot be measured in terms of decades or generations. Nations that have faith and confidence in their intrinsic strength must have the vision to think of their interests in terms of centuries. After all, what are fifty years or even a hundred in the histories of countries that hold the legacy of civilizations dating back to Moen-jo-daro and Pompeii. If the United States of America could subscribe to the doctrine of the Freedom of the High Seas at a time when she was not able to take full advantage of that freedom, at a time when she was too young to compete with the then great maritime powers, why cannot the other young and virile nations do the same? The United States of America accepted this freedom because it had absolute faith in its manifest

destiny. We too have or ought to have faith in our greatness and accept this freedom today, although we may not be in a position at present to compete with the more advanced states in the maximum utilization of the Freedom of the High Seas. In this spirit, we accept the concept of the Freedom of the High Seas.

It has been contended in certain quarters that regional conditions necessitate the extension of territorial limits. Such a course would, however, defeat the principle of uniformity which is of supreme importance to law. One of the cardinal objects of the rule of law is to maintain equality before the law or the equal subjection of all classes to the established law. The rule of law in this sense excludes the idea of exemptions from the duty of obedience to the law which governs the others. Under the rule of law, as opposed to arbitrary power, one rule cannot be prescribed for me and another for you. Therefore, it would be a violation of the rule of law if subjective and arbitrary claims were made as exceptions to the recognised law on the ground of regional requirements.

The proponents of the 12-mile limit and those who claim that the law recognizes a minimum limit of 3 and a maximum of 12 and permits the fixation of territorial limits within this margin have to some extent adopted a fair portion of the arguments of those who base their claims on limitless extension of territorial rights. Hence the apparent objections to the submissions put forward by those who stand for unlimited extension hold valid for those who claim the breadth of 12 miles and also for those contending that it ranges between 3 and 12 miles. In addition to the common arguments, the proponents of this view hold that Article 3 of the draft code of the International Law Commission recognizes a minimum of 3 and a maximum of 12 miles. As I have said earlier, Article 3 is open to conflicting interpretation. This is indeed regrettable as this is the pivotal article of the whole draft.

According to the rules of interpretation, a statute is to be expounded "according to the intent of them that made it." If the words are in themselves precise and unambiguous, no more is necessary than to expound those words in their natural and ordinary sense but apparently the debates in this Committee and even the discussions in the Sixth Committee of the Eleventh Session of the General Assembly indicate that the draft article under consideration has caused some difficulty as to its intention. It is not my delegation's object to criticise draft of so eminent a body. We merely observe that the interpretation given to Article 3 has not been uniform. In this event it is necessary to draw on external and historical facts to convey the true intentions. Among the external facts one may call to aid the records and proceedings of the discussions that preceded the draft. The record of the International Law Commission seems to indicate that in 1955, the 3-mile rule was implicitly recognised as the only binding rule of International Law, as this rule was the only rule the Commission held valid *erga omnes*.

There are at least two other rules of interpretation that support this submission:

- (1) The rule of avoidance of some absurdity, repugnance, or inconsistency with the rest of the instrument; and
- (2) The presumption against intending what is inconvenient or unreasonable.

If we interpret Article 3 to mean that it permits a minimum of 3 miles and a maximum of 12, we would be admitting an interpretation that would lead to uncertainty and confusion. It would be repugnant to the very object of law. The prime object of law is to establish certainty and thereby create an orderly regulation of society. If every state is given the license to fluctuate and oscillate at its whim and fancy between 3 and 12 miles, International Law would abound in uncertainty followed by unreasonable inconvenience. Such a procedure would be highly detrimental to all concerned. Its obvious repugnancy is clear from the fact that instead of creating stability it would foster chaos. With each periodical change in the limits of Territorial Waters the Law of the Sea would undergo a drastic change. Such alterations would undoubtedly have their serious ramifications in each and every aspect of the Law of the Sea with the result that the entire body of law would be in a state of flux. Frequent changes between 3 and 12 miles would, for instance, affect the Contiguous Zone and the Freedom of the High Seas. So also the fisheries rights. However, even if frequent changes were not permitted or made within this range, it would be nonetheless contrary to the rule of law, for it would lead to inequality of opportunity and status before the law. This inconvenience and absurdity must be avoided.

However, in my humble submission, Article 3 does not raise a question of interpretation as it does not propound a legal proposition. It is a bare statement of fact. It restates a factual position and leaves it to this conference to determine the legal position according to the rules of Customary International Law.

Pakistan recognizes the customary rule of International Law to be that of 3 miles. In so doing my delegation does not rest its case on an interpretation of Article 3 or on any other reason advanced hitherto by the supporters of the 3-mile Limit. My delegation does not want to go into the rights or wrongs of the cannon-shot rule, or into the historical origins of the 3-mile rule. Nor does it want to base its case on geographical considerations. My delegation adheres to the 3-mile rule for one fundamental reason. We view this issue as a clash between National and International Law. Those who want the maximum limit to the Territorial Sea are in fact trespassing on, and even usurping, the rights of International Law in that they are making serious inroads into the concept of the Freedom of the Seas.

Those who want to exercise the minimum breadth of sovereignty over the seas are actually subordinating municipal interests to those of International Law. The High Seas lie in the exclusive jurisdiction of International Law, whereas the Territorial Waters are in the exclusive jurisdiction of National Law. In order to make a genuine contribution to the progressive development of International Law, my delegation holds that the minimum of 3 miles, limit ought to be, and is, the only valid limit legally recognizable by the comity of nations. Herein we have shown our *bona fide* intentions to uphold the supremacy of International Law. We invite other delegations to make the same contribution to the progressive development of International Law by recognizing this limit.

We do not believe in the policy of grab. In the past, imperial powers grabbed as much land as possible. Now that those lands are free they, more than others, should recognize the innate wickedness of this policy by refraining from grabbing large areas of the ocean to satisfy the appetite for appropriation. We do not believe in the concept of a maritime "Lebensraum." We will hold and take what is legitimately ours and not an inch more of anything, be it land, air, sea, or outer space.

My delegation would like to state quite clearly that we do not recognize unilateral declarations purporting to extend Territorial Waters beyond 3 miles. We can never acquiesce in a measure that strikes International Law so squarely in the face. This should be known to all and particularly to those who are situated in our geographical region. In so far as the Contiguous Zone is concerned, my delegation is impressed by the proposal that a Contiguous Zone of 12 miles, as recommended by the International Law Commission, be accepted but with the modification that it covers fisheries as well. This proposal is commendable as it endeavors in a most equitable way to enshrine a compromise between conflicting views. It will, therefore, receive my delegation's most sympathetic consideration.

The distinguished representative of Panama has proposed that a subcommittee of this committee be established to examine the question of Historic Bays. My delegation has also heard the objections of the United Kingdom delegation to it and considers that the objections have merit. This notwithstanding, if the majority of Latin American countries want such a sub-committee, my delegation will make its modest contribution by lending its support to it in the interest of friendship and amity.

A dogmatic approach to the problems affecting the world is repugnant to my delegation. We have come here with an open mind and are anxious to listen and learn. We believe that the last word has not been uttered on this subject and indeed from higher considerations every answer in its turn leads to a new

question. Therefore, we are always subject to correction and change, if correction and change are really due. God in His infinite wisdom did not arrogate all wisdom to one people or one nation. We can all learn from one another and the more we pool our resources for the common good of mankind, for the progress of the common weal, the more we are likely to benefit. Humanity, irrespective of artificial barriers and unfounded prejudices, is essentially indivisible and the sooner we work with faith and zeal for the greater good of this indivisible human force, the better it is not only for humanity as a whole but also for each individual that forms a part of this mighty colossus.

Prices of Primary Commodities
Address to the Second Committee of the UN General Assembly,
November 11, 1959

Mr. Chairman,

May I begin by congratulating our distinguished Under-Secretary for Economic and Social Affairs, Mr. Philippe de Seynes, for his extremely lucid and penetrating appraisal of the problem of economic development of the underdeveloped countries?

My delegation has also read with deep interest the report presented by the Secretary-General to the Economic and Social Council, analyzing the various suggestions and proposals made in the United Nations economic bodies during the recent years on topics relating to economic development, such as primary commodities and international commodity trade, the development of resources, industrialization, technical assistance, financing etc. I may say that we find ourselves in general agreement, both with the analysis and the conclusions of the Secretary-General, as well as with the recommendations made by the Economic and Social Council to intensify development efforts.

Mr. Chairman, all these statements and analyses, all the conclusions and recommendations serve to highlight the following broad features of the situation:

- (a) The vast magnitude and complexity of the problem;
- (b) The close interdependence of the developed and the underdeveloped countries in this context; and
- (c) The urgency of finding appropriate solutions to these problems. I do not propose to embark upon a detailed survey of the factors which go to make up what is undoubtedly a depressing picture of the present economic situation and the even gloomier long-term prospects of underdeveloped countries. Other speakers before me have no doubt adequately dealt with the subject. Moreover, I understand that this Committee is working against time. I would, therefore, confine myself to a few observations emphasizing the urgency of finding solutions to our problems

Mr. Chairman, no one who has taken a moderately intelligent interest in the contemporary history of the post-war years, can fail to recognize the vital role

that the underdeveloped countries have come to play in the complex of international relations. This importance is not due only to the fact that an overwhelmingly large percentage of world's population lives in these areas, nor even because they form a majority of membership in this great world organization, but mainly because they represent enormous "power vacuums." When rival economic systems are advertising their wares, these vast populations stand fascinated and expectant at the threshold of a glorious tomorrow; but they also stand extremely perplexed. In this posture, one false step from any one of them and the world could be plunged into devastating conflict.

It is true that at present the statesmen of the leading nations are striving to bring about a relaxation of tension by limiting armaments. This must not, however, be allowed to lull us into a false sense of security, for disarmament, even if it should be achieved, will not by itself remove the deeper causes of war. One of the root causes of war is the economic disequilibrium in the world. We think that as long as these dangerous vacuums of power, these yawning chasms of grinding poverty, ill-health and ignorance remain unbridged, all hopes of a lasting peace in our times must prove chimerical. And, be it noted that while these negotiations go on, time will not be standing still in the underdeveloped countries. If things do not go forward, they must go backwards; such is the inexorable law of life. Strong and compelling pressures are constantly building up within these countries for better or for worse, pressures which will not be resisted for long. During the last 18 months, a number of regimes in Asia and Africa, including that in my country, have been swept away because they were not able to respond effectively to these pressures. The weak and fumbling regimes have been replaced by politically strong and stable ones which appear to be well equipped for setting the course of these countries on the right track. For example, my country's government has, within a very short period of time, launched a number of far-reaching programmes of reform and has already succeeded in reshaping the pattern of our internal political, economic and social life. We are determined to overcome all obstacles in our way to progress so far as it lies in our power. But there are things which do not lie in our power. Among them the most important are the international economic forces. They are beyond our control and yet they have a most powerful impact on the lives of each one of us. If these economic forces continue to act unfavorably, people in these countries may well begin asking themselves the question: "What next?" And who, Mr. Chairman, can answer it today?

Now, Mr. Chairman, let us look at these problems a little more closely. A basic problem of economic development of the underdeveloped countries is that of finding adequate investment. The rate of domestic savings is too low and even what there is, is swallowed up by the enormous rate of population increase. The introduction of measures to control growth of population in itself requires

considerable investment in raising educational as well as general standards of living. Here we come face to face with one of the several vicious circles with which our problem is hemmed in. To break it we need international assistance and, indeed, this has been forthcoming in generous measure, both bilaterally and multilaterally. Nevertheless, the problem still remains. The role of the United Nations is to devise effective measures to combat whatever may be obstructing the realization of our aims.

As my delegation sees it, the central problem of underdeveloped countries can be examined in three different aspects, as, indeed, it has been in the past. First, we must ask ourselves if the means at present available to finance economic development are sufficient, and, if not, to find out more effective ways and means of increasing the international flow of private and public capital to underdeveloped countries. Secondly, there is the question of adequacy or otherwise of means to make available the necessary measure of technical assistance to these countries in order to raise the low level of the skills of the population. Lastly there is the paradoxical problem created by the dependence of underdeveloped countries on exports of primary commodities, the prices of which have not only fallen but fluctuated widely while the prices of industrial manufacturers have continued to rise steadily.

With regard to the availability of finance, Mr. Chairman my delegation is happy to note that a new multilateral organization, the International Development Association, is being brought into being shortly as an adjunct of the International Bank. We believe that this new institution with its programme of "soft" loans will fill a much needed place in the existing pattern of international assistance programmes. It is, however, too early to form any definite assessment of its scope of activities. Judging from the initial proposed capital it seems that the loans to be given by the International Development Association would go only part of the way in meeting the needs of the underdeveloped countries. For this reason my delegation feels that there is still a place for a United Nations Capital Development Fund, the creation of which we have always supported. Apart from certain inherent psychological advantages that a universal fund of this kind, operated under the aegis of the United Nations, possesses, my delegation feels that it would enable those nations to make their contribution to international economic co-operation which, for reasons of policy or scruple do not find themselves able to participate in the newly formed International Development Association.

The situation of the flow of private international investment into the underdeveloped countries remains unsatisfactory despite the fact that most of the countries concerned have considerably liberalized their fiscal and industrial policies to make them more attractive to foreign investors. My own country, for

example, has provided several new incentives and facilities for foreign investors. One of the important concessions is that participation of local capital in any fixed proportion is no longer insisted upon. Bilateral agreements for avoidance of double income-tax have been concluded with many countries. The mining industry has been granted a special tax relief. An Investment Promotion Bureau has been set up by the Central Government with branches in both the provinces for providing the fullest possible information and assistance to foreign investors. My delegation is also pleased to note that in the last few years significant progress has been made in the sphere of rendering technical assistance to the underdeveloped countries, both as regards the availability of funds and the improvements of institutional machinery for international action. It is needless to stress how desperately the underdeveloped countries stand in need of industrialization. Whatever brings this objective nearer to realization is worthy of our whole-hearted support. The recently created United Nations Special Fund has been rightly described as "a strategic break-through of incomparable significance" for economic development. It has an important role to play, especially in infra-structure improvements and in building up the capacity for absorption of capital in the underdeveloped countries. Equally gratifying has been the role played in the last few years by the Expanded Programme of Technical Assistance. It must, however, be stated that the availability of funds for both the Special Fund and Expanded Programme of Technical Assistance falls short of the minimum needs.

This, Mr. Chairman, brings me to the last and in the view of my delegation, the most important aspect of all: the instability of commodity prices. For, upon a satisfactory solution of this problem depends our most reliable and effective instrument of economic development, namely, the capacity of the underdeveloped countries themselves to contribute to their own development. No lasting success can be achieved in the field of economic growth unless and until, as the report of the International Bank for Reconstruction and Development has pointed out, the underdeveloped countries are enabled to mobilize their own capital resources. In any case, we cannot go on relying indefinitely upon international assistance as a permanent feature of our economic life.

The capacity of the underdeveloped countries to contribute to their own development depends largely on their export earnings, as the plant and machinery and the technical facilities required for the purpose of development have to be imported from industrialized countries. The underdeveloped countries have, under the present circumstances, to rely on the sale of their primary commodities for their export earnings. It is a matter of great concern to us that the returns on the sale abroad of primary commodities have diminished considerably over the last several years. This fact has been brought out

emphatically in almost every survey of world economic conditions. I shall limit myself to inviting attention, by way of illustration, to the fact that the fall in the price index of primary commodities in the course of one single year from mid-1957 to mid-1958 has reduced export earnings of the underdeveloped countries by about 8 per cent, representing a loss in their import capacity equivalent to about six years' loans to them by the International Bank for Reconstruction and Development at the 1956-57 levels. It may also be pertinent to mention here that in the case of my own country the total financial aid which we have received from different sources until now, has been less than half of the total loss which we have suffered on account of the fall in the price of our primary commodities.

The situation created by the wide-spread decline in the price of primary commodities has been aggravated by a rise in the price of manufactured goods, thus reducing still further the ability of the underdeveloped countries to procure the means of their economic progress. This again is a phenomenon well recognised in all economic appraisals. Every underdeveloped country must have felt the frustrating consequences of the combination of these two vital economic factors on their efforts to improve the standards of their people. In Pakistan, the purchasing power of the export value of our primary commodities is today a little less than 50 per cent of what it was in 1948 and 1949.

May I, Mr. Chairman, add that the future, as one can see it today, does not hold prospects of any improvement in the present situation? All trends indicate that the cost of manufactured goods in the industrialized countries will, mainly because of the wage increases and other social benefits, continue to rise, that the manufacture of substitutes will continue to reduce the demand for primary commodities and that the demand of the underdeveloped countries for manufactured goods, in order to increase their production of primary commodities and industrial products in keeping with the increase in population, will continue to rise. These premises cannot but lead to the widening of the gap between the standards of living of the people of the underdeveloped countries and those of the industrialized countries. The extremity of such consequences can be judged from the estimate that even today, no less than 1,362 million inhabitants out of a total of 1,800 million, living in underdeveloped countries, have a per capita income of \$ 8 per month as compared to the \$ 9 per day in the highly industrialized countries.

It is gratifying to observe that the acuteness and magnitude of the problem has been well appreciated by the various bodies dealing with economic problems under the aegis of the United Nations. The Commission on International Commodity Trade and the Interim Coordinating Committee for International Commodity Arrangements has undertaken studies on the subject. Recommendations have been made that the industrialized countries should

abolish import duties on primary commodities and do away with all protective measures and import restrictions with regard to primary commodities. My delegation fully supports these recommendations. It has been suggested that the best approach to solve the problem is by way of dealing with each commodity separately and through bilateral agreements between exporting and importing countries. The setting up of buffer stocks has also been considered as a measure conducive to stabilization of prices. These are no doubt useful suggestions but experience has shown that, by themselves these measures cannot provide the answer to the rapidly deteriorating situation confronting us.

In the opinion of my delegation, Mr. Chairman, it is essential that the problem must be faced in its entirety and with a sense of urgency that the circumstances call for. A thorough analysis should be made of the causes that affect the return to the producer of primary commodities. Remedial measures would necessarily have to be of a short-term and a long-term character. It will be essential to introduce, with the minimum loss of time, a diversification in the production of underdeveloped countries. The achievement of this end calls for considerable foreign exchange resources to be available to those countries. While we search for long-term solutions, it is of the greatest importance that we should find immediate means of enabling the underdeveloped countries to sustain their economic progress at some reasonable level. Such resources are, as I have brought out earlier, being depleted by the adverse balance in terms of trade of the underdeveloped countries. My delegation is of the view that the serious situation facing us demands the creation of a compensatory fund to counter-balance the short-fall in the earnings of the primary producers' vis-à-vis the industrial countries. We visualise that disbursements from such a fund would be limited to extreme fluctuations of prices so as not to disturb the ordinary pattern of international trade with its normal margins of fluctuations. Necessary precautions will also need to be incorporated in the rules of administration of the fund to ensure that the scheme of compensation does not encourage uneconomic production in countries exporting primary commodities.

May I add that the proposal now made is not altogether a new one? It only seeks to give definite shape to an idea which has been examined and supported by economic experts. The committee of five experts appointed by the Secretary-General under a General Assembly resolution to consider Commodity Trade and Economic Development gave careful thought to the possibility of introducing automatic financial compensation schemes to correct extraordinary fluctuations in terms of trade. They considered that there were merits, but also difficulties and shortcomings, in such a scheme and recommended finally and I quote— "However, should nations prove unable to agree on their arrangements for moderating either the excessive fluctuations of prices and incomes or the ill consequences of these fluctuations, then they might do well to take-a second look

at automatic compensatory schemes." Mr. Chairman, my delegation is convinced that the ill consequences of the fluctuations have reached a degree which calls for the immediate consideration of the compensatory scheme.

We find that this specific aspect of the problem has also been brought up in the discussions of the 7th Session of the Commission on International Commodity Trade. The report of the Session states and I quote—"The Commission agreed to consider at its 8th Session international measures designed to compensate for fluctuations in foreign exchange receipts from the export of primary commodities. In this connection, the Commission recommends that the International Monetary Fund be invited to inform the Commission about its policies and procedures as they bear on the subject under consideration."

My delegation is of the view that the consideration of a compensatory fund of the nature proposed calls for urgent examination by a committee of experts in consultation with the countries producing primary commodities and those which are the principal importers of such commodities. Further, the association of the International Monetary Fund and the Food and Agriculture Organization with the examination of this problem would, we feel, be invaluable and should be secured. The Committee should be required to submit its report in time for discussion at the next session of the General Assembly.

In conclusion, Mr. Chairman may I say how fully my delegation subscribes to the views expressed by our distinguished Secretary-General in the statement he made on July 6, 1959, before the Economic and Social Council on the problem of commodity instability? I quote: "While I recognize the acute difficulties in this field, I cannot help wondering whether we have really exhausted all our intellectual and moral resources in trying to find a more broadly based solution to the problem than has thus far emerged. It is, perhaps, at least worth considering whether a new approach might be made towards some such solution For the longer run ahead are we sure that there is a sufficient awareness of the problems and frus rations which are building up progressively in the underdeveloped countries as their peoples grow more and more conscious of the fact that time is slipping away from them? Can we rest content with the fact that all the efforts of recent years—and I do not underestimate them—have still not sufficed to prevent the gap between rich and poor countries from continuing to increase? There is a widespread feeling in the underdeveloped countries of the need for some new breakthrough on the road to economic development."

I submit that the proposal formulated by my delegation is in line with this thinking and I commend it for your acceptance.

On Tied Aid
Karachi, November 30, 1959

I return home after approximately six weeks. During this period, I have visited Iran, Turkey, France, United Kingdom, Canada, United States, Japan, and the Philippines. Unfortunately, due to pressure of work at the United Nations, I was unable to visit Cuba.

My mission was primarily concerned with two fundamental responsibilities: one relating to the expansion of trade and commerce between Pakistan and the countries I visited and the other to the chairmanship of Pakistan's delegation to the 14th Session of United Nations General Assembly. However, I availed myself of the opportunity of explaining wherever I went the ideology of Pakistan and our economic objectives.

I found a fund of goodwill and appreciation for the work being done in Pakistan. I sought to impress upon the governments and the peoples of the countries I visited, particularly in the United States and Canada, the dire necessity of the successful implementation of our Second Five-Year Plan. I informed them that according to our calculation, we hope to reach the crucial take-off point on the realization of our Plan targets and thereby cross the hump.

I explained to them that on the fulfillment of the Plan's objectives depended the progress of our nation to the point from which we may become more self-sufficient and self-reliant; that, until this minimum standard was reached, we would have to continue to keep galloping I made it quite clear that we do not want to stand still. With the achievement of our Plan's targets, we would just have begun the first step of our forward march.

I also discussed with both Government and non-official circles the emphasis we have placed on foreign investment. I informed them that we have created a climate favorable to foreign investment and it was now open to men of enterprise to take advantage of the situation and share in our efforts to build a model egalitarian state based on the principles of Islamic social justice.

During my first halt in Iran, I met the Iranian Minister of Commerce with whom I discussed the question of increasing trade and of reaching agreement on the outstanding issues in the draft treaty of friendship and commerce which I am happy to say have now been concluded.

In Turkey, I explored the avenues open for increasing our commerce and trade. My proposals are being examined by the Ministry of Commerce. I feel assured that progress will be made.

Likewise, in France, I made efforts to prevent any further decline in trade with that country and of finding means of giving fresh impetus to our commercial relations.

In the United Kingdom, I was mainly in Dundee and, therefore, my talks were confined to jute, and this is important as about 60 per cent of our exports to United Kingdom are of jute.

Thereafter, I visited Canada. I believe there is scope for the expansion of our trade with Canada. I have submitted a detailed report to the Ministry of Commerce and will soon know the progress made in its implementation.

In Canada, I met leading officials with whom I discussed trade and the assistance we receive under the Colombo Plan. As trade in Canada is exclusively with the private sector, I met many leading exporters, industrialists and businessmen, with a view to giving a boost to our exports to Canada. These discussions were highly useful.

From Toronto, I went to New York where I took over the leadership of our delegation to the General Assembly. During the course of my stay in New York, I had to divide my time between the United Nations and my efforts to increase our trade with USA. During the time that I was in New York, I met leading businessmen and industrialists and those who have commercial contacts with Pakistan. My discussions with these men of business and industry were profitable. I also visited Boston, as some of our exports go to that region.

I visited Washington twice, where I met officials of the Government and businessmen and industrialists interested in the economy of Pakistan. With the officials I discussed matters relating to commodity aid. On 12th October, I signed on behalf of the Government of Pakistan a treaty of friendship and commerce with the United States. It is hoped that as a result of this treaty, foreign investment would be readily forthcoming into the country.

Thereafter, I visited the West Coast and examined the prospects of our trade with that part of the United States.

There is one aspect of the present trends in the United States that I would like to touch upon as it has a significant bearing on Pakistan. This trend is reflected in the policy of imposing restrictions on the utilization of United States aid funds

and is being epitomized in the slogan "Buy America." It has become a condition of DLF loans and has also been supported by officials of the administration as a necessary measure. This notwithstanding, opinion in the country is divided on the necessity of this departure from existing policy.

At present it is somewhat early to predict how far and to what extent the "Buy America" policy will be enforced. As an aid-recipient nation, it is a trifle awkward to criticise the logic or necessity of this policy. However, as I have said the effect of this policy is germane to the development of the underdeveloped recipient nations like ours.

At this stage, therefore, I would merely like to mention in passing that the full implementation of this policy would place obvious restrictions on international trade and would be contrary to the principle of multilateralism as sought by GATT. Furthermore, the timing of this change is inopportune as, in other areas, concrete steps have been taken to liberalize trade. Psychologically, its effect under these circumstances would be even more serious. In addition, it militates against the purpose of aid in so far as the object is to stretch the dollar as far as possible, so that its impact is felt more rapidly in developing economies. I draw attention to these obvious economic consequences, as they are apparent to all.

After the United States, I visited Japan and the Philippines. In both Japan and the Philippines, I apprised the authorities of the measures taken by the Government of Pakistan to improve the economic conditions of the country. In Japan, I emphasised the salient features of our next Five-Year Plan and explored the possibility of Japan's cooperation and assistance in its implementation.

In the Philippines, I discussed with the authorities the ways of increasing our trade and also the outstanding issues in the way of finalizing of a trade agreement with that country. I hope that as a result of my discussions, we shall be able to sign the agreement with the Philippines in the near future.

All these discussions and talks have been very useful but what we face today is a crisis of production. Markets for our exports are unlimited but because of production shortfalls, we are unable to meet world demands. Government has taken all steps possible to increase exports. All these efforts would be in vain if we are not in a position to increase our production to meet the growing demands of foreign markets.

This is a frustrating position. I was hoping to reach the export figures of 1951 but we will be no where near that as a result of stagnant production. For instance, in the case of cotton, as a consequence of the increase in internal consumption our

exportable surplus cotton has diminished, to a negligible quantity. How can we reach our high targets?

The Philippines, a country with a population of 22 million and only two major export commodities of copra and sugar, earns about Rs. 2.5 billion in exports. The tiny colony of Hong Kong with a population of 3 million reaches the figure of Rs. 2 billion a year. Japan, essentially a processing country, has an export earning of Rs. 17 billion. If Asian countries with similar problems as ours can reach such high figures there is no sound reason for us to lag behind.

I would not quote the figures of European countries as the comparison would be more unfavorable. Unless we increase our production and surmount the crisis of production, we will not make any real progress. Our need for exports is self-evident. Otherwise, Government would not have made such liberal and far-reaching concessions in order to increase exports.

In the United Nations, I saw a discernible improvement. Pakistan's consistent and clear foreign policy in the context of present tension is receiving greater attention and respect. This has become all the more conspicuous in view of the strong and stable government in the country.

At UN this session's focus is on two outstanding issues: one, the proposals of the Soviet Prime Minister, Mr. Khrushchev, on general and complete disarmament, as embodied in his speech to the General Assembly on 17th September, 1959, and the other on the question of Algeria. I made a statement on Mr. Khrushchev's proposals in the Political Committee four days after my arrival in New York. The Algerian question is still under discussion. On this question and on Kashmir, I shall report my views to the President and the Foreign Minister.

As the bane of our problem is the fall and fluctuation of prices of primary commodities, I made a statement in the Economic Committee of the Assembly on 11th November and also circulated a draft resolution on the subject. I am happy to say that the resolution has received invaluable support from many important countries.

In spite of our best efforts, there are certain aspects of international commerce about which we alone can do very little. The most important of these is the deterioration of the terms of trade. The world prices of primary commodities have been declining consistently at an alarming rate. In marked contrast the prices of manufactures have increased. Starting with 100 as base for 1948-49, the index of terms of trade has declined to 50.6 for early 1959. For Pakistan which earns 70 per cent of its foreign exchange from the export of primary commodities, such deterioration is almost disastrous. In fact, it means that with the same

volume of exports we can now purchase only half the quantity of imports. We are, therefore, forced to reduce the size of our imports, including essential imports.

A decade ago we could purchase the capital equipment needed for development from our own earnings; now we find that impossible. Even the foreign aid received has been less in value than the loss suffered due to declining export prices. The gap between the manufacturing countries and the primary producing countries has widened. With but 30 per cent of the world's population, Europe and the United States generate 80 per cent of the aggregate of national incomes. Asia and Africa, on the other hand, with 60 per cent of the world's population grind out a mere 17 per cent of its income. The existence of such extremes of affluence and poverty may not be a new phenomenon but now they have been placed in vivid and poignant juxtaposition in our shrunken world.

This glaring contrast has shocked both the rich and the poor. The need for stabilizing world prices is thus as clear as it is urgent. I, therefore, tabled a resolution in the General Assembly on the setting up of an expert body to study the establishment of compensatory machinery for the abnormal fall in the prices of primary commodities.

I was informed by the representatives of the Philippines press who came to cover my press conference that my resolution had been adopted by the Second Committee. This is truly gratifying, for without price stabilization the prospect of greater trade between producers of primary commodities and industrial countries is dim. Also dim and depressing will be the prognosis for the success of development efforts in underdeveloped countries.

Bases of Pakistan's Second Five - Year Plan
Dawn, Karachi, March 23, 1960.

A long-term, plan of economic development reflects a nation's vision of its economic destiny against the background of its conception of ideal collective and individual existence.

The Second Five-Year Plan which Pakistan is about to launch can be studied item by item, in a sharp economic focus, only after relating economic thought with the national political consciousness and moral pre-occupations. The merits of this particular Plan cannot be assessed before we find a defence for the system of life from which it grows, and which it will further shape.

It will, of course, be rejected out of hand by an opinion conditioned by communistic views on ideal methods of production, nor will it bear scrutiny if examined on the socialistic principles of ownership and distribution, and it is not based even on the principle of totally uncontrolled free enterprise.

A passionate advocate of any one of these systems will in all probability differ sharply with our approach. I shall, therefore, seek to analyze and interpret our economic planning in the perspective of the Government's development policy. The Plan becomes rational, realistic and significant only when regarded from this angle of judgment.

The direction, pace, labour organization and priorities at various stages of development cannot be determined in isolation from the totality of national urges which include, besides a desire for economic sufficiency, freedom of choice in thought, profession and residence.

When the varied urges of man find expression in constructive actions, these actions are often seen at cross-purposes, each seeking priority and importance over the other. Men react with varying degrees of intensity to different urges and attitudes towards values and ideas.

The economic determinist who sees only the economic factor in all human actions; the theologian who relates human actions to the will of God, and the laissez-faire, philosopher who believes in total non-interference in the individual's economic life, are all conditioned in their thinking by some system of influence or indoctrination. Each of them would have us live in a society based

exclusively upon his system of values, with its peculiar rationalized economic complexion.

Our Second Five-Year Plan has been formulated on what we consider are the most realistic bases. I will take the liberty of explaining what the elements of these bases are:

The first and the foremost consideration is the recognition of the essential freedom of man who resents every new yoke that restricts his activities. This recognition is reflected in the Plan. Almost 56 per cent of internal resources are calculated on the basis of private savings which will be ploughed into investments needed for the Plan.

The Plan recognizes the importance of allowing the individual to productively exercise his ingenuity and genius. The Government's desire is not to impose any rigid economic and social structure upon the people but to clear the way for the real role of the majority.

It will not be out of place here to say a few words in defence of the system of partially free enterprise on which our economy has been based and will remain based till the people feel differently. There is no denying the fact that a society whose economy functions on the principle of free enterprise affords a greater chance for the free natural growth of personality and faculties, nurtured by the benefits of civilization.

Karl Marx, however, denied this and propounded the theory of the inevitability of concentration of wealth in a few hands in an industrializing society leading to much misery for the working class, and resulting in an eventual struggle of the classes. But this has not happened in the economic history of all nations. The United States is a classic example.

The chain of economic conditions which finally placed the means of production in the hands of large corporations owned by millions of people instead of a few, and the benefits that flowed from this, making USA the envy of much of the world, are too well-known to be repeated here. Pakistan has much to learn from the US history of economic transitions, but cannot base its economic future entirely on the same lines of development.

This takes us to the second base of our new Five-Year Plan, namely, the necessity and responsibilities of the public sector. An organization like WAP-DA or PIDC visualized and planned by administrative and economic experts, with the force of Government approval and resources can produce superior and speedier results than can the private entrepreneur whose capital resources are limited. In

an underdeveloped country like ours it is essential that such resourceful and superior public organizations be geared up to implement the efforts of the private sector in nation-building activities. The public organizations must, however, restrict their activities to pre-determined fields and allow the flexible private sector to fill in the gaps.

This, however, does not mean that the private entrepreneur who has the means of capital formation on a big scale will be excluded from undertaking large-scale industrial or agricultural projects. On the contrary every facility would be given to him. The planned large-scale development activity by the public sector may be irreconcilable with unfettered free enterprise. As, however, no unfettered system of free enterprise exists anywhere, over the years, a happy marriage has taken place between planned enterprise and free enterprise.

For this reason, plans such as our Five-Year Plan try to combine the requirements of the public and the private sectors. For the time being partially planned and partially free enterprise is the safest solution. This compromise provides an opportunity to the enterprising individual, who has sufficient capital, to add to national output. At the same time the Government can also make its contribution through the public sector.

The third base of the Plan is its increased accent on the development of agriculture, at some cost to industrial development, especially in the public sector. This shifting of emphasis from the development of large-scale heavy and medium industry to agriculture has come in for much honest criticism based upon a different appreciation of priorities. The Plan realistically recognizes both external and internal shortcomings. It is clearly aware of the fact that both industry and agriculture cannot receive equal treatment all the time.

It was after a long and thoughtful discussion and deliberation that agriculture was assigned priority. For an underdeveloped country like Pakistan, it is essential to have self-sufficiency in food otherwise its sovereignty becomes illusory. Perpetual import of food-grains makes a country more dependent on others besides causing a pathetic wastage of foreign exchange, which is so essential for the development of the national economy.

The position of the fully industrialized countries is different. Some of the Western countries are not self-sufficient in food but being highly industrialized they are in an invulnerable position. Their need for food-grains is not a drawback for them because their industrial advancement enables them to take counter-measures. But we in Pakistan cannot at present think of an industrial advancement to the same extent that some Western countries have achieved. In the circumstances, we must concentrate on improving our agriculture.

We have not only to increase our production but also to provide safeguards against damage by floods and disease. It is well within our grasp to achieve self-sufficiency in food and this we can only achieve if we apply correct methods of agricultural development and production. The problem has to be tackled on a war footing: We have to mobilize all our energies in this direction. Sick lands, which are so heavily waterlogged and saline, will have to be reclaimed. Vast new areas of arid lands will have to be made fertile by the construction of dams and canals.

Agriculture must be treated as an industry in order to achieve spectacular results. Concessions given to industry such as tax concession and other reliefs may have to be made applicable to agriculture: If profit is the real incentive for greater production in the industrial sector, why cannot it be the same for agriculture? If the country seeks to attain self-sufficiency in agriculture, and this it must, the grower must be given attractive incentives.

It must not be forgotten that more than 80 per cent of our people live on and by the land. Progress in the field of agriculture means the progress of the overwhelming bulk of our people. Pakistan, as already stated, has limited resources for the development of industry. It should seek to become the Denmark of Asia but not its Germany. A German historian once said, "If God is made of steel I believe him." Where is our iron and steel, our copper, manganese, coal and ore? Until we strike oil, cotton is our steel, and jute our oil. We are a pastoral people and we should be proud of it. Agriculture is and should remain our prima donna. We have neglected it far too long. This, of course, does not mean that there should be a halt to industrial expansion. On the contrary, our efforts should be intensified.

The emphasis, however, should be shifted, to the extent necessary, to give agriculture the attention it requires. Agricultural raw materials still remain our chief source of earning foreign exchange without which no advancement is possible in industry or in agriculture. As the agricultural revolution can be achieved much quicker and agriculture is our major industry, the gain in terms of foreign exchange will be much larger. It is only economical to concentrate on the development of agriculture.

It is, however, imperative that the private sector should concentrate more on establishing industries geared to agriculture, it is in the interest of the private entrepreneur to go in for manufacturing agricultural tools and providing engineering works as he is likely to attract a growing demand in these products and services as agriculture grows with the help of the major measures visualized in the Second Five-Year Plan.

Agriculture must receive the same pressing attention which housing or social welfare does. Man must eat, have shelter and wear at least protective clothing before thinking of indulging in modern amenities. Advancement in agriculture will help procure more food at cheaper price for the common man. His housing needs are also receiving careful attention and benefits of social welfare will flow through the Village AID programme and the national development organization. The fourth base of the new Five-Year Plan is the increase in taxation to the tune of one billion rupees. It has been clarified in the Plan that the burden of the additional tax will be placed on those who have the ability to pay it.

To this day industry has enjoyed attractive concessions mostly at the cost of agriculture. Although Pakistan is an agricultural country and 90 per cent of its foreign exchange earnings accrue from agricultural products, this pivotal industry has been badly neglected. Subsidization of industry at the cost of agriculture for ever is an indefensible position. Industrial development will not be retarded by an increase of one billion rupees in taxation if the principal burden of this taxation falls on the industrial sector.

A high tax-percentage is not in all cases a disincentive to industrial development. In the modern age most of the large industry is owned by corporations. A corporation is a juristic person with the same rights and obligations as an individual. A corporate person generally accumulates a large aggregate of wealth. Seventy or 80 per cent of taxation on gross income, running into millions and billions, still leaves lucrative profits. For instance, it enables oil companies to provide their directors and personnel with regal salaries. There is no exhaustible limit to industrial development. It has markets at home and abroad. Its income increases correspondingly with its growth.

Such conditions do not prevail in the field of agriculture. The rate of investment in agriculture is limited. It faces greater danger from floods and damage by insects and exhaustion due to water logging and salinity. In addition, agriculture is heavily hit by periodical economic recessions that industry faces every 15 or 20 years. The real crisis confronting industry is economic recession, which effects agriculture as well. The only independent threat that industry faces is strikes. Industrial production, sales and gains are on a day-to-day basis. It is, therefore, relatively easier for the industrialist to recover from the shock of recession and strikes by judiciously balancing production against demand. But farmer becomes the victim of recession, he requires at least one season to offset the set-back.

A higher percentage of income-tax on limited incomes strikes at the roots of the growth. Notwithstanding these obvious difficulties the demand from industries has been to shift the burden of taxation on agriculture.

The expectation of a more generous measure of foreign aid and loans forms the fifth base of the Five-Year Plan. The necessity of readily available foreign exchange is obvious but I find it necessary to dilate upon this aspect of our economic necessity at length because it is here that the Plan is most vulnerable. What I am going to write from here onward may seem a little out of joint with the main theme of this article, nevertheless I find it essential to enlarge upon the problem of foreign aid and loans and to analyze their mechanisms carefully.

The fact of the matter is that our tapped and known sources for earning foreign exchange are meager. We have jute, cotton, wool, hides and skins, and inferior tea as our main foreign exchange earners and all of these are primary commodities. These commodities are singled out for mention because they earn almost nine-tenths of our much needed foreign exchange. Industrial development, which is at present principally based on two raw materials, jute and cotton, is in such a nascent stage that with the full benefit of the Bonus Scheme, the foreign exchange earned from all manufactured and semi-manufactured products was Rs. 400 million in a period of ten months. Relatively speaking this is good progress, but far from sufficient.

Foreign exchange will be a Cleopatra to the Plan. If this Plan is to succeed, it must conquer foreign exchange and not be conquered. Each one of the particular primary commodities mentioned above faces hazards. Jute has remained a stagnant crop in the sense that its demand has remained steady. Substitutes like paper keep making gradual inroads into its markets. Difficulties relating to cotton are too well-known to be repeated here. At present America expects to export five million bales of its superior variety with the comfortable cushion of a heavy subsidy. The competition is extremely acute. We face not only internal limitations but also international.

The basic problem of economic development of the underdeveloped countries is that of finding adequate investment. The rate of domestic savings is too low and, even what there is, is swallowed up by the enormous rate of population increase. Here we come face to face with one of the several handicaps with which our problems are bedeviled. To break through we need to earn more foreign exchange in addition to international assistance. We can only earn substantially if we are paid reasonably for our products. Only then would we be able to increase our capacity for the contribution to our own development. However, our capacity to contribute to our own development depends largely on our export earnings. It is, therefore, a matter of considerable concern that the returns from the sales abroad for primary commodities have diminished very considerably over the last several years.

A fall in the price index of primary commodities in the course of 1957-58 has reduced export earnings of the underdeveloped countries by about eight per cent, representing a loss in one year in their import capacity equal to about six years' loan to them by the International Bank of Reconstruction and Development at the 1956-57 levels. It is, indeed, pertinent that the total financial aid which we have received from different sources up-till now has been less than half of the total loss which we have suffered on account of the fall in the prices of our primary commodities. Today, the purchasing power of the export value of our primary commodities is a little less than 50 per cent of what it was in 1948-49. As this is an agonizing and frustrating problem, we will have to face it with the sense of urgency that the circumstances demand.

It was with this purpose that Pakistan successfully moved, in the 14th General Assembly of the United Nations, a resolution asking for urgent examination by a committee of experts, in consultation with the countries producing primary commodities, of the ways and means of establishing a compensatory machinery to offset the drastic fall in the prices of primary commodities. If the decline in their prices continues and if the corresponding increase in the price of manufactured goods also persists, it would become all the more difficult to achieve the objectives of the Plan.

In addition to our own difficulties of earning foreign exchange we must take serious note of the disturbing trends in the procedure of aids and loans received from foreign sources. Because of our clear, consistent and morally correct foreign policy, we are denied assistance from many sources.

The "neutralist countries," by adhering to a policy of being in both courts, have a wider scope for tapping aid and assistance from all sources. Not only is our source confined but this same restricted source is now imposing restrictions which did not exist hitherto. When the Marshall Plan was launched in Europe no restrictions were placed on the liberal aid that flowed into Europe to rehabilitate its economy within the shortest, reasonable time.

Similarly, when the Point Four programme was first introduced by former President Truman, it was based on the principle of the Marshall Plan. It is unfortunate that at this crucial stage of our own development, the United States should feel the need to make certain modifications in its loan utilization. It is, one supposes, the moral duty of prosperous European countries to step in to the extent that U.S. is compelled to contract.

Whether Western Europe and Japan will react in such a way is still to be seen. What is more uncertain is whether this is the way for the United States to seek Europe's association as a contributor to the development of underdeveloped

countries. Mr. Douglas Dillon, the U.S. Under-Secretary of State in charge of Economic Affairs, recently visited Europe with the purpose of persuading European countries to share this responsibility. In countries like ours the dominating fact for the next two decades is the revolution of rising expectations and industrial advances with a view to creating several new Japans! Asia is no longer the godown of the spirit of resignation. Its people are vibrant and impatient for a better life on earth.

Almost all prominent statesmen recognize Asia's revolution of rising expectations. The current economic wealth of Europe and America combined is in a position to fulfill these expectations. The problem is not the inadequacy of the combined resources and strength to assist in the realization of this revolution, but to find the ways of gaining effective co-operation of the wealthy half of the world for this purpose. Such cooperation cannot be achieved if the United States continues to bear the full burden without Europe providing its own share, or if U.S. adopts protectionist policies to force Europe to make its contribution.

It is recognised that the rapid growth of wealth has made the opulent half of the world able and competent to help poorer countries. Further, the need for keeping down the cost of living should make these countries all the more willing to welcome the prospect of importing cheaper goods from the less developed countries. Instead, the tendency in foreign investment, particularly of Europe, has been to shy away from the export of capital on the pretext that there is sufficient demand at home.

The tendency in general economic management, especially in U.S., has been to tighten financial policy to defeat inflation and then to increase production to help those who are hurt by this squeeze. A control has had to be imposed on the rate of industrial growth in order to keep prices down. But then, simultaneously restrictions on various forms of agricultural or textile imports have been imposed to put prices up again. This is what has been called "the first stage of illogicalities."

The *Economist*, London, of December 12, 1959, dealing with this issue lucidly states, "The growth of regional free trading ideas in Europe arising originally from an urge towards greater political unity among the six countries of the continental Common Market is a development which ought to have helped the whole free world's economy to move in the way that it needs to be going. Free trading ideas, like measles, are apt to be contagious. Certainly an advance of liberalism has been the reaction in the rest of Europe where the seven-nation free trade area has now been formed and where a dramatic change now seems likely to come over the thinking of big business.

“A short while ago, any British businessman calling on the Board of Trade was most likely to be clamoring for protection for his industry; now he is just as likely to be pressing for a scheme of freer trade, because he fears what may happen to his markets in France when the Germans can sell there over a lower tariff wall. No doubt German Businessmen calling on Dr. Erhard will be expressing the same apprehension about British competition in Scandinavia.

“It is reasonable to suppose that similar pressures towards liberalism may grow in America, but the danger is that the initial reaction may be the other way; if European countries reduce tariff barriers against each other but not against America, then the American authorities may come under pressure actually to increase tariff or quota protections in their own country as a ‘defence against discrimination.’

“This idea that it is logical to react to increased competition with one’s exports by putting up the duties levied on one’s imports belongs wholly to the era when unemployment was the capitalist world’s abiding economic problem, and when price inflation did not exist.

“By far the best step now would be for America and Europe to vote their annual aid funds into some widely based central organization which could distribute the money flexibly among underdeveloped countries as needs arose and changed: no doubt some of the money must be earmarked for particular investment projects, but the organization’s main aim should be to keep in being a sort of revolving overdraft fund on which developing countries, short of foreign exchange, could draw, provided that their own internal economic policies were not the obvious main cause of their exchange shortage.

“There, then is the nature of the present watershed. The ideal outcome of Mr. Dillon’s voyage of exploration would be the formation of plans:

- (a) To establish a new central fund for distributing America-European aid to Asia and Africa on a flexible system (delegated to the managers of that central fund); and
- (b) To start extending the tariff cuts now being made within the two western European groups into a concurrent and wider (though no doubt initially less rapid) liberalization of European and American tariffs and quotas in trade with whole world.

“Worst outcome would be if the opportunities now presenting themselves were somehow mishandled into becoming excuses for retreats by America into greater protectionism and unilateral cuts in aid.”

To earn foreign exchange under these developments or to squeeze our foreign aid in these complex circumstances is not a tremendous task but, as the Chairman of the Planning Commission said, a back-breaking endeavor. With so much uncertainty over the aid component and the pitfalls in our own capacity to earn foreign exchange, the Plan must of necessity be a modest one. However, even in its modest setting there is no assurance of the total of availability of foreign exchange required for the implementation of the Plan. New factors beyond our control may come into existence to upset the calculations.

Having enumerated and analyzed the bases of Pakistan's Second Five-Year Plan and after having allowed myself a full discussion of the mechanism of foreign aid and loans, we must examine as to what exactly is the basic objective of the Plan. It certainly is not to grow more fodder or to persuade a handful of civil servants to get acclimatized to one wing or the other of the country!

The basic objective is to raise national income. But why should this be the fundamental aim? This is so because it is our duty to the country, and to the common man, to:

- (i) Increase our per capita income;
- (ii) Increase the common man's purchasing power;
- (iii) Increase his investing power; and
- (iv) Increase his holding or saving power.

An amalgam of all these forces would enable him to advance politically, socially, culturally and above all economically it would enable him to participate in national investment: to become a man of property. By these means the economy of the country would become more broad-based. By this process more and more Pakistanis would have a stake, a vested interest in the industrial and agricultural institutions of the country. The Plan's purpose is to raise and not retard national income. This can be done by accelerating the existing momentum.

In all countries and in all systems, due to certain geographical, economical and historical reasons some regions are more prosperous than others. This is true of the United States as well as of the USSR. We should concentrate on the less developed regions of the country but this can be done without calling to attention those that are a step forward. It is necessary to view the development requirements of the lesser developed areas with sympathy and render as much assistance as possible. But it is also necessary, in the larger interest of the nation, to divert its resources into productive channels of investment.

Local requirements of development are planned to be met by Village AID and similar agencies which aim at stimulating the people to help themselves and

bringing monetary assistance and expert advice of specialized departments where needed. It is proposed to provide such aid in a more liberal measure to the less developed areas, through intensified Village AID activities, than to comparatively prosperous areas.

The Plan, in its totality, is a realistic one that has its feet firmly on the ground. Its scope is limited. The capacity to spend depends on the capacity to earn. The power to invest depends on the power of developing and marshalling of resources. By increasing our earning capacity, we would be increasing our potential for spending.

In the past there was no sense of direction no inspiration and, therefore, we have, notwithstanding the achievements, progressed at a snail's pace. But even with direction, even with inspiration and stability it is not always understood or appreciated that a country like ours, with limited resources and with an economy heavily dependent on external sources, cannot generate economic development in immodest or reckless terms. We would face chaos, if we were to lose sight of budgetary discipline and balance. The romantic notion of forging ahead, irrespective of obvious limitations, would invite a galloping inflation with all its attached evils.

Pakistan's Image Abroad
Address at the Institute of International Affairs,
Karachi, August 20, 1960

Our foreign publicity is conducted through various news media like the press, radio, television, films and publications, in addition, of course, to discussions, seminars and lectures initiated and encouraged by our representatives abroad.

Foreign publicity being closely linked with foreign policy, we have at present a working arrangement at home, which ensures the fullest coordination between the Ministry of Foreign Affairs and the Ministry of Information.

It is amazing that the greatest impact Pakistan was able to make on world opinion came about during a period of financial stringency when we had to withdraw some Press Attaches from our Missions abroad. The explanation is simple. The performance at home was so spectacular and the record of Pakistan achievements so impressive that the world could -not possibly fail to notice an emergent nation which had rediscovered its self-respect and dignity and was determined to forge ahead and make its rightful contribution to world peace.

It has been a firm principle with us to eschew magnified claims, for no publicity can be effective unless it approximates to the truth. The Government has and is building up an impressive record which has been generously acknowledged all over the world. Publicity is no substitute for performance and no country can fly its flag higher in foreign countries than at home.

The objective of our foreign publicity is to help create an international climate in which Pakistan can maintain its integrity and prosper in peace. For this purpose, we need friends who are interested in our security, integrity and prosperity.

We adhere closely to the United Nations on the basis of principles enunciated in its Charter for the purpose of securing, maintaining and providing international peace with justice.

The general purpose of foreign publicity is to create goodwill for 'Pakistan, to bring about an understanding of the ideals for which she stands, foster and further friendly and cultural relations with foreign countries and to assist the Government in maintaining the right type of relations with them.

There is much that we can do but we have to adjust ourselves to circumstances. We had, therefore, to go through a process of intense thinking to rationalize the

mechanics of our publicity which suffered in the past from a lack of a sense of direction and purpose. Clear, precise and continuous direction from headquarters is absolutely essential if the workers in the field are to have a clear understanding of what is expected of them at home.

On the long term basis, it is our endeavor that we should be able to produce in the language of all principal countries of the world an authentic book on Pakistan which should be available freely to the nationals of these countries so that the basic facts and the philosophy behind our Freedom Movement can be placed in the proper perspective.

These modest arrangements for foreign publicity have already achieved tangible results and it is no mere chance that the works of Allama Iqbal, who conceived the idea of Pakistan, have already been translated into English, French, German, Italian, Spanish and Arabic.

Pakistan which appeared on the map only in 1947 as a new unfamiliar name, has today by God's grace won for itself its rightful place in the comity of nations.

Publicity, as said earlier, is no substitute for performance and it is in direct proportion to our hard work and sacrifices at home that our prestige abroad will grow and rise. The success of foreign publicity, therefore, depends on our performance at home.

All this has been made possible by our achievements at home, and on account of the honest, hard work that is being done at all levels. There is no short cut to success in any field.

It is our dedication to the cause that will bring us credit, both at home and abroad. It is you and I who can help our nationals abroad to raise their heads high as dignified citizens of a free, progressive and forward looking society that is happily taking birth in Pakistan.

Pakistan-Soviet Oil Agreement
The Pakistan Times. Lahore, March 23, 1961

The signing of the Pakistan-USSR agreement on oil exploration on 4th March, 1961 has, it seems, attracted attention throughout Pakistan and, perhaps, somewhat beyond. This attention is understandable as oil forms or, at least, ought to form, a basic element of a flourishing economy. It is an important artery of the international market; so important indeed that on occasions its distribution, ownership and prices have been fraught with far-reaching implications.

It is now fully understood that the Government of Pakistan is straining every nerve towards developing Pakistan on a viable and scientific economic structure in order to raise the living standard of its people and to bring strength and comfort to this land of 100 million people. Having recognised the fact that the country cannot develop itself economically without the maximum exploitation of all its resources—visible and hidden—the Government began the task of mobilizing its energies on an emergency basis. The first step in this direction was the creation of a separate Ministry of Fuel, Power and Natural Resources in April, 1960. This Ministry was entrusted, among other things, with the task of mineral exploration; oil having the highest priority.

The Ministry undertook a searching study of the oil situation in the country and found that the Government on its part had contributed a total sum of Rs. 114.5 million (excluding taxation reliefs) towards the prospecting of oil under an arrangement with various foreign oil companies which have been given exploration licenses. Considering the huge amount spent on this venture, results were not altogether encouraging. No doubt, since the inception of Pakistan natural gas has been discovered in substantial quantity but this in itself could not be considered a major contributory factor in the struggle for raising the economic level of the country.

The discovery of gas has been helpful; but we discovered it in our search for oil. So, as far as oil is concerned, all our endeavors thus far have not been encouraging. What made the prospects more discouraging was the growing belief among the prospecting companies that the chances of striking oil in Pakistan were getting dimmer and dimmer.

The stalemate had to be broken. It was about time that some competition, some intensification of activity was infused to make a final bid for the discovery of oil. Pakistan is regarded to be within the oil belt. It would, therefore, be a cruel act of fate if this country was to be an exception. To laymen and to some experts it

seems that there is oil in our country but so far its discovery has eluded us. The only way now open is to introduce competition. Only, after competition can the Government feel satisfied that all possible efforts have been made to strike oil but that, in spite of searching everywhere and through every means and process known and available, we could not find oil: We would then have the satisfaction of knowing that we spared no effort in trying to find this valuable commodity which at present is consuming a handsome portion of our valuable foreign exchange every year, with its inevitable increase as the development plans get into their stride.

It is against this background of saving valuable and hard-earned foreign exchange and to live a fillip to the execution of our development plans that the oil agreement has been signed with the Soviet Union.

The Soviet offer to assist Pakistan in the exploration of oil was made in 1959 and it was in August, 1960, that the Government of Pakistan decided to pursue the Soviet offer. A delegation of Soviet experts visited Pakistan in September-October of 1960 to assess our requirements of oil. After examining and discussing the data supplied by Pakistani experts, the Soviet team recommended a programme of work for oil exploration to be financed through a long-term loan to be given by the Soviet Government and executed with the help of Soviet experts.

On 12th December, 1960 the Government of Pakistan decided to send a delegation under my leadership to the U.S.S.R. to negotiate an agreement in respect of oil exploration.

The following day, 13th December, the delegation left for New Delhi en route to Moscow. We were told there that our plane had been delayed for a day. In New Delhi the Soviet Ambassador and his wife entertained the delegation to lunch.

We took off from New Delhi on the 16th and were to land at Tashkent before going on to Moscow, but at Tashkent the weather was so bad that it was impossible for our plane to land safely. Since we were to visit Samarkand as well, the Soviet authorities diverted the aircraft to that historic town. This was an appreciable gesture on their part as it was a departure from their normal practice of not allowing foreign planes to land at the military airport of Samarkand.

We spent an unforgettable day in Samarkand, visiting its famous historical monuments and mosques. The grandeur of Islamic architecture and culture so richly visible in this citadel of the great Timur and his descendants was truly impressive. It made one feel proud to be a part of its history, race and religion—separated by time and political and physical change, bound by indefinable but

lasting bonds which held together despite the high mountains, the different languages and ideologies that come between Samarkand's past and Pakistan's present. To find an unmistakable affinity in the midst of this gulf is to know how abiding is Islam's heritage. The following day we motored to Tashkent. On our way we saw agricultural farms in the environs of this great city and were greatly impressed by the activity on those farms. In Tashkent we were given a very warm reception and were pleased to meet many high officials and various Muslim religious leaders. We also offered prayers at the famous Tashkent Jamia Masjid.

We arrived in Moscow on 19th December. Among those who received us at the airport were the Soviet Minister for Foreign Trade and Geology, other Soviet officials and our Ambassador to the USSR.

Formal negotiations began in the Kremlin on 20th December and this was our first contact with the Soviet officials. It was indeed a pleasant experience for us as talks went on in a very cordial atmosphere. On the night of 31st December, I was invited to a reception in the Kremlin at which I met Mr. Nikita Khrushchev again, having first met him at the United Nations General Assembly. The Premier was in great form and proposed a number of toasts. At this reception, I also met other important leaders of the Soviet Union. On previous occasions I had had meetings with Mr. Mikoyan, Deputy Premier, in connection with our talks and found him exceedingly cordial and understanding.

Later, I had another opportunity to talk to Mr. Khrushchev across the table in the Kremlin but on this occasion our talks were confined to the oil negotiations. Among other social functions which the delegation attended in Moscow were a visit to the famous ballet, a reception by the Pakistan Embassy and a dinner by Mr. Mikoyan.

Final touches to the agreement were given by us in Rawalpindi. The oil agreement provides, inter alia, for a Soviet credit to Pakistan of 120 million roubles repayable over a period of 12 years. The Soviet Union will supply experienced experts and 75 per cent of the credit will be in the form of equipment which will be available to Pakistan even after the completion of the oil exploration programme. Pakistani experts will also be trained.

This agreement is the first of its kind between the USSR and Pakistan, it has been brought about after careful and painstaking negotiations conducted in an atmosphere of goodwill and cordiality. It is one of the great manifestations of the spirit of the present age which calls for the widest possible international cooperation to the mutual benefit of mankind rising above political prejudices and barriers of creed or ideology.

Riparian Rights in International Law
Address at Sukkur Law College, April 24, 1961

In order to approach the problem of riparian rights in an objective manner, it would be helpful to consider the legal position. In international law there is a wealth of precedents on the rights and obligations of upper and lower riparians. The negation of a riparian's right to dispose of at will the waters of an international river and the existence of the right of other riparians to make use of the system finds support in the conclusion reached: by every international group that has dealt with the .problem.

The Institute de Droit International stated in what has become known as the Madrid Declaration of 1911 that the regime of rivers and lakes, contiguous or successive, could not be altered by one state to the detriment of a co-riparian without the consent of the other. Interference with the utilization of waters by other riparians was banned outright.

The Geneva Convention of 1923 specially provides in Article 4 that if a state desires to develop hydraulic power which might cause serious prejudice to any other contracting state, the states concerned shall enter into .; negotiations with a view to the conclusion of agreements which will allow such operations to be executed.

The Declaration of Montevideo of 1933 states in Article 2 that no state may, without the consent of the other riparian state, introduce into water courses of an international character, for industrial or agricultural exploitation of their waters, any alterations which may prove injurious to other interested states. The same principle is made applicable to successive rivers in Article 4.

The Interim American Bar Association at its Buenos Aires Conference in November 1957, adopted a statement of existing international law in which it is stated in Article 3 that riparians are under a duty to refrain from making changes which might affect adversely the use of the waters by co-riparians, unless the changes are made under an agreement or a decision of an inter-national court or tribunal.

Not only do the terms of particular treaties reflect the principle of mutuality of rights and duties but their great number, coupled with the infrequency of instances in which riparians have disregarded the protests of interested states, testified also to arrogate to themselves the right to develop an international river oblivious of the corresponding rights of co-riparians.

To give a few examples: the treaty of Brazil-Uruguay (1933), provides that the state concerned shall not carry out the work necessary until it has come to an agreement with the other state.

The Argentina-Bolivia-Paraguay treaty of 1941 deals with the adoption of measures taken by common agreement for the utilization and development of the waters of the said river.

The Dominican Republic Treaty of Haiti of 1929 sets up a compulsory arbitration procedure and limits the parties' right to the waters of inter-national rivers to just and equitable uses having regard to the effect on each other's water supplies.

The Indus Waters Treaty of 1960, between India and Pakistan, with the World Bank as a party for certain specific purposes, is itself evidence of India's recognition and admission that she does not have any unaffected or arbitrary right as the upper riparian to divert the waters of common rivers.

Quite apart from the international treaties briefly referred to above, there are numerous examples from within a state where the rights and obligations of states in a federation have by usage and custom established certain forms that prohibit an upper riparian from interfering with the flow of a common river without the consent of the lower riparian. There are many instances of such regulation in the United States of America. However, it may perhaps be more profitable to quote some of the cases governing the provinces and states of India, our neighbouring country, which too is a federation of states and provinces.

In 1892, the British Indian province of Madras and the state of Mysore, after a dispute as to their respective rights, agreed to certain rules regulating the uses of the waters of the thirteen rivers in which Mysore had claimed superior rights as an upper riparian state. These rules, defining the limit within which no new irrigation works are to be constructed by the Mysore state without previous reference to the Madras Government, speak for themselves.

The Indus Basin Commission headed by Sir Benegal N. Rau accepted, among others, the following principles of law governing the rights of provinces and states with respect to water:

- i. The most satisfactory settlement of disputes of this kind is by agreement, the parties adopting the same technical solution of each problem, as if they were a single community undivided by political or administrative frontiers (Madrid rules of 1911 and Geneva Convention of 1923, Articles 4 and 5).

- ii. If once there is such an agreement, that in itself furnishes the “law” governing the rights of the several parties until a new agreement is concluded (Judgment of the Permanent Court of International Justice 1937, in the Meuse Dispute between Holland and Belgium).
- iii. If there is no such agreement, the rights of several provinces and states must be determined by applying the rules of equitable apportionment, each unit getting a fair share of water of the common river (American decisions).

In the early 40's, the state of Patiala undertook to divert supplies from the Ghaggar River to provide increased irrigation. A weir to divert the supplies was begun. The Punjab feared that the planned increased diversions would interfere with its existing irrigation. It filed a protest through the Resident Agent, Punjab States, and requested the Viceroy to take up with Patiala the question of removing the weir. The Viceroy agreed that the action of Patiala would result in violating the rights of the lower riparian.

A very strong legal ground for objecting to the interference in the regime of a river by constructing a barrage or a dam exists if by such a construction there is a diversion affecting existing uses of the river. There are many precedents in international law which testify to the sanctity of existing uses. In addition to these treaties which provide more or less specifically for the protection of the existing uses, such protection is also provided by all the numerous treaties which stipulate against material or prejudicial alteration of the status quo without further agreement of the parties. (Prussia-Netherlands 1850, Sweden-Norway 1905, Germany-Lithuania 1928, Lithuania-Poland 1938).

As the law governing the uses of international rivers has not yet been codified, we have to look to the work of an international law group, like the International Law Association, that has dealt with the problem, to ascertain the current thinking as to the principles of law that should govern this subject.

Considerable progress has been made in the formation of principles by the International Law Association. At its last session at Hamburg in August 1960, the Association adopted a resolution which provides for resolving disputes between co-riparians in four stages:

- (a) Consultation with a view to arriving at a settlement as to their respective shares in the benefits of a common river system.

- (b) In the event of failure to arrive at an agreement through consultation, a commission should be constituted and the matter should be referred for determination to that commission.
- (c) If this also fails, then the matter should be submitted to arbitration.
- (d) As a last resort, the dispute may be taken to the International Court of Justice.

The effect of this resolution is to assert that a riparian is under a duty to refrain from causing a change in the existing regime of any international river, which could interfere with the exercise by a co-riparian of its right to share in the benefits of that river, without consulting that co-riparian.

The law on the subject of riparian rights is fairly clear. This being so, it is the duty of all peace-loving states to resort to negotiations for the settlement of disputes affecting riparian rights, or indeed for that matter any other right. In the event of the failure of negotiations, the machinery of international law provides for the settlement of disputes by the well-established principles of arbitration. Should a party refuse to have the differences resolved through good offices or arbitration it is incumbent upon member states of the United Nations to invoke the peaceful procedures provided by the Charter of the United Nations for the settlement of differences. Only when a state's legal and moral position is weak, it hesitates to pursue the established and civilized procedure of settlement of disputes by peaceful means.

In the present context of international affairs, there is no other means of settlement of disputes except by means other than war. This should be the cardinal objective of all countries that wish to see the consolidation of international law so that the element of arbitrariness and provocation is removed from the arena of international affairs.

*Impressions of the United Nations
Address at Pakistan United Nations Association,
Karachi, May 22, 1961*

Peace is a condition characterized by the absence of force. Within an organised society, however, absolute absence of force is anarchism and not possible. The employment of force in relationship between individuals is prevented by being reserved for the community. The employment of force, in general forbidden as wrong, is permitted as a reaction against wrong; that is, as a sanction.

Only the individual or individuals, through whom the community acts is competent to perform a coercive act as a sanction directed against those who violate the norms of society. Thus, the social order makes the use of force a monopoly of the community and by so doing, controls and pacifies the relations of its members.

In a primitive legal community, too, certain individuals only are permitted to perform coercive acts under certain circumstances. It is the individual whose rights have been violated who is authorised to employ force against the one responsible for the violation. -Although in primitive law the principle of self-help prevails, the coercive act taken in the form of blood revenge, for instance, has the character of a sanction.

The modern state is the most perfect type of a social order establishing a community monopoly of force. Within the state, pacification of individual relations is attained in the highest possible degree.

In the sense that law is a coercive order and its utilization is by means of the centralization of the employment of force, international law is primitive law. Its chief coercive quality is the reliance on self-help. Although over a period of decades international law is getting centralized, it has not yet the force monopoly of the international community. It does not have the legal mechanism to unite all individual states into a world state and to concentrate all their means of power—their armed forces—and put them at the disposal of a world government under laws created by a world parliament.

The question, therefore, is often asked if international law is true law properly so called. Hans Kelsen, that great and distinguished jurist, answered this question by referring to Maxim Gorki's play *Submerged*. In this drama Gorki pictures the ragged fringes of humanity whom society considers superfluous, men and women who are regarded as no more important than the vermin that infest their

habitations. There is a dialogue between a tramp called Pepel and Luca, a pilgrim. Pepel asks the pilgrim:

“Hear, pilgrim, is there a God?”

And the pilgrim answers:

“If you believe in Him, there is a God; believe not, and none exists. What you believe in exists.”

Perhaps, this is the right answer to those who ask whether international law really exists. It exists if we believe in it; as any law, even the most effective national law exists only if the individuals whose behavior this law regulates, believe in it. As far as international law is concerned, it is not the effectiveness of the sanctions that is being questioned but only where and how they are provided by the social order.

The international social order provides the means and wherewithal of developing international law into an effective centralized system of law capable of taking punitive sanctions against an international delinquent.

The United Nations is neither a super-state nor a super-state. It does not possess the attributes of sovereignty yet its existence entails far-reaching derogation from the sovereignty of its member states. The members of the United Nations have solemnly renounced some of the most important of the classical attributes of sovereignty, namely to make war or to commit aggression. Article 2, paragraph 4 of the Charter stipulates:

“All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.”

The member states are, therefore, pledged not to resort to force or the threat of force and instead to settle their international disputes by peaceful means in order that succeeding generations may be saved from the carnage of war.

Since the World Organization was founded, in that beautiful city of San Francisco in 1945, it has grown steadily in importance and strength.

To an ever-increasing extent the great powers are being constrained to bring the grave issues which affect international peace and security to the Security Council or the General Assembly. This is a historical trend which it would be difficult to reverse in the present conditions of international life.

The crises of the last few years, notably those relating to Suez and the Lebanon, and most recently the Congo, have demonstrated in no uncertain manner that the United Nations cannot be excluded from bringing to bear its pacifactory role on such situations which affect the maintenance of world peace and security. In fact, its intervention in such circumstances has become essential to resolve disputes between nations by peaceful means in accordance with the high principles of justice and International Law.

The 15th session of the General Assembly which has only recently concluded may well turn out to have been a historic one as a result, firstly, of the admission of a large number of new states to membership of the United Nations, specially the newly independent states of Africa, and, secondly, because of the active participation in the General Assembly of many chiefs of states and governments of the great powers and other nations.

The main concern of small Member States should be to strengthen and develop the Organization to turn it into a real bulwark of their security – their shield and buckler in a world dominated by the great powers and filled with the fear of a nuclear holocaust US and USSR may, perhaps, be able to live it out without the United Nations. I say ‘perhaps’ because it is doubtful if even these two great giants can live in a world without the umbrella of a World Organization.

As far as the smaller non-nuclear states are concerned – the states of Africa and Asia and Latin America – they most certainly cannot afford to expose themselves to the machinations and greed of the powerful states without the shelter of an arbiter and protector of a world society in which the smaller states can and have begun to play an ever-increasing role in bringing to bear peaceful counsel in a world divided by fear and suspicion.

It is in the United Nations that sovereign states gather to seek and evolve one paramount objective – peace. The smaller nations are justified in hoping that great nations of the world who have conquered space would teach us to conquer our passions and our vanities so that we may live in peace without fear. The great powers, if left to themselves without the restraining influences of the smaller nations in the United Nations, may have brought about utter disillusionment.

The course of world affairs over the last decade has demonstrated the fact that while at critical times the great powers dispense with the United Nations in both aggravating and easing tensions; it is the smaller countries, the defenseless ones that stand in need of the organization to protect themselves and to moderate the policies of the great powers.

It has been said of great historical figures that they stride across the world to make an epoch, bless, confuse or appal. May I ask what kind of epoch are we about to make in this half exhausted 20th century in which breath-taking marvels of science and technology have enabled man to leave and return to his own planet?

The peoples of the world live in perpetual terror of annihilation. In a matter of minutes, cities can be destroyed and the countryside laid waste. We do not believe that any of the nuclear powers, at present could deliberately launch a war of extermination of the kind which neither the imagination nor the cruelty of Chengez Khan could conceive. However, the possibility of miscalculation, mistakes or accident, which may unleash such a calamity, cannot be precluded.

For 15 years the great powers have talked of disarmament but with what result? Not a single army division has been disbanded, nor a single tank destroyed by agreement. There has been some reduction of armed forces and presumably of some armaments. However, these reductions have taken place by unilateral action, not by agreement. There is, therefore, nothing to prevent their unilateral increase. In securing the peace of the world through disarmament, undoubtedly the end is no more important than the means.

The 15th session of the United Nations General Assembly highlighted the importance of the disarmament problem which is undoubtedly the problem of problems facing humanity. Had it not been for the pulls and the pressures which this world forum generates we would not have been able to make any headway.

Admittedly, there has been no practical or substantial progress on this critical issue but the very fact that the General Assembly is the focal point for the ventilation of this problem is in itself a significant factor. The survival of mankind is a race between disarmament and catastrophe.

The race is heading towards a dangerous and accelerating crisis and, as I have said earlier, for fifteen years world leaders have been seized of this problem but have demonstrated a simple lack of political and moral courage to lead the world towards disarmament to deliver it from the fear of war.

It is evident to all of us that the present military balance is a precarious one. Here again we, who represent the smaller nations of the world, can urge and bring the full brunt of our moral weight to bear out the well armed great powers to search for a more permanent and secure basis for peace.

Our appeal and our efforts can best be made in the General Assembly. And this indeed is what has been happening. By doing so we are not only exercising a right, but are discharging the direct responsibility of the United Nations for achieving disarmament and fortifying the edifice of peace.

Disarmament like peace must begin in the minds of men and what better platform is there than the General Assembly for the initiation of the crusade for disarmament, for the appeal to the great powers of the world to lay down their arms? The peoples of the world are looking to the United Nations to ease the tension between the East and the West.

It is the duty of all member states, but first and foremost of the great powers, to deflect mankind from a course which can only lead to destruction. We cannot and we must not believe that we will fail.

There is no reason for despair. The General Assembly has and must continue to use all the force of its political and moral authority to demand and insist that the two sides have further discussions to reach agreement on general and complete disarmament under effective international control.

There must be true and effective disarmament—neither disarmament without control, nor control without disarmament. At the last session of the United Nations General Assembly it was my honour to make the proposal, which received unanimous endorsement that the time had come to make a comprehensive study of the economic consequences of disarmament. It is vital that such a study be carried out simultaneously with our efforts to achieve disarmament for we have to create the necessary confidence and sense of security to achieve general and complete disarmament.

The fact that the world has become one, not only in terms of distance but also in the dissemination of ideas, has several consequences. For one thing, the peoples of the underdeveloped countries no longer accept poverty as a part of inexorable destiny.

On the one hand they have reached the very edge of starvation, on the other they are today exposed to the ideas and aspirations of people who live in the more developed countries, in societies that are affluent. New vistas have opened before them, giving shape to their suppressed longings. The age of humiliation and despair imposed on them for so long by colonial rule and domination has given way to an age of expectation and demand.

This phenomenon presents a unique opportunity and a great danger. It could be harnessed to the accomplishment of constructive tasks. On the other hand if the

economic disparities between the rich and the poor keep steadily widening, as at present, the resultant frustrations could only heighten world tensions. Whatever importance this crisis has received, has been due to the positive approach made by the underdeveloped member states in the General Assembly, where nations of the world gather to bring to the fore those issues on which the fate of humanity hinges. Had it not been for this one common world platform, nations would have gone their own way and people would not have realized the magnitude of the challenge posed by poverty.

The General Assembly has broken the barrier of isolation and has awakened mankind to its own basic and fundamental needs. It has created machinery for the discussions—if not implementation—of these cardinal problems. It has brought about a uniformity of thought that the problem exists and that it is a serious one. The march of civilization must be harmonious.

Mankind does not progress in the real sense if a few nations leap ahead on account of historical circumstances and leave the rest of the world, groping in the dark, in misery and in want. On the contrary, such a lopsided surge creates problems of its own. Progress is achieved only when humanity as a whole goes forward. What good is it to the world if the per capita income of certain countries is 2000 dollars or 875 dollars or even 550 dollars, when a great bulk of humanity is living in squalor and in gruesome poverty? The central problem of economic development and industrialization of the poorer countries remained in a deadly stalemate and not as a world-wide challenge until the General Assembly of the United Nations heard about it year in and year out for the last fifteen years for it to become a potent and urgent challenge for the world.

The General Assembly has rendered another significant and noble service to humanity by contributing to the death of colonialism. Since the Charter of the United Nations was framed, almost every year new nations have gained admission to the United Nations. That continent which was called 'dark', but on which the light of freedom now shines, brought to the General Assembly at its last session 17 new states which came in freedom and in dignity to bring their youth and vigor to the service of humanity.

For many generations the Africans were held in bondage. Today they are free, and are respected and honored members of the world community. They have brought with them from their great country the wisdom of their peoples and have now become partners in the mutual quest for a permanent peace based on the principles of justice and equity. From about the original 40 odd members the General Assembly today is adorned by 99 Member States, most of them from the continents of Asia and Africa.

But the heart of humanity will continue to bleed until all people are free, for are not our thoughts and feelings with the peoples still struggling for freedom and equality? One may delay the deliverance of a people, but then nature extorts a high price for it. The General Assembly is undoubtedly deeply concerned with these unsolved problems. Looking at the performance of the United Nations from the darker side one would be tempted to consider these failures, these unsettled problems, and these unattained objectives, the hopes unfulfilled and the problems unrealized. Life, however, must be measured not only by failures but also by accomplishments. We are confident that the United Nations will succeed in the settlement of these problems.

We are hopeful, and recent events have given rise to these hopes, that soon that strife-torn land of Algeria will take its place in the United Nations. This single event in itself will make a great contribution to the cause of peace in the world. No people have struggled so bravely and so heroically as the patriots of Algeria. It will be an honour and distinction for the world body to acclaim the entrance of that brave nation. We admire the new efforts by the parties concerned to settle this human problem by peaceful means and soon, *Insha Allah*, a tragic chapter will close in history.

The world will then be left with one vital problem which has defied solution so far but the solution of which is imperative for the maintenance of peace in this subcontinent, and for Asia, if not the world, as it can very well shake and break the tenuous threads that maintain the balance of peace.

We have the opportunity and the means to avert a catastrophe and realize our legitimate aspirations by settling the Kashmir dispute.

It is only when this dispute is settled that the dream of progress towards a future unbelievable in this subcontinent will materialize. It is only then that we can order a full and united contribution to give our people a better life on earth, to give them the necessities of life. Shall we have the will and the courage? We do have the means. It is, therefore, our moral duty to the peoples of Asia and to the peoples of the world to settle this dispute which threatens our future, to pull out this dagger from our hearts.

Obstinacy and reliance on might have never ushered in peace; only the use of sword. It is, therefore, incumbent on the parties concerned and on the United Nations as the arbiter of world peace to make a sincere and forthright effort to settle this dispute; otherwise a blind fate may move us towards self-destruction. Must we permit a blind will to drive us to doom?

It is for the great men who control the destinies of their people and who take part in that great congress at New York to prove that it is otherwise, and that we can settle this issue according to the principles of justice and equity embodied in the resolutions of the United Nations to enable us to make the fullest use of this age of glorious opportunity by the exercise of man's free will and his determination to exercise this choice in freedom.

Rationalization of the Sindh Land Revenue System From Radio Pakistan. Hyderabad, September 5. 1961

Last year, while speaking to you about the over-all progress of this region, I had made a mention of the land revenue assessment operative in this region, the agitation of the people against its iniquitous rates, and my efforts for a fair and just determination of this question.

It is admitted on all hands that the land revenue assessment in this region has been very high, but there were valid reasons for it. In certain circumstances, a people are called upon to make sacrifices for a specific purpose. Heavy taxation is one such effective and classical form of a people's sacrifice for a cause. Exceptional circumstances were responsible for the abnormally high incidence of land revenue assessment in the former province of Sindh. The rate of land revenue assessment was inextricably linked with the demand for separation of Sindh from Bombay Presidency.

Sindh was conquered by Sir Charles Napier in 1843. In the first few years of the conquest, the province was placed under a separate Governor but soon after the resignation of the first Governor, Sir Charles Napier, Sindh was annexed to Bombay Presidency. Sindh's connection with Bombay was as unnatural as it was unbearable. The Bombay Government, which enjoyed powerful influence with the Central Government at Delhi and directly with the Secretary of State for India, contended that Sindh could not sustain itself financially as a separate province. Unless, therefore, Sindh showed its financial viability it could not make out a case for separation. At the Round Table Conference, the two representatives from Sindh, Sir Shah Nawaz Khan Bhutto and Sir Ghulam Hussain Hidayatullah forcefully advocated the separation of Sindh from Bombay Presidency, and the Russel Sub-Committee of that Conference accepted the principle of separation with the proviso that Sindh should demonstrate that it could successfully stand on its legs. The record at the Round Table Conference dated 17th July, 1933 state at page 209 that an assurance was given by Sir Shah Nawaz Khan Bhutto, His Highness the Agha Khan and Mr. M. A. Jinnah at the Russel Sub-Committee that subvention to a separated Sindh was definitely ruled out ... Sir Shah Nawaz Khan Bhutto said: "Sindh must stand on its own legs and we do not want any financial help. If we are not able to support ourselves, how can we ask for separation?" The Quaid-i-Azam, Mr. Mahomed Ali Jinnah, said "It is for the representatives of the proposed new province to show how the deficit should be met by taxing themselves." The chairman of the sub-committee, the late Earl Russel, observed: "I will tell you what the recommendation of the sub-committee

is: It is that if Sindh cannot show that it can stand successfully on its own legs then separation does not take place.”

It was, therefore, absolutely imperative for Sindh to make the necessary sacrifices to be able to become financially self-sufficient. As there was no other source of income, the newly constructed Lloyd Barrage had to come to the rescue. The lands that were to be commanded by it had to be heavily taxed. There was no other alternative. Sindh had the choice of either remaining in bondage to Bombay or of becoming a separate entity by facing heavy taxation. It was under these circumstances that the sliding scale formula was evolved and the incidence of land revenue assessment enhanced. The Barrage debt was paid much sooner than expected and Sindh became a surplus instead of a deficit province.

The system operative was and is of the sliding scale formula. This comprised two categories—one for the Barrage areas and the other for the non-Barrage areas. The rates of this assessment vary with the rise and fall in the prices except in the non-Barrage areas where an upper limit was laid down.

The last land revenue settlement for this region was made in 1943. It was to last for a period of ten years and a fresh revenue settlement had to be carried out in 1953. This was the time when Sindh existed as a separate province, but the provincial governments paid little attention to this vital question. In addition to the fact that the revision was necessitated by the expiry of the period for which the previous settlement was guaranteed, the revision had become essential because of increase in prices, deterioration in the quality of the land, the menace of water-logging and salinity, and of stem borer in the case of rice, and a host of other factors.

The basis for this revision gained strength in the year 1955 when the province of West Pakistan came to be established. It was, therefore, absolutely essential to have, throughout the province, a unified system and an identical pattern of land revenue assessment. In pursuance of the realization of the objectives which had prompted the establishment of One Unit, the provincial governments should have given foremost consideration to this question but they did not.

This Government has been conscious of the fact that the incidence of taxation is generally determined by the ability of the tax-payer to bear the tax, otherwise, in the long run, political and economic upheaval follows. It has been said the fall of the Roman Empire was, in great part, due to an ‘iniquitous and irrational system of taxation. Some historians contend that perhaps the union between England and the United States may have been more lasting or developed into a Commonwealth relationship had it not been for the agitation against the form of taxation. More than for political reasons, it is economically prudent to follow this

principle. People lose the incentive to invest and to develop the economic life of a country if they are sapped by unbearable taxes.

As a member of the Cabinet, hailing from this region and having intimate personal knowledge of the problem, I have been devoting considerable attention to the task of securing a just and equitable settlement of this vital question. In view of the complex character of this problem its just determination had to be tackled in stages. The first major step taken in this direction was the bifurcation of the water charges (*abiana*) from the land revenue. This was done under Ordinance No. IV of 1959. While promulgating this Ordinance it was decided to keep the following principles in view:

- a) That the total burden of assessment of land revenue and water rate should not exceed the composite charge as levied before bifurcation.
- b) That the land revenue assessment should be revised in accordance with the Sindh sliding system on the basis of the present crop yield instead of the yield determined at the time of settlement.
- c) That if any increase has to be made in the total burden it should be on the non-sliding scale cash crops.

The second important step taken for affording relief to the '**abadkars**' (settlers) of this region was the suspension of the development cess.

The third major step was taken at the high-level conference convened in Hyderabad on the 31st of July. I had placed before the conference the point of view of the '*abadkars*' of this region. I am glad to say that a decision was taken to reduce the land revenue assessment by 25 per cent. All these measures have brought relief and succour to the peasant.

It is very difficult for any Government especially for one determined to stride ahead economically, to impose a cut in its revenues. Notwithstanding this, to right a long-standing wrong, we have taken the courageous decision to effect this substantial reduction in the land revenue assessment in this region.

As I have said earlier, the problem of unification and rationalization of the land revenue system is a very complicated problem and, before any final and firm decision can be taken, it requires a thorough examination by experts. The major disparities are being bridged, but in some cases the differences are linked with age-old traditions and practices. Some very material aspects, such as the history of the tract, general economic condition of the tract, the trend of prices, proximity of markets, means of communication and ordinary expenses borne by zamindars have to be examined and considered thoroughly.

Is Aid Charity?
October 27, 1961

Economic aid is a development that came after the Second World War. On the ashes of Europe, a new industrial might was created through massive economic assistance from the United States of America, a country involved in the war but spared from physical destruction.

The purpose of resuscitating Europe was not so much to build new cathedrals and institutes of fine arts on the debris of those devastated as to save Europe from being devoured by the whale of Communism. If Western Europe had come under the shadow of Communism, its march forward to the American continent would have been as certain as that of the locust that sweeps across from the Arabian Desert to those of the Indo-Pakistan subcontinent and Central China.

Aid has a definite purpose and that purpose is not charity. It is mutual self-preservation. To save others from totalitarianism is to save oneself. The threat of Communism has receded from a rehabilitated Europe. It is, perhaps, even more essential to assist the countries of Asia and Africa to maintain their freedom.

Europe undoubtedly suffered badly from the Second World War. But Asia and Africa have faced problems which wars create. Besides, some of the Asian countries were also overrun during the last war. However, more than the physical damage done to Asia and Africa by the horrors of war, is the eternal poverty that the people of these two giant continents suffer from generation to generation.-So much so that Asia and poverty are one. Our lands are rich but our people are poor. Disease is our heritage and the wailing of children is the voice of Asia. Beneath a very thin film of a privileged class lies a miserable sea of a sorrowful humanity. Is this a pre-ordained law, the unchangeable destiny of Asia''

It is doubtful if the collective conscience of mankind will tolerate for long such a condition of life. The call of Asian leadership is to wipe out the stigma of chronic mass poverty; to surmount this greatest challenge of all times, every one must pull to Not all the sacrifices at an individual level can dare to touch the fringes of the problems. For centuries non-Asians lived on and progressed from rags to riches on the toil of Asia. The insatiable thirst for the wealth of the Orient by "a sunless, spice-less and silk-less Atlantic society" left us barren. The problem is theirs as much as it is ours. They must, at least in part, restore to Asia what belonged to it.

Aid is given for sound, pragmatic reasons. Governments that have extended aid to other countries know the value and necessity of such a policy. Realizing that assistance is an indispensable feature of modern diplomacy, they are constrained to call upon their people to make the necessary sacrifices in order to prevent a much greater sacrifice. The philosophy of aid, the need for its continuance, has been explained by these governments time and again to their people. And yet there are some who persist in saying aid is charity.

Recipient countries are grateful for the aid they receive and, in some form or the other; there is more than adequate consideration. Unfortunately, this aspect of the problem receives scant attention by those who term aid as charity. It is against the self-respect of a people, even the poorest, to promenade hat in hand at the doorsteps of the opulent nations. Indeed, had this been the sole concept of aid, had there been no reciprocity, it is doubtful if any nation could have endured for long such a state of life.

On the 20th August, 1961, a letter was published in *The Pakistan Times* from an American attorney-at-law who said:

“Your President came here to get additional handouts from our Treasury, and this must be replaced by further taxes upon our people who are already heavily over-burdened. Over half a billion dollars have already been given to your country. Now many of our people are unemployed, there is much hunger and want among them, and many are losing their homes because they are unable to continue their payments on them.

“These bad times are expected to worsen. For the numerous unemployed persons in want here I would petition your people to realize that most citizens here are not the wealthy persons our tax-paid representatives you see appear to be, and I would ask your people for my people to be most considerate in your requests for charity from this country.

This letter was answered ably by a number of our patriotic citizens. The same feelings have prompted me to write on the subject.

People all over the world want adequate living, security, freedom, a sense of purpose and a sense of participation in achieving that purpose. These are basic human objectives which man has ever been striving to achieve. The extent to which these wants have been fulfilled in a society is the measure of the stage of development of that society. Nowhere have all the wants been fully satisfied. There are vast areas of the world where even the most elementary human necessities have not yet been provided; where food, clothing, housing and health and education facilities are lacking.

Almost suddenly, the people of the underdeveloped countries have decided to do something about poverty, ill-health and illiteracy. The speed of communications, the multiplication of contacts between the highly advanced and underdeveloped countries, and the contagion of ideas, have created a new yearning in the hearts of these people; Even the struggles for independence were linked with the desire for economic improvement. Independence and awareness of the inevitability of general mass poverty have fired the imagination of Asians.

In a world where dramatic advances in sciences and technology leave no physical reasons for the existence of hunger, disease and ceaseless toil, improving the conditions of life is one of the greatest challenges of our time. This raging ferment is fraught at once with peril and promise.

So far the challenge has not been adequately met. Faced with rising populations and caught in the vicious circle of low income, low savings, low rate of investment and growth, underdeveloped countries find that poverty breeds poverty. The existing disparity between the poor and the affluent continues to intensify, although poverty and plenty cannot co-exist much longer.

It goes without saying that the great bulk of the efforts for development must be made by the people concerned. It is in this context that radical reforms have been introduced in Pakistan in the past three years. The land reforms have provided new incentives for increased productivity and broadened the economic and social bases of political power. An attempt is being made, through Basic Democracies, to diffuse political and social confidence and thus to achieve the substance of a democratic system of government.

It must be frankly acknowledged that without aid the modest objectives of the Second Plan will not be realized. It is the external capital which will act as a catalytic agent to promote efficiency and effective use of domestic capital. Most of it will go into pre-investment activities, such as provision of education and health facilities, construction of access roads and communications and research; activities which build up the infra-structure of the economy and prepare it for productive investments. Obviously, such investments do not produce revenues, and bearing high interest rates loans do not provide a feasible alternative to grants.

We are doing all we can to overcome the crisis of want. It was not out of cussedness that the Government ordered the excess lands to be distributed among the landless peasants—the poverty incarnate of Asia—the symbol of the challenge of our times. But not all our reforms at the national level can provide

the final answer to an international problem. We must have assistance from abroad. Sympathy is not sufficient.

Few people would today subscribe to the mercantilist view, expressed by Colbert, which regarded it as harmful to national prosperity that arts of manufacture “go out of the Kingdom.” Industrialization of underdeveloped countries would add to international trade and world prosperity. Experience shows conclusively that countries which are the best producers of manufactures are also the best customers of one another’s manufactures. As within a nation, so in the world community, business grows with the prosperity of customers.

Just as power and development of a Communist country is a source of strength to other Communist states, so also the economic prosperity of the “Free World” is the source of mutual benefit. The economic greatness of Britain, France, Germany and other imperial powers of Europe contributed in a large measure to the growth of the American economy. Today, the wealth and power of America is a source of immense strength to all nations called the Free World, and its economy is as indivisible as is the economy of the Communist states. A recession in the United States has immediate economic consequences, as does its economic vitality on other nations of the “Free World.”

The permanent question is why should America and Europe make a contribution to ameliorate Asia’s poverty? Is there an obligation other than that of preventing the world from falling a prey to militant international communism?

The root of this obligation lies in the history of the not so distant past. There is richness in Europe and poverty in Asia and Africa. Had it not been for the rapine of the riches of Asia and Africa, it is doubtful if Europe would have attained its pinnacle of plenty. The era of imperialism is dead but its aftermath still haunts us. Imperialism’s record is a one-way plunder which took place in the name of laissez-faire economy.

We revive the past, but only because those who plan for the future must know something of the past. British colonialism brought a period of peace and security, roads and railways and some education and health. But the whole pattern of our economy was designed to support an alien economy, and education and administration were organised only to serve alien ends.

Errors committed in the past have to be redeemed in the midst of a turbulent present. The burdens of our people are not of our own making, the contribution that the developed countries make will be a major factor in how much of the burden can be relieved and how soon.

To a considerable extent aid is reparation. It is a return to the people of Asia of a part of the wealth taken away from them in the era of unbridled imperialism. There are, therefore, good moral reasons for the West to give massive economic assistance to the people of Asia and Africa. On the subject of moral obligation of the industrialized countries to the developing countries which they previously exploited there is a statement of President Soekarno which is rather interesting:

“It has been said that all schemes of aid originating in the West are only an attempt to redeem the evils of the past by a cash payment in the present, while hoping for a further dividend in the future. It has also been said that they are the present payment of conscience money for past sins, with the hope of absolution in the future.”

The mechanics of imperialist exploitation took the following forms: In the case of the Indian subcontinent, the period between 1757 and 1815, saw a vast unilateral transfer of wealth from that area to England. Orme in his *History, of the Military Transactions of the British Nation in Indostan* describes the tributes which the British collected after Plassey:

“Never before did the English nation at one time obtain such a prize in solid money; for it amounted (in the mint) to 8,00,000 pounds sterling. From real or pretended difficulties, no more was received until the 9th August, when Roydoolub paid 1,655,358 rupees; and on the 30th of the same month he delivered gold, jewels, and cash, amounting to 1,599,737 rupees; the three payments amounted to 10,765,737 rupees.”

In all, Lord Clive asserted in later years, this initial exaction resulted in some £ 4 millions (40 millions in present day money) being “moved across the exchanges”, as we would say, between India and Britain, by way of both public and private payments, as the direct and immediate result of Plassey.

This initial tribute was followed by a ruthless and systematic pillage of the country. Sardar Pannikar has described the East India Company rule of this period as that of “robber state”. In order to end the rampant corruption of the East India Company officials, Lord Clive legalized their right to private trade even though they were its paid servants. Every officer now got his “appropriate” share in an orderly way, strictly according to seniority, a Colonel got £ 7,000 a year or £ 70,000 in present day money-value, a Major £ 2,000 or £ 20,000 per year. Prize money, or just the share in the loot and plunder of conquest were powerful incentives to local military commanders to provoke wars with the native rulers of India. The extortions from the Begums of Oudh by Governor-General Warren Hastings are the most notorious of this kind.

Plunder and pillage, although dramatic and, therefore, historically the more notorious, do not, however, compare with the unrequited flow of capital from India to Britain which commenced with the assumption of functions of Government by the East India Company. The mechanics of the flow were different in form.

Ever since its foundation the Company had found that it had had to trade with the subcontinent by sending out means of payment, which it called "the investment", with which not only to purchase but also to finance the production of cottons and silks by the Indian weavers. This "investment" had always consisted, for the most part, of precious metals, for there were few European goods for which there was a market in India. It was this export of gold and silver in its annual "investment" which had made the Company vulnerable to the mercantilist criticism that it was draining Britain of its reserve of precious metals for the sake of importing luxuries. After the conquest of Bengal, the Company ceased to send out an "investment" at all. In other words, the subjugated country as a whole got nothing at all in exchange for its goods. Of course, the individual weavers were paid, but the money to pay them, instead of being sent out from Britain, was now raised by taxation, primarily in the form of land revenue and as salt tax in the country itself. In a word, the subcontinent as a whole was made to pay for its own exports to Britain.

This is an extreme form of exploitation and it is difficult to assess the total magnitude of this unrequited flow of wealth and capital which went on year after year. Professor Holden Furber in his *John Company at Work* gives a detailed account of the cargoes on both the outward and the homeward voyages of the *Berrington*, the ship in which Warren Hastings returned to England in 1785. The *Berrington* had carried to India various goods, namely lead, copper, steel, woolen clothes and naval stores, of the value of £ 27,300. She brought back from India cotton piece-goods, cotton yarn, indigo, redwood, silk and saltpetre to the value of £ 119,304. If her voyage was typical, as Professor Furber implies that it was, she was evidently transferring an unrequited value to Britain on this voyage of about £ 90,000.

After complex calculations, Furber comes to the conclusion that during 1783-1793, on which he concentrates his researches, about two million pounds (£ 20 million in present day money-value) a year was being transferred unrequited. Strachey describes Furber's figure as "surprisingly modest" and says the calculations involved "much guess-work." Another researcher, William Digby in his *Prosperous British India* calculated that "the drain" or "the tribute" of unrequited value exacted from the sub-continent averaged £ 18 million (£ 180 million in present day money-value) per year during the period from 1757 to 1815.

Apart from the magnitude of these sums, the economic costs to the subcontinent of these unrequited transfers need to be examined. The Bengal famine of 1770 was the first, but not the worst, of the consequences of the British conquest. Handloom weavers were wiped out by the Lancashire power looms. Nearly 80 years after the conquest of Bengal, a reforming Governor-General, Lord William Cavendish-Bentinck, reported that “the bones of the cotton-weaver are bleaching the plains of India.”

The economic gains to Britain, on the other hand, were significant. Indian historians, following the pioneering work of Ramesh Chandra Dutt, one of the first Indians to be appointed to the I.C.S., have taken the view that the fruits of the exploitation of India, in the latter part of the 18th and 19th centuries, played a major part in providing the initial capital for the contemporary industrial revolution in Britain. Mr. John Strachey, a former British Minister of War in the post-war Labour Government, has endorsed this view in his latest book, *The End of Empire*, published in 1959. He says:

“Though the notorious drain from India was by no means the largest factor in Britain’s pioneering industrialization, it played a very real part. That process “as in comparison with present-day developments, a slow one, stretching over more than one century. Nevertheless, at the critical moment, in the mid-18th century, it received the impetus of unrequited imports.”

The distinctive forms of 19th century exploitation of India by industrial capital did not exclude the continuance of the old forms of direct plunder, which were also carried forward and at the same time transformed.

The “tribute,” as it was still openly called by official spokesmen up to the middle of the 19th century, or direct annual removal of millions of pounds of wealth to England, both under the claim of official “Home Charges” as well as by private remitting, without return of goods to the Indian Empire, continued and grew rapidly throughout the 19th century alongside the growth of trade. In the 20th century it grew even more rapidly alongside a relative decline in trade.

The nucleus of British capital investment in the subcontinent was the Public Debt. In the hands of the British Government the Public Debt doubled in 18 years from £70 million to £140 million. By 1900 it had reached £224 million. By 1913 it totaled £274 million. By 1936 it totaled £719 million, divided into 458 crores of rupees (343.5 million) of India debt, and £376 million of sterling debt or debt in England. Thus, in the three quarters of a century of British direct rule the debt multiplied more than ten times.

Much of the debt as built by the system of charging to the Indian Empire every conceivable charge that could be remotely or even fantastically connected with India and British rule: even to the extent of debiting India for the cost of a reception to the Sultan of Turkey in London, for the maintenance of the diplomatic and consular establishments of the United Kingdom in China and Persia, for a war on Abyssinia and for part of the expenses of the Mediterranean fleet.

From 1914 to 1918, England increased its Indian expenditure by 550 million rupees. To meet this imperial debt, the Government spent Rs. 90 million out of a total expenditure of Rs. 1834 million for army, civil administration and debt services.

British taxes soared in the subcontinent in relation to imperial expenditures. Taxation increased 50 per cent between 1850 and 1870. The total taxation which the British Government levied on India increased between 1858 and 1875-76 from £36,000,000 to £51,000,000. The guaranteed interest charges paid to English holders rose in the same period from £9,898,683 to £13,467,763.

It has been said that trade follows the flag. The advantage and immense gain of trading with subjugated nations come from the fact that it is possible to “sell dear and buy cheap.” Mr. Strachey in his *The End of Empire* examines this proposition. By a wealth of figures, Mr. Strachey attempts to prove that the assumption that it is possible to exchange goods and services with colonies in an inequitable manner is untrue because the British terms of trade have actually improved in favour of Britain since she lost her empire.

As regards this, it must be remembered that the gains which an imperial country exacts in the sphere of foreign trade are far more diffused than any simple consideration of the “buy cheap and sell dear” principle would indicate. The possession of subjugated markets enables the establishment of industries, professions and trade, which would otherwise not have been possible or profitable. The gains and earnings from such industries, professions and trades constitute a net accretion to the gross national product of the country. Manufacturers of export trade and armaments in Britain during the 19th century had an immediate relationship with the empire in India. James S. Mill has described the British Empire “as a vast system of outdoor relief for the upper classes,” Colonial possessions also enable the continuance of industries which have ceased to be low-cost producers and would, otherwise, have been blown away by the winds of free trade and competition.

Even in respect of the terms of trade, it is hard to believe that the figures of the British terms of trade since 1945 tell the whole story. Since the days of the Roman Empire, and even before, political domination has been used for every kind of trading on grossly inequitable "terms of trade," In this context, it is also worthwhile to bear in mind that gain is often acquired simply by preventing the weaker peoples from interfering with the normal workings of international trade rather than by overt acts of exploitation. Who can compute what advantages were gained by Britain in terms of the exchange she established for her exports as against her imports by her prolonged control of the Indian market?

A classical writer on the subject, Hobson, found the explanation of imperialism to lie in the super-profits which colonial investments generated: From this point of view, colonial investments could be regarded as an effective mechanism for the transfer of wealth from the colonial possessions to the imperial country.

We are ourselves, as an independent nation, trying hard to attract as much foreign investment as possible. How can then we cavil at foreign investments as a mechanism for imperialistic exploitation? The explanation is to be sought in the difference which lies in foreign investments, on a purely negotiated basis between independent countries, and colonial investments of a dominant imperial power in the territories which are under its control.

Even in the beginning of the 20th century attempts to introduce a more progressive policy were not very successful. Lord Morley (the then Secretary of State), for instance, in his famous dispatch. "No Revenue" dated July 29, 1910 took the view of the European traders and negatived the establishment of separate departments of industries in the provinces. He also discouraged the idea that pioneer industries should be established or commercial production undertaken by the Madras Government (the case at issue), and merely sanctioned educational work and the dissemination of information. The managing agency houses, too, played a leading role in diverting capital towards commercial, rather than industrial uses.

The effects of the wholesale destruction of the Indian manufacturing industries on the economy of the country can be imagined. In England the ruin of the old handloom weavers was accompanied by the growth of the new machine industry. But in India the ruin of the millions of artisans and craftsmen was not accompanied by any alternative growth of new forms of industry.

To describe this as the export of British capital to India would be a parody of the reality. Over the period as a whole the export of capital from Britain to India was more that counter-balanced many times over by the contrary flow of tribute from India to England even while the capital was being invested. Thus, the British

capital invested in India was in reality first raised in India from the plunder of the Indian people and then written down as debt of the Indian people to Britain, on which they had thence forward to pay interest and dividends.

It does not require much imagination to see the difference between “foreign” investments as such and “colonial” investments: the aim of one is development that of the other is exploitation. It is not the taking of investment profits out of the country, but the distortion of the scope and direction of economic development and the deliberate slowing of the rate of economic progress which is the crucial issue. The industrial underdevelopment of India and Pakistan today is the gross cost of the British rule in India, and a measure of the gain to Britain and her commercial interests.

One fact emerges clearly – the amounts needed for the economic development of the currently underdeveloped or the merely dependent countries do not bear comparison with the total of wealth and capital which have been, over the years, siphoned from them.

Pakistan, like the other underdeveloped countries of Asia, Africa and Latin America, stands in dire need of foreign assistance. An impartial observer of the scene, Mr. Paul G. Hoffman, Managing Director of the U.N. Special, Fund, made a recent analysis of the needs of the under-developed countries for investment capital, in the following terms:

“The dimensions, of this problem are staggering. Out of 82 nations which are members of the United Nations, no less than 60 can be classed as less-developed. More than a billion people live in these countries. Their income in 1957, according to the best available statistics, was in the neighbourhood of 120 billion dollars—or an average of \$120 per person. In a number of these countries it is very much less. I might point out by contrast that the average income in the more advanced countries is about 5800 per person and in some of the countries it is very much more.

“The present rate of increase in the national incomes of the less-developed countries is estimated at about 3 per cent a year. Again, we should note that in certain countries it is more and in other countries it is less than 3 per cent a year. Over against this figure one must set our statistics of population growth which averaged about 2 per cent a year. The net increase therefore, in national income in these countries is about one per cent a year. This means a net increase in personal standards of living of about \$1.29 per person. This rate of increase is not acceptable. It is too slow, dangerously too slow.”

This estimate of Mr. Hoffman's admittedly modest. According to a U.N. study, a total investment of \$8 to \$10 billion is necessary if the initial momentum for economic development is to be started in the underdeveloped areas. In any event no emphasis is required to show that the present flow of foreign aid cannot provide for an adequate rate of economic growth in the underdeveloped regions of the-world. If we compare the spread of \$3 billion a year, over one hundred countries and territories populated by more than 1.5 billion people, with the assistance of \$13 billion extended to the small number of West European countries within a period of thirty months considering the years of the actual flow of aid, for rehabilitating only 240 million people under the Marshall Plan, the inadequacy of what is being done to help the underdeveloped countries becomes only too obvious.

The complexities of the problem of maintaining an adequate level of international investment has been highlighted in the last few years by the fall in the price index of primary commodities and the consequent change in the terms of trade against the underdeveloped countries. The fall in the price index of primary commodities has reduced the export earnings of the underdeveloped countries by 7 to 8 per cent from mid-1957 to mid-1958. This drop, coinciding with a rise in import prices of manufactured goods represents a national loss in import capacity to the underdeveloped countries equivalent to about one-sixth of the official gold and foreign exchange holdings of these countries, or to about six years lending to them by the International Bank for Reconstruction and Development at 1956-57 rates. It may also be pertinent to mention here that in the case of Pakistan the total financial aid which we have received from different sources up till now, is equal to the total loss which we have suffered on account of the fall in the price of our primary commodities.

It may be added that the future, as far as one can see it today, does not hold prospects of any improvement in the present situation. All trends indicate that the cost of manufactured goods in the industrialized countries will, mainly because of the wage increases and other social benefits, continue to rise, that the manufacture of substitutes will continue to reduce the demand for primary commodities and that the demand of the under-developed countries for manufactured goods, in order to increase their production of primary commodities and industrial products in keeping with the increase in population, will continue to rise. These pressures cannot but lead to the widening of the gap between the standards of living of the people of the underdeveloped countries and those of the industrialized countries. The extremity of such consequences can be judged from the estimate that even today no less than 1,362 million inhabitants out of a total of 1,800 million living in underdeveloped countries have a per capita income of \$8 per month as compared to the \$9 per day in the highly industrialized countries.

The moral obligation of the richer nations of the world to extend economic assistance to the less fortunate countries has been set forth most convincingly by Mr. John Strachey in *The End of Empire* as the following paragraph would indicate:

“To abstain from imperialism is not enough. To turn our backs in well-fed indifference upon the hundreds of millions of striving and suffering men and women whom we once ruled would be as great a crime as to try to continue ruling them against their will. The opposite of imperialism is not isolation in a Little England, prosperous, tidy, smug. If we wish to be as great in the future as in the past, we must work and serve wherever we once ruled and led.”

Perhaps, Asia’s poverty is not all of colonialism’s making: perhaps, poverty cannot be wholly eradicated in any system of society. But wherever it is as widespread and as-total as it is in Asia and Africa, its reduction is no mean achievement. It is not that we are unaware of its presence in the rest of the world. It is not that we think that the streets of America are paved with gold and that its citizens are either diamond-studded movie stars or oil tycoons. America has her problems of want and of unemployment as does any other country. To expect to see America and Europe without poverty is like expecting to find only snake-charmers and fakirs in Asia. We have seen the miseries of a Harlem and the slums of a Maxwell Street. But the grotesque poverty of Asia cannot be compared with the slums of New York or with the backwash of Los Angeles. The poverty of Asia is more cruel than all the slums of America and Europe put together.

The full magnitude of poverty cannot be sensed by those brought up in it, by those who “sleep with the dogs and get up with the flies.” We can only realize the extent of our poverty when we are out of our own surroundings or when others describe it to us. It was an Englishman who first made me realize the meaning of poverty, a classical Oxford scholar and his name was Verrier Elwin. He has been regarded as one of the best prose writers of our times and his work in anthropology has been described as “among the great modern contributions on the subject of Man.”

Verrier Elwin has said:

“We are so used to poverty in India that we often forget what it is. I remember one day a family coming to us in tears, for their hut and all they possessed had been destroyed by fire. When I asked how much they wanted to put them on their feet again they said, ‘Four rupees’ – the price of a single copy of *The Brave New World!*”

“That is poverty.

“In Baster State once, a Maria (an aboriginal type) was condemned to death and on the eve of execution they asked him if there was any luxury he would like. He asked for some chapati (wheat bread), and fish curry, made after the city style. They gave it to him and he ate half of it with great enjoyment, then wrapped the remainder up in the leaf-plate and gave it to the jailor, telling him that his little son was waiting outside the prison door. The boy had never tasted such a delicacy, but he should have it now.

“Poverty is to see little children taken from you at the height of their beauty. It is to see your wife age quickly and your mother’s back bend under the weight of life. It is to be defenseless against the arrogant official, to stand unarmed before the exploiter and the cheat.

“Poverty is to stand for hours before the gate of a court of justice and to be refused admission. It is to find officialdom deaf and the great and wealthy blind. “I have seen children fighting over a scanty meal of roasted rat.

“I have seen old women pounding wearily at the pitch of the sago palm to make a kind of flour. I have watched men climb trees to get red ants to serve instead of chillies.

“Poverty is hunger, frustration, bereavement, futility. There is nothing beautiful about it.”

No death is more humiliating than that by poverty. We in Asia and Africa have witnessed such an end in every village by each sunset. In the Bengal famine of 1943 we lost 3,500,000 of our people by the simple and inexpensive expedient of starvation.

At the time of the famine I was a boy of fifteen and too young to know the full meaning of its disaster. And yet that tragedy has left an ineradicable impression on my mind. The more I read of it and the more I became aware of its implications, the sicker I grew with the pains of poverty.

D. F. Karaka has written a vivid account of the famine in his book, *I’ve Shed My Tears*:

“In Bengal, jackals and dogs were seen attacking human bodies in which life was not quite extinct.

Thousands, hungry and destitute, had left their villages, their kith and kin, in the most desperate food hunt of our generation. They had sold their belongings. They had even sold their children.

In Bengal, gaunt, hungering people, panting and exhausted, dragged themselves over hundreds of miles in search of a bowl of rice. In the villages one heard them groan in the quiet of the night. The wailing of children filled the air. They cried for fan, the starched water of the rice.

In the streets of Calcutta lay human bodies with nothing more than just skin on the bare bones. They fretted with hunger till they appeared to become unconscious. When the smell became too objectionable they were removed and thrown away.

Men were digging in the dustbins for a scrap to eat. Elsewhere in the same province of Bengal a child was struggling to drink milk from his dead mother's breast.

Dogs shriveled up because there was nothing in the scrap heaps left by man to eat."

That is hunger.

That is poverty.

We need aid to reduce hunger and poverty. The ethics of the times will not allow us to be denied assistance in the gravest crisis that man has faced since the dawn of life.

We have just begun to hear the laughter of our children. Only now have our people begun to realize that the pavement is not their home. We have just begun to see the smile on the face of our *hari* (peasant) and the look of hope in the eyes of the aged.

When Europe suffers, the privileged world feels the suffering in personal terms: when Asia groans, the feeling is not quite just the same. A starving child in the streets of Europe arouses deep emotions, a hundred such infants in the alleys of Asia are the miserable urchins who form a part of the Asian way of life. Aid to Europe was massive. Aid to Asia is sliced at each stage and given more hesitatingly although two-thirds of humanity lives in Asia.

If two billion years of biological evolution towards perfection can be staked for the future of a city in Europe, why is it not natural to expect a universal crusade for the preservation of the flower of manhood? If the future of a city is not negotiable, how can the future of the heart of civilization become negotiable?

More compelling and cogent than the economic and moral considerations for extending aid are the political and strategic considerations but these have been

omitted as they are so clear and so pregnant as to be obvious to all. Whatever the motivating force behind aid, one thing is quite clear – aid is not charity.

Knowing the conditions of Asia, the origins of its deadly problems, the President of Pakistan told the Congress of the United States of America:

“We appreciate the assistance you have given from time to time. We value your friendship with us I sometimes get the impression in reading American papers that foreign aid is a real whipping horse. It gets whacked damned hard.

“I can understand the reason. It is a slogan which does not catch votes. There is no particular lobby for it. It is not easy really to part with your money. But may I say that we are pressing you as friends?

“If we make good, I think you will in some fashion get it back; in many ways you will get it back It is possible the Americans are getting a bit tired of this story but I would like to suggest to you: you better not get tired.”

We are writing the most vital pages of our re-awakening and we will not tarry until we have done everything in our power to “wipe out every tear from every eye.”

If a united front is to be forged against a common menace, it must be united in spirit and form, in which the liberty of each and every one cannot have a different meaning. A cause with a duality of standards is a cause as real as a mirage.

Disarmament Problems

Convocation Address, Sindh University, March 30 1962.

This world belongs to you more than it belongs to the older generation. It is, therefore, incumbent upon you to keep in mind the problems which confront the world today.

By the common consensus of all world leaders disarmament is the most important problem facing us today. Mr. Khrushchev has called it the question of questions and the problem of problems. The choice before mankind is literally either to disarm or perish. A nuclear war, despite some claims to the contrary may well end the human race.

Yet another attempt is being made at the 17 nations' conference, which is currently meeting in Geneva, to explore the possibilities of halting the ever accelerating arms race. At present there is a precarious military balance between the Soviet bloc and the Western powers. It is contingent on the capability of either side to keep abreast of the other in the deadly competition for devising weapons systems of ever increasing destructive power. A technological breakthrough by either side could destroy this balance and plunge the world into the abyss of ultimate catastrophe.

For the last few weeks we have been reading of the successful testing by the Soviet Union of such terrible weapons of mass destruction as the 70 megaton hydrogen bomb and a global rocket which, it is claimed, will render useless all anti-missile defence and prompt warning systems against surprise attack. The United States has not been idle either. Only recently it has tested a new inter-continental ballistic missile of virtually unlimited range which can deliver nuclear warheads to any point on the globe. While the two nuclear colossi are straining every nerve to be the first to secure domination of outer space and planets in order to achieve military superiority over the other side, the lesser military powers are themselves acquiring the science and technology to manufacture nuclear weapons. The next five years are likely to see the emergence of some dozen or more new nuclear powers and, thereby, the multiplication of the danger of nuclear war.

The problems of disarmament and the maintenance of world peace are thus becoming more dangerous and intractable day by day.

It is under the shadow of this menace that the 17 powers are exploring the possibilities of general and complete disarmament first demanded by Mr. Khrushchev in 1959. What are the prospects of reaching this objective? For

almost two decades the goals of disarmament, whether comprehensive or partial, have been discussed by turns in vain. All attempts to make progress towards an agreement have foundered on the rock of inspection and control. The slogan has been—no disarmament without control; no control without disarmament but disarmament under control.

Despite fifteen years of negotiations between the East and the West, it has been impossible for the two sides to reach any agreement on even mini-mal measures of disarmament under international inspection and control.

Take the question of nuclear weapons testing. The scientists of the Soviet bloc and the Western powers-are agreed that it is feasible to devise a detection system against tests in the atmosphere, in outer space, under the oceans and underground except for hidden explosions under certain extreme conditions; yet no agreement has been reached, after more than three and a half years of negotiations between The United States, the United Kingdom and the Soviet Union, on a treaty to permanently ban nuclear testing under international inspection and control.

It is, therefore, encouraging that negotiations between the two sides have been resumed in a sub-committee of the current Geneva conference. Once again time is the essence of the problem.

The United States has served notice to the world that unless a test ban treaty is agreed upon before the end of April, 1962, it will resume atmospheric nuclear testing in order to safeguard its own security against the breakthrough achieved by the Soviet Union as a result of its last series of tests in violation of the *de facto* moratorium which had existed for more than three years.

It is not a good augury that evens the least intractable of the problems of disarmament—such as the cessation of nuclear weapons testing under international inspection and control, should continue to defy all attempts at a solution.

The peoples of the world may well react with skepticism and despair to the current talks in Geneva on general and complete disarmament. Yet, the need for a solution is so urgent and the consequences of a failure so awesome, that skepticism and despair must not be permitted to make ourselves resigned to the role of a chorus in a Greek tragedy in which the fates and furies of darkness and destruction drive man inexorably to his doom.

The fifteen years of negotiations on disarmament have not been entirely barren. Last year, the Soviet Union and the United States were able to reach agreement

on certain general principles within the framework of which a treaty on general and complete disarmament is to be negotiated. While there is a great area of common agreement in this formulation, a wide gulf still separates the two sides in regard to the interpretation of some of these principles. The basic disagreement relates to the question of inspection and verification. The United States believes that in order to ensure against evasion and circumvention of controls, not only each agreed measure of disarmament that is implemented must be verified, but also that what remains in the hands of each side after the implementation of the agreed measure, must also be verified. The Soviet Union agrees to the first proposition. It rejects the second. This is the crux of the entire disarmament problem.

Another basic disagreement between the two sides relates to the technological difficulties of detection of hidden stockpiles of nuclear weapons while it is perfectly possible to inspect and control the current and future production of nuclear weapons, there is no sufficiently safe system of detecting stocks of weapons which may be hidden by the one side or the other. It is this technological problem which has brought negotiations on the question of nuclear disarmament to a stalemate since 1955. It is encouraging to note, however, that some recent advances in arms control measures seem to hold out the prospect of reducing the margin of error in inspection systems to detect hidden stockpiles to the point that the degree of risk involved may be considered not unacceptable in relation to the imperative of disarmament.

The prospects of nuclear disarmament, that is, the total elimination of thermonuclear and nuclear weapons of mass destruction, such as hydrogen and atomic bombs and the means of their delivery, such as rockets and missiles, do not seem to be immediately within reach.

In my view it would be more constructive for the Geneva conference to address itself to the task of achieving agreement on those aspects of disarmament which lend themselves to effective controls and to proceed to implement those measures immediately. In my statement to the Political Committee of the General Assembly on October 18, 1960, I had, after making a comparative evaluation of the disarmament plans of the Western powers and the Soviet Union, ventured to suggest for immediate implementation, the following partial disarmament measures under effective international control but as an integral part of a programme of general and complete disarmament:

- (i) Prohibition against placing into orbit or stationing in outer space of vehicles carrying, weapons of mass destruction;

- (ii) Cessation of the production of fissionable material for weapons purposes and the transfer of agreed quantities of such material from past production to non-weapons uses;
- (iii) Prior notification of proposed launchings of missiles as an immediate step to reduce the risk of war by accident or miscalculation;
- (iv) Appropriate measures to give greater protection against surprise attack as an initial step towards safeguarding the world against such an attack;
- (v) Prohibition of wider dissemination of nuclear weapons, that is, no nuclear weapons should be transferred by nuclear powers to nonnuclear ones and that non-nuclear powers should refrain from acquiring or manufacturing such weapons;
- (vi) Substantial reduction of armed forces and conventional armament to be carried out by agreement between the two sides under international inspection and control. The United States had proposed that the armed forces of the Soviet Union and the United States should be reduced, in the first stage of disarmament, to 2.7 million each. The Soviet Union had insisted on a reduction to 1.7 million. As a compromise, I proposed a figure of 2.1 million.

The Soviet Union and the United States have both submitted to the current Geneva disarmament conference revised versions of their earlier disarmament plans. It gives me pleasure to note that the United States is now ready to accept a more substantial measure of disarmament in the initial stages than it had been two years ago. Last September, it agreed to the figure of 2.1 million in the first stage for the armed forces of the Soviet Union and the United States with a proportionate reduction of conventional armaments to be followed by further reductions of armed forces and armaments. The new US plan also proposes a 30 percent reduction in nuclear delivery vehicles and major conventional armaments in the first stage of the disarmament programme together with complete cessation of further production of, fissionable material for weapons purposes and the transfer of 50,000 kilogram's of weapons grade uranium 235 to non-weapons uses by each side.

Despite these advances over past US plans the gap between the United States proposals and those of the Soviet Union still remains wide.

In view of this situation, I would like to reiterate for the consideration of the powers concerned that they address themselves to the task of reaching a limited disarmament treaty on the initial measures of disarmament that I first enumerated on 18th October, 1960, and which I repeat today. These initial measures are capable of immediate implementation. The passage of time has not in any way detracted from the force of argument in favour of this approach. On the contrary, it has reinforced the need to deal with partial disarmament on a priority basis instead of postponing its execution until an agreement has been reached on a global treaty of general and complete disarmament.

There is another factor which reinforces the argument in favour of this limited approach and that is the non-participation of the Peoples' Republic of China in the Geneva Conference. China is a great power and the goal of general and complete disarmament would be impossible of achievement except with the participation of this great neighbouring country and its acceptance of any such disarmament scheme. Pending this eventuality, the only realistic approach to the disarmament problem is to first proceed to implement the initial measures of disarmament that I have enumerated.

There is also the problem of the further enlargement of the number of nuclear powers. Quite a few countries are feverishly engaged in the manufacture of fissionable material for weapons purposes with a view to forcing their entry into the atomic club. We cannot but regard this as a development of grave consequence which will inevitably result in destroying the balance of strength in the different regions of the world and, consequently, lead to a further aggravation of tensions and threats to peace.

The Geneva conference has an equal number of representatives of the two great military combinations of the world—NATO and the Warsaw Pact countries—five on each side. In addition to these ten, there are eight “uncommitted” countries selected from Latin America, Asia, Europe and Africa. While Pakistan welcomes this representation, it is constrained at the same time to draw attention to the fact that the composition of the conference ignores the military realities in certain regions of the world and notably in that of South Asia. Disarmament negotiations must not only seek to preserve the equilibrium between the military strength of the East and the West on a global basis at each and every stage of the disarmament process, but must also maintain the balance of power between the militarily significant countries of each region. Viewed in this perspective, the membership of the Geneva conference is not fully representative of the militarily significant states of the world and, consequently, its composition does not fully reflect the realities in certain regions of the world.

There is one other aspect of disarmament oil I must touch before I turn to other international issues.

A few days ago a ten-nation group of experts established by the General Assembly in 1960 to study the economic and social consequences of disarmament presented a report on the subject. The establishment of this group by the Assembly was the outcome of my initiative in the Fifteenth Session of the General Assembly in 1960. As leader of the Pakistan delegation, in my statement to the Political Committee on October 18th I drew attention to the need of carrying out a study of the economic and social consequences of disarmament. Apart from the reason that a substantial reduction of military expenditure was bound to set in motion changes in the domestic economies of states and in international economic relations, there were other equally important reasons why a scientific analysis of the economic and social consequences of disarmament was both urgent and imperative. Widespread fear existed among the nations lest a reversal of the arms race may result in a world wide economic crisis. Such fears needed to be dispelled if the full support of the peoples of the world was to be mobilized in the crusade against an arms race. The Pakistan resolution on the expert study was adopted by the General Assembly without a single negative note.

In accordance with the terms of reference, which had been proposed for the expert group in that resolution by Pakistan, the group of experts has submitted its unanimous conclusion that "achievement of general and complete disarmament would be an unqualified blessing to all mankind." It has also recorded its findings that all the problems and difficulties of transition from an armaments economy to a peace economy could be met by appropriate national and international measures.

It is also the finding of the group that disarmament would probably have favorable effect on the trade of underdeveloped countries, accelerating their economic growth and resulting in greatly expanded aid from the more advanced nations in a disarmed world. Governments would accord higher priorities to education, health, welfare, social security and the cultural development of their people.

It gives me immense pleasure to take note of the report of the ten-nation group of experts as Pakistan can take legitimate satisfaction in the result of its constructive initiative in the Fifteenth Session of the General Assembly.

Among other major problems before the world, besides disarmament, is that of colonialism in its dying manifestations. The emergence of the new nations of Asia and Africa during the last 15 years has released a new force of the greatest

significance to the history of the world. The affairs of mankind must now be ordered by all its races and peoples cooperating together as sovereign equals. The epoch of colonialism with its concomitant evils of subjugation, of discrimination of one people by another, has gone into the limbo of history. Nevertheless, there are vestiges of colonial rule in certain residual areas of Asia and Africa where the struggle for national liberation is being carried on fiercely. As a former colonial country itself, Pakistan will maintain its solidarity with the struggle for self-determination and independence of all the peoples of Africa and Asia.

The cease-fire in Algeria, after more than 7 years of heroic struggle against colonial rule, marks the culmination of a fight for independence which is unique in history. By any standards of valour and sacrifice, the people of Algeria deserve to rank among the great peoples of the world. We have no doubt that the same qualities for which they have become renowned in war will make them preeminent in the tasks of peaceful reconstruction of their national life.

As Pakistan has arisen from a consciousness of Islamic solidarity and Fraternity, we cannot but be abidingly concerned about the vicissitudes in the fortunes of the Muslim world. It is even established as a principle of our new Constitution that "Bonds of unity amongst Muslim countries should be preserved and strengthened....."

The unity of the Muslim world is spiritual and emotional. It is our task to strengthen the consciousness of solidarity among the Muslim people and to forge closer international co-operation among them for protecting their national sovereignty, independence and security. For the last 14 years the national sovereignty, independence and security of a large part of the Islamic world—the Arab countries—has been menaced by the establishment of the state of Israel against all the principles of international law as enshrined in the Charter of the United Nations. The transgressions of Israel against the law of the Charter and the resolutions of the General Assembly are well known. This aggressive state is about to embark on yet another aggression by diverting the life-giving waters of the Jordan river to deprive millions of Arabs in the surrounding countries of their right to livelihood. It is the inescapable responsibility of the Security Council, which is now seized of this situation, to take all necessary measures under the Charter of the United Nations to halt a renewal of Israeli aggression and to suppress breaches of international peace.

I now come to the most dangerous spark which is likely to ignite a configuration that will be difficult to contain within the limits of the region. I refer to India's forcible occupation of Kashmir which constitutes a grave threat to peace. Pakistan lives for peace, but to stop the march of the people of Kashmir towards

their goal of self-determination with bayonets is condemnable aggression. The general uprising of the people in Kashmir against the Dogra rule started long before the advent of independence in the subcontinent. That struggle of the great people of Kashmir was led, amongst other freedom fighters, by Sheikh Abdullah. Is it not ironical that the present Prime Minister of India was a stalwart supporter of that freedom movement in Kashmir? The greed for aggrandizement superseded the cause of liberation with the result that all norms of international morality were discarded and the state of Jammu and Kashmir occupied against the will of its people. It is the same Dogra Maharaja of Jammu and Kashmir who signed a standstill agreement with Pakistan at the time of independence. It is the same Dogra Maharaja of Jammu and Kashmir who fled the state when the freedom movement gained momentum. It is the same Dogra Maharaja of Jammu and Kashmir who, while on the run, signed a paper acceding the state to India. This fraudulent accession has been the greatest corrupting influence on the ethics of international relations. Naturally, world opinion condemned India for its policy of duplicity. India thought it expedient to pledge to the world that the accession was subject to a reference to the people of Kashmir. Pakistan only demands that the promised reference be made. The four and a half million people of Kashmir should not, and cannot, be denied their God-given right of self-determination. They must be allowed to decide their future. The United Nations must realize that the Kashmir issue may well be one of those grave issues which will decide the future of that world body. True, we cannot live and progress without peace but there can be no peace without the solution of the Kashmir problem.

Role of Political Parties
Speech in the National Assembly, July 10, 1962

Sir, I rise to take part in this debate with a sense of humility because. Sir, as a God-fearing Muslim I know the consequences of victimization It is in a sense of humility, with a sense of fear in the mercy and wisdom of the Almighty that I move to take part in this debate of far-reaching consequences.

On the determination of this problem lies not only the outcome of the role of political parties in the country, but the future of 95 million people of Pakistan who have in the last fifteen years gone through a period of crises, who have been buffeted about by circumstances and have known what it is to suffer under weak and corrupt governments. The role of political parties is essential to every state whether it is democratic or dictatorial. We know that even in dictatorships—in Fascist and Communist dictatorships—the party is a supreme organ of the state. In the Communist states, in the Soviet Union, the party leadership, the party organization and the control of the party caucus determines the government. The party in the Soviet Union is superior not only to the other organs of the state but to the army and all other institutions in the country. So, it is not only in a democracy but in every system that political parties or a party are essential. The other day when we were discussing Kashmir, Mr. Chatta made a cogent observation. He said, “You cannot channelize, and generate the atmosphere the loyalties and the emotions of the people without a party organization.”

There is undoubtedly a gap in political life without an active well-organised disciplined party system. It is in acquiescence of the realities of the situation that the Government has sponsored this Bill. There is no argument, there is no logic superior to the compulsion of events and the compulsions of events have necessitated the introduction of this Bill. It has been said that the Government has introduced this Bill out of some ulterior motive and that the Government is trying to stampede the passage of this Bill. Various other sweeping and unfounded charges have also been made against the Government. This, I think, is most regrettable. On the contrary there should have been universal appreciation of the fact that this Government is conscious of public feelings on important reasonable, legitimate and sensible issues that this Government is willing to accommodate the opposition's point or view, alter its past prejudices, if there were any against putty politics. If democracy is to flourish, you must have respect for the other man's point of view. But when respect for the other man's point of view is shown, instead of appreciation, resentment and anger is being shown.

Sir, why was Pakistan created? Why did millions of people give their lives for the creation of our state? There are some here, including yourself, who have been stalwarts in the Pakistan movement, who have fought, who have suffered who have known miseries and the privations and the sacrifices which all went together and were necessary for the creation of this state of ours. Some of us were not privileged in those days to take part in the freedom movement for the simple reason that we were in our schools and universities, but even in our schools and universities, we felt a great and glorious urge for our promised homeland and were keen to see it carved out as a separate state from India. We prayed for it so that we could call it our own, where we could practice our own way of life, where we could proudly live as a separate community, basing our social, economic and political edifice on the principles and precepts of our religion. The fountain head of our way of life was to be a democratic way of life. But unfortunately soon after the creation of Pakistan we lost our great and beloved leader, the Quaid-i-Azam, and soon after his death we lost the Quaid-i-Millat. There after, Sir, the political history of this country went through such an unusual turmoil that in October, 1958, the Revolution had to come to try and put the state of affairs in order.

We have been told that democracy was not given a chance to survive in this country; democracy was not given a chance to take roots in Pakistan. But may I ask who was responsible for the collapse of democracy? Is the present Government responsible for it or are the misdeeds of the past responsible for the death of democracy? If now, at last, democracy is to survive in the country, which it must, then it is absolutely essential that those who had contempt for democracy, those who played havoc and ran amuck with the destinies of the people, should be debarred from polluting the social and economic life of the nation. This is a simple proposition: once beaten twice shy, but we have been beaten twice; we have been beaten again and again for the last fifteen years. We have faced one crisis after another. It has been due to the resilience and the courage and the fortitude of our people that we have managed to survive these crises. We have been told that this Constitution is defective but at least a Constitution has been given to the country. Now Sir, you will find that for four years we were not able to produce a Constitution at all. In four years we produced one page, called the Objectives Resolution. That is all that was achieved in that period when democracy was supposed to have existed in the country.

Then, Sir, we have been advised to take all issues to the people because the people are the ultimate arbiters of all issues. This is quite correct but let us ask ourselves how many issues did we take to the people of Pakistan when there was democracy in the country? Did we take the parity issued to the people or was the parity formula arrived at in the palaces of the politicians? Did we take the

general and separate electorate issue to the people? Did we take any single issue to the people? Those great champions of democracy who now talk about full and complete restoration of democratic life should know better. No, Sir, they did not take one single issue to the people. On the contrary, they had been denying general elections to the people of this country. The elections they did hold were so farcical that it would be an insult to call them elections. How were the provincial elections held? But let me not speak about the provincial elections, because they are more important. Let me ask how were the local bodies elections held? Were not the ballot papers tampered with? Have we forgotten how the whole machinery of the police and the bureaucracy were geared up and brought into operation to stifle freedom of thought, freedom of expression and the freedom of participation in elections? To practice dictatorship in a democracy is the worst form of evil against society and that is exactly how we were functioning before the present Constitution. Though there was democracy in name yet the most brutal, ruthless and selfish form of, dictatorship of a coterie ran the country. The people's rights were butchered and lacerated in the name of democracy.

Sir, we are all conditioned by our environments. Pakistan is a big state. The problems of East Pakistan are somewhat different from the problems of West Pakistan. But even in West Pakistan, Sir, problems differ. Of course there are common factors, but this notwithstanding, each area; each region has its own peculiar problems. By and large there is a great deal in common in our lives and in our values but there are differences also. Let us recall how we in our regions have suffered in the name of democracy, the democracy of dictators.

My former province of Sindh was separated from Bombay Presidency in 1937. Sindh, Sir, was not a poor province, as I have said before in this House. Its lands are rich, it is a surplus province. At the time of integration of West Pakistan the province of Sindh surrendered three hundred million rupees to the unified province. So, the province of Sindh is not poor, its resources and wealth are not inadequate but still the people are amongst the poorest in the world, This is a great tragedy, Sir In a country where there are no resources, where there is no ability to mobilize wealth, the people can be poor but where there are plenty of natural resources, where there is agricultural abundance the people should not be poor – Sindh is rich but the Sindhis are poor. This is the anomaly and the grief of the situation. In, 1937, as I said, Sir, this province was separated from Bombay Presidency. We immediately had a few Cabinet crises, but it was felt that by the passage of time things would settle. Things did settle, Sir, in the sense that in those days there was no EBDO, there was no PRODA. So we could not resort to such uncivilized laws. Instead a Chief Minister who came in the way had to be murdered as there was no other way of getting rid of him. If there had been PRODA and EBDO, perhaps he may have lived. But a very talented Chief

Minister of the province had to be murdered instead, as there were no laws as EBDO. The record of Sessions Court is available for all to read and to judge and adduce the motives and forces behind the murder. I would not like to dilate on it.

Thereafter, Sir, we suffered and continued to suffer from the petty-mindedness or feudal rivalry in our province. I too am a part of that society. Perhaps one reason why I am here today as a minister is because I belong to this privileged class. Therefore, I do admit the advantages of the system. But, Sir, in spite of the advantages that some of us have derived from the system in spite of the fact that some of us would fight to see it remain, it has many inherent drawbacks. It leads to petty intrigues, it leads to victimization of the people, it leads to callousness towards poverty and it leads to lethargy. So when feudal rivals clashed with each other the people remained exactly where they were. There was no development, no factories, no roads, no communication; absolute darkness and miserable poverty prevailed. Only the great ones, the chosen few prospered. What issues were such arrogant lords going to take to their chattel—the down-trodden people? But now we talk about taking issues to the people.

Then, Sir, Pakistan was established. Soon after the coming into being of Pakistan, the Quaid-i-Azam initiated the disqualification philosophy. We have not introduced it we inherited it from the founder of our state. The Quaid-i-Azam had no rivals or did the Quaid-i-Azam fear some politicians and for that reason disqualified them; No, Sir, the Quaid had no rival, no equal. He introduced this measure because he knew our conditions and our problems. He knew that on account of our backwardness on account of unscrupulous practices, on account of political immaturity it was possible for people to play havoc with the sentiments of our masses. He knew that through intrigue, and vandalistic exploitation, a coterie of people could capture power and victimize people. Therefore, out of sheer necessity he ordered the removal of undesirable elements from the political life of the country. Sir, I was referring to the political condition of my region and it was the Quaid-i-Azam who dismissed a Chief Minister of my province and instituted proceedings against him. - -

The dismissal order was passed at the time of Quaid-i-Azam. Later, during the time of Quaid-i-Millat PRODA was introduced for the same good reasons. No motive could be attributed as PRODA was enforced by a personality of the stature of the Quaid-i-Millat. Why and how PRODA was repealed is also well-known, Sir, and the motives and the sinister reasons behind those repeals are an open book known to all the citizens of this country. In 1958, Sir, when the Revolution came, any measure could have been taken by the Revolutionary Government not only to enforce EBDO but even to take harsher and stronger measures. Although there was nobody to question the revolutionary authority yet only a disqualification of six years was imposed on certain politicians from

taking part in the political life of the country. Now, Sir, on the one hand, we are told that it is evil and wrong to take repressive measures; on the other hand, we are told that democracy must be protected under all and any circumstances. If democracy is to be protected it is absolutely essential that those responsible for the failure of democracy must not be permitted to contaminate the national life of the country for a period of time, until democracy is unshakably established in the land. This is a factual matter. It is much more sagacious to be on the safe side because nobody is indispensable. If those who have been responsible for the deluge, for the miseries of our people are kept out the progress of society and the march of time will not come to a halt. How can there be a reversal of progress?

On the contrary, Sir, it is absolutely necessary to allow new leadership to develop and I would, in particular, appeal to the younger generation in this House and tell them that as elected representatives of the people they must save our people from destruction. It is our duty and responsibility to protect their rights and not to allow the same mockery of justice, the same distortion of principles to prevail again. This is the duty we owe to the people of Pakistan. We cannot go back to them and say that this is a personal matter and out of pity and charity we forgave them. It is not such a simple thing. You cannot decide such an issue on a personal basis. It involves the future of the whole nation. It is no use appealing to the magnanimity of the President and to his sense of pity. It would be a dereliction of duty on the part of this Government if we do not take a lesson from the past. We have no option. It is absolutely essential that this country is saved from another emergency. Let democracy take its roots so that after a period of time nobody could threaten it. It is necessary for the system to take roots. So, I would, in particular, appeal to the younger generation in this House and outside to fulfill the sacred and bounden duty we owe to Pakistan by serving it properly and courageously. I repeat nobody is indispensable. Men or destiny like the Quaid-i-Azam, Kemal Ataturk, or Lenin adorn the horizon of political life once in an epoch. The ordinary political individuals who were responsible for ruining democracy cannot be put in the same class. In that event it is essential to prevent them from getting another opportunity to run amuck with our people's destiny.

We have been told that these people were not given a fair trial, that the code of procedure was a travesty of justice. I have said earlier that when a revolution takes place in a country, then there is no law superior to the law of revolution. Instead of EBDQ proceedings, instead of trial, whatever its form, other measures could have been adopted. Believe me there were some people who did want other measures to be adopted. If their advice had been accepted, there would have been no room for the present controversy. Such measures have been adopted in other countries, in the recent past. Once, Sir Stalin was told by George Bernard Shaw that in Europe people were saying that Stalin's hands were full of

blood, and he replied, "I am full of blood up to my elbow. When you have a revolution." he said, "it is necessary to be full of blood up to your elbow."

The success of a revolution lies to the extent to which it can break away from the past. Yesterday, a friend of mine said that thought and action cannot be controlled like the Rawal Dam. Surely they should not be controlled; thoughts and action should never be controlled but there are societies in which efforts have been made, and rather successfully, not only to control thought and action but to wipe out a mass of people altogether. God forbid that such a thing should happen in Pakistan, it should never happen in Pakistan, but if we are to save Pakistan from such atrocities, if we are to save this country from such bloodshed, then, Sir, it is necessary to be cautious it is necessary to be prudent, it is necessary to learn from our mistakes. If we do not learn from our mistakes, nobody can save us. Our leadership will be found defective if we do not learn from the mistakes of the past. Sir, I have said from the very beginning that I speak with a sense of humility. Some of the politicians have been of more high calibre. I have every regard for them and they are my personal friends. I genuinely feel sorry that some of them have been disqualified.

But it is not, Sir, a question of individuals, it is not a question of removing a disqualification from one or two of them. It is, Sir, a question of fundamental principle, not an academic issue on who has been Ebdod or who should have been Ebdod. This is no longer relevant. Apart from the good ones, the exceptions, the general class has been properly dealt with because among them are also those who shook the very foundations of the State, who on occasions would go all over the country, to every part. East and West Pakistan, and champion a particular cause. It was said that the foreign policy of Pakistan was bankrupt: that we must walk out of the alliances of CENTO and SEATO but the next day on getting into office there were dazzling somersaults and it was solemnly said that without CENTO and SEATO, Pakistan would not survive. These are some of the people who have played havoc not only with our internal life but have made us feel ashamed in the world outside, in our external dealings. Sir, then there are others who went about saying that One Unit should be established, because they wanted to become Ministers. When they were sacked, they said "One Unit must be destroyed." Where is the end, Sir? Where are the principles? Is this how policies are settled? Are we not going to belie this cult of personality? How can we respect issues if we base everything on the cult of personality? We are Muslims. Islam is a religion in which we break idols; but Sir, Muslims have become idol worshippers. As long as a leader is active in the national political life, he is criticized. The moment he is out of it, he is idolized. But, Sir, we cannot be forgiven, by the future generations, if we fail today. So, please ponder and think about this matter rather seriously. What is the problem involved? The problem involved is the survival of democracy. It is necessary that

those who were collectively responsible for the destruction of democracy should be debarred from politics in Pakistan; otherwise the democracy restored will be endangered. It is as simple a proposition as that. And it is only from that point of view that the problem should be approached. We know that our people are carried away by emotions; we know that our people can be subjected to all forms of exploitation. It is therefore, necessary to protect them, to assist them, in having clean, healthy, sound and moral politics. It has been said that let us start afresh from the 8th of June. Yes, come on; let us start afresh from the 8th of June. But is this the way to start afresh? No, this is the way to go back, this is not the way to start afresh. If you want to start afresh, come on, let us develop a new society, together we must work for it, let us wipe out poverty from our land, and let us serve our people together. Why must we go back into the rancor and bitterness of past politics and past politicians? It is in this spirit that the Government has introduced this Bill. No personal motive is involved, and no such motive can ever be involved.

Sir, I would like to summaries the position. First of all, it has been said that democracy is our creed that without democracy Pakistan cannot progress. We agree, and we say that, if democracy is to progress, if democracy is to take roots in the country, it is vital that people who were collectively responsible for the crisis of democracy be debarred for a period of time from coming into the national life to threaten the foundation of this new-born democracy.

Secondly, Sir, it is necessary to take all issues to the people. We must take each and every issue to the people. The people's will is paramount. There is nothing superior to the people's will; but we also know that through organizations through various dubious and devious methods, people's wills have been suffocated, and people's wills have been stifled. By a process of democracy a coterie of dictatorship has been imposed time and again. Therefore, Sir, people's will must prevail but at the same time, one must protect and safeguard, through institutions, through democratic measures, the indirect and back-door method of stifling the people's will. In a democracy people who are against democracy, people who believe in a totalitarian system impose a dictatorship by using democratic methods. Mr. Farid Ahmad mentioned the other day the example of Fascist Germany, and stated how through democratic processes a dictatorship was imposed in Germany. We also know in other countries as well how by the very process of democracy a dictatorship can be imposed. So we cannot misuse the process of democracy and permit a dictatorship to be established by democracy. That has happened before in other countries, it has happened in this country, and it must not be permitted to happen again.

Thirdly, Sir, it has been said by Mr. A. M. Khan that the main and urgent need of this country is development. It is known that our people have one of the lowest

per capita incomes in the world. If we have to develop, if we are to have a better life on earth, if our people have to have schools and hospitals and institutions and industry, if they are to have sources of employment, then it is essential, it is absolutely vital, that there must be stability of Government and administration.

Fourthly, Sir, as I have said before, this EBDO philosophy is not the creation of this regime, it is not the creation of the Martial Law Government, nor is it the creation of the present Government. The philosophy behind EBDO, the logic of the disqualification formula dates back to the Quaid-i-Azam. The Quaid was the first to initiate this measure, and it was continued by the Quaid-i-Millat, for good and sound reason. And why these disqualifications were removed is also well known to this House and to the whole country.

Now, Sir, there is another aspect of the problem, and that is: if you permit individuals to join political parties, and you disqualify them from holding office, that is giving them power without responsibility. The aim of all political parties is to capture power, and it takes all measures to become the government of the country. Now, here is an important fundamental principle involved. If you have people who are disqualified and debarred from holding responsible office, but free to be members of political organizations, how can you ensure a responsible government? In such a situation you saddle people with power – power over the forces, power over our masses, power over ideas, power over molding people's opinion, and at the same time you debar them from the responsibility of holding office. That would bring about a sense of complete irresponsibility. They will take impractical issues to the people who are not capable of fulfillment, and yet they will escape blame for it, because they will not have office to fulfill those promises. We know, Sir, how demagogues have taken issues to the people. We know how, without ever believing in issues or in principles, people have tried to say that a certain issue is their religion. We have known how manifestoes have been drafted for political purposes with no intention of fulfillment. Then, Sir, in that case what will happen? You will have complete chaos in the administration. Therefore, Sir, if it is considered necessary to allow them to be members of political parties, it is equally necessary for them to be in a position to take the reins of government in their hands. You must take it to its logical conclusion. It is not so simple by proposing that there is no real objection to membership; it is not so innocuous. I say it is a serious situation,, and it must be taken to its proper conclusion. If you are permitted to be a member of political organizations, you should be permitted to be an office-bearer. Sir, how can you prevent it? It is absolutely illogical--I would call it absolutely immoral. On the one hand, you permit a person to become a member, a two-anna member, and on the other you disqualify him from becoming an office-bearer. A two-anna member can be as assertive, can be as important, as an office-bearer; he can be even more important

than an office-holder of a political party. I think Mr. Gandhi was not even a four-anna member of the Congress.

So, you see, Sir, if you permit them to become members of the political parties, you must permit them become office-bearers. If you permit them to become office-bearers of the political parties in charge of the manifesto of the party in charge of the programme of the party, in charge of the implementation of the programme, and if the party is in a majority and is capable of forming a government, it must be permitted to hold government offices as well. And if you are going to allow them to hold government offices, then you might as well allow them to threaten democracy as well, and you might as well again face the consequences of the musical chairs and all the machinations that went on for several years before Martial Law was imposed in the country.

Now, Sir, as I have said, it is not a simple matter to let the disqualified persons have the right of becoming members of political parties. I would say that if we allow them to become members then why not remove the EBDO disqualification also?

Sir, these puerile compromises can never build a nation.

If you agree with the thesis that this country must be given an opportunity to develop democracy, then you must agree with the proposition that those who destroyed democracy must be kept out. But, on the other hand, if you think that our people are enlightened, that our people are mature enough and that they can decide issues on merits and that they cannot be swayed by emotions and that these people who originally destroyed democracy will not be permitted to form insidious groups and subvert the process of democracy, then it is perfectly all right. It is for this House to determine the further course, you are the law-makers, you can take measures and remove the ban altogether. There is no question of fear. There is no question of individual fear. There is no question of a malicious approach to this problem. It is based on principles and has nothing to do with victimization. It is for you to decide but let us not have a half-way approach.

I would like to appeal to all, particularly the younger generation, to take this opportunity to make this nation a great and vigorous nation. The leadership of this country cannot be the monopoly of only a few people. It is for the young to take on the mantle of leadership. It is for them to go to the people. No one is born a leader. Work together on the basis of principles to wipe out the past stigma, and increase the per capita income of our people, serve them honorably, and have respect for them, give them facilities for education, for employment. We have not believed in the people in the past. We have had so far only a one-sided

approach of inter-locking intrigues and conspiracies. That is how democracy was worked in the past. Let us put an end to that sort of democracy. Let us now have a new and vigorous democracy. It is absolutely necessary that we start with a clean slate. The clean slate must really be clean and not a polluted slate.

What is the sense in believing that those who actually destroyed democracy should come back again, and ride rough shod over the rights of our people. They have betrayed us everywhere. They have betrayed us on Kashmir. They have betrayed us in our approach to India. They were in one party one day and in another on the following day. After 14 years of our history we must settle controversies. We have not settled one controversy so far. They never took a single issue to the people. Had they taken the issues to the people controversies would have been settled but not a single issue was taken to the people. The parity issue was not taken to the people. The issue of One Unit was not taken to the people. They played with the issues like little Caesars. Now should we allow them to come back and exercise dictatorial powers again over the people of Pakistan? Should we allow them to subvert and uproot the cause of democracy? Are we so sentimental and emotional? Can we let the people of Pakistan suffer because of our sentiments? Can we take chance after chance at the cost of our people? Who will be held responsible if there is chaos again? After all Pakistan was not created for chaos and confusion. Adolf Hitler said he was responsible for anything that happened to Germany. He died, he was turned into ashes, but the whole nation suffered as a result of it. It is all very well to say "ere that if these people do anything wrong we will be responsible for it. But this is not a question of individual responsibility. It is the responsibility of the people because it is they who will have to suffer, and it is the people's right that has to be protected.

It is ironical that elections were held for the first time when Martial Law was imposed in the country. No general elections were held before that. I will tell you how the elections were held before martial Law.

"Under the old constitution it was possible to be a Minister for six months or so and thereafter get elected. A Chief Minister was brought into office by this method and he had to seek a by-election. So, Sir, the poor individual who had the courage to file a nomination paper was huddled into a car and thrown into the desert. When after a day or two he returned, he enquired from the successful Chief Minister if there was no law and order in the land. The Chief Minister replied that in his realm there was no law but only order and that was his order. That is the way elections were held. Now, Sir, these men have got glass jaws and glass hearts. The time for the completion of the nomination papers and declaration of results was 12 noon. At 9-30 the Chief Minister filed his nomination paper but he could not wait till 12 in case someone else came to file a

nomination paper. His will was the will of God! The time was to be changed and an order issued changing the time from 9-30 to 12 noon.

Then, Sir, we talked about party discipline. The Vice-President of the Pakistan Muslim League was taken for a joy ride on a camel, a weak man, a feeble man, was taken for a joy ride and he almost died. He suffered all this merely because he had the courage to oppose the great Chief Minister who was also a member of the same political party. These were the elections and this was the way party discipline was enforced. We are today blamed and questioned why UAR did not support us on Kashmir, why did UAR abstain, and a barrage of questions are asked as if we are responsible for the attitude of UAR.

I would not like to go into details; I would not like to give instances because the other side should also have the opportunity to address this House. Therefore, I would not like to go into details but at the same time it is essential that we should not forget these things. We talk so liberally about free elections, we talk so openly about the fulfillment of democracy but we must talk of it in the context of what has happened in the past.

As far as East Pakistan is concerned, it can be said that the development budget of East Pakistan shortly after Partition was about Rs. 90 million; thereafter it was increased to Rs. 190 million and when we had an East Pakistani Prime Minister it was increased to about Rs. 270 million. Last year there was a record budget of Rs. 890 million and this year of Rs. 1090 million and that should be considered substantial. But that is not the issue here. The point is this that we have done everything possible to try and bring about development in the country. Every effort has been made to channel our resources both in East and West Pakistan. It must be admitted that the economic activity that has taken place in East Pakistan in the last three years has been really remarkable.

Pakistan and the European Common Market
Address at the Lahore Chamber of Commerce and Industry,
September 21, 1962

I am very happy to have had this opportunity unity of meeting you. Your Chamber is one of the most important trade bodies in the whole country and Lahore also is the nerve centre of industrial skills and initiative. In fact wish I could have spent more time with you but pressure of business has forced me to just snatch a day to meet you at the earliest. However, I hope I will be able to spend more time in Lahore both to meet you individually and to visit some of the industrial units in this area.

I am afraid I do not agree with your observation implying that the economy of the country today is more oriented towards trade than industry. On the other hand, our import policy is heavily biased in favour of industry. Our tariff policy also aims to protect indigenous industry within reasonable limits. The imports for industry take the major share of the foreign exchange allocation to the private sector. On the other hand, it is difficult to shut oil completely imports of consumer items through trade. A degree of competition has to be ensured in allowing a quantum of consumer goods through trade and this should not be grudged by the indigenous industry. On the other hand, the time has come when industry must try to function efficiently in a competitive market and make up, by its own efficiency and the improvement of its own skill, what it may gradually come to lose in the way of Government and tariff protection. Sheltered markets for our industry cannot be preserved for very long. So far as imports are concerned it has been the policy to gradually reduce imports of items being locally manufactured. Where goods are allowed to be imported at all, sufficient tariff protection is afforded for local industry to function unimpeded and unhampered. In fact, liberalization of imports and the adoption of the system OGL (Open general license) for various items has been more in favour of industry than trade. Most of the luxury items are coming on bonus vouchers and even the bulk of earnings under the bonus scheme is used for the import of capital goods. It is time however, that industry paid its own way by exporting its products, and also made its contribution to a healthy balance of payment situation. I agree with you when you say that the export bonus scheme will not for all times keep you in the foreign markets. This is all the more reason why you should make efforts right now to maintain the foreign markets in which the bonus scheme helps you to secure a foothold.

Your apprehensions regarding the European Common Market are understandable: We are doing all we can to secure from the advanced European countries a fair deal for a developing nation like Pakistan. The dictates of the

times have compelled Western European countries to make new arrangements. The European Common Market has undoubtedly brought about a great degree of prosperity and well-being for the six European countries that have merged their resources together and circumstances are now compelling Great Britain also to apply for membership of the Community. I believe it is only a matter of time and of negotiations for the United Kingdom to enter the European Community. We wish Europe well we wish all people well and in the prosperity of Europe perhaps we may find the prosperity of other people as well. However, there are certain inherent contradictions in the process of the formation of the European Common Market. We had always been taught that free trade and the removal of tariff barriers is the best promotion for trade, industry and for economic development. Today, we see a reversal of that process and a policy of protectionism has been adopted which will entail serious restrictions on exports from developing countries. Developing economies require foreign exchange for industrialization. If these protective walls are to be erected if there are to be quantitative restrictions on imports or rather the export of goods from developing countries, we will face serious problems.

Every government is most seriously concerned with the issue and our Government in particular is most earnestly and most anxiously concerned with it because for us the earning of foreign exchange is the most important and the most vital object of our trade.

We will have to do whatever we can in order to muster and mobilize our economy on a war footing in order to meet this challenge. We have had to face very important and serious challenges in the past and I am confident that the spirit and the resilience of this country and the people of this country will overcome this crisis as well. But a crisis it undoubtedly is and it is all the more incumbent upon us to put our resources together and to do everything possible to overcome it.

We have been told time and again that tea, which is a valuable foreign exchange earner of Pakistan, will be allowed import without any duty. Well, that may be because tea is an important commodity for the U.K. and by imposing a duty it may raise an internal problem, but as I said what we want is not just tea; we want tea and sympathy. If the approach had been more sympathetic and if the realization of our problems had been more humane, perhaps there could have been a better arrangement for Asian countries and particularly for Pakistan, India and Ceylon. As the French community has managed to protect certain interests, so also the interests of these countries would have been protected, if perhaps the negotiations had been conducted earlier at a time when the European Community was in its embryonic stage. At that time the United Kingdom may have secured better terms, it may have been in a better bargaining

position, but today the going is good as far as the Six are concerned and, if the earlier negotiations had been clinched, it may have been better for all concerned. But now it is a matter of the past. It is a question of history and we cannot go back. Every country has its own interests. We have to protect our own interests and, as I have said, I am certain that we will be able to overcome the difficulties. We wish nobody ill will. On the contrary we will be happy to see Great Britain getting benefits from her entry into the Common Market, but at the same time I think that the full problem and the full magnitude of our difficulties has not really been understood although I do not see why, because the association of the United Kingdom with the subcontinent has been so old, so familiar for the last 200 years that these problems are very well known and ought to have been better appreciated.

So far as the European Community is concerned, it is a question of the past, but in the case of future developments, I do hope and pray that a more sympathetic and a more humane approach will be found to the problems of our poverty-stricken people who are going through a very difficult and challenging time.

The Sino-Pakistan Boundary Agreement ***March 26, 1963***

I have seen India's protest letter to the Security Council of the United Nations charging that by entering into a Boundary Agreement with the People's Republic of China, "the Government of Pakistan has unilaterally altered, not only in its own favour but also in favour of another aggressor, China, the basis of the Security Council Resolution of 17 January 1948 and the UN Commission's resolution of 13 August 1949. As this seems to be part of a systematic and sustained campaign of propaganda against Pakistan, I feel it necessary to set the record straight.

Before I deal with this and other charges let me state at the outset that the substance of India's letter, which is couched in sharp and provocative language, violates the spirit of the joint appeal that Sardar Swaran Singh and I issued on 29 December, 1962 solemnly declaring that to maintain a proper atmosphere conducive to an equitable and just outcome of the Kashmir negotiations, the leaders, officials and press of the two countries would mutually refrain from attacks and propaganda the effect of which would be likely to create a climate of discord between India and Pakistan.

India was fully aware, even before the start of the current series of Kashmir negotiations, that complete agreement in principle had been reached between Pakistan and China in regard to the location and alignment of the border actually existing between the two countries. Sardar Swaran Singh and I issued our joint appeal after this fact had been announced to the world.

It follows, therefore, by implication, that India pledged itself not to make the Sino-Pakistan Boundary Agreement a pretext for propagandistic attacks or an agitational approach to the Kashmir problem, at-least during the time the direct negotiations were continuing. The Indian letter to the Security Council and the spate of statements and propaganda material turned out by the Government of India against the Boundary Agreement, cannot but be regarded as a calculated attempt to vitiate the atmosphere of the negotiations or Kashmir. This campaign fills m with foreboding as to the outcome of our Kashmir negotiations.

The charge of aggression against Pakistan has been repeated *ad nauseam* by India over the last 15 years. Its repetition in the letter is again based on a misquotation of Sir Owen Dixon's *obiter dicta* and torn out of context. It is a charge which has been made before the Security Council time and again. The Security Council has consistently refused to entertain it. Undeterred by repeated rebuffs India continues to assume the pose of lofty self-righteousness over actions which, in

the eyes of the international community, do violence to those very moral principles that India proclaims

Let me turn to the first allegation in India's letter to the President of the Security Council that the Sino-Pakistan Boundary Agreement of March 2, 1963, "unlawfully apports part of the Indian Union territory in Jammu and Kashmir" between Pakistan and China and that the so-called sovereignty of Indian territory has been "traded to the detriment of the territorial integrity and the security of India." It is not necessary for me to point out the evident fact that the territory of Jammu and Kashmir is not a part, integral or otherwise, of the territory of the Union. The territory of Jammu and Kashmir belongs to the people of Jammu and Kashmir. It is a territory the future of which must be decided in accordance with the United Nations Commission's resolutions of 13 August, 1948 and 5 January 1949, that is, through an impartial plebiscite under the auspices of the United Nations to determine its accession to India or to Pakistan. Inasmuch as both India and Pakistan are bound by these resolutions, it is outrageous for one party to assert any claim to sovereignty over Jammu and Kashmir. This claim, which is familiar to the Security Council has never been recognised by that principal organ of the United Nations.

The Sino-Pakistan Boundary Agreement embodies an agreed understanding of the location and alignment of the border actually existing between China's Sinkiang and the contiguous areas for the, defence of which Pakistan is responsible. There is no apportionment of the territory involved, directly or indirectly, in the Agreement. Its purpose is to ensure tranquility in this sensitive part of Asia and, thereby, to strengthen world peace and security. The second allegation in India's letter to the President of the Security Council is that the Sino-Pakistan Boundary Agreement violates the Security Council resolution of 17 January, 1948. There is no substance to it. That resolution calls upon India and Pakistan "to improve the situation." An agreement to delimit and demarcate a boundary with a foreign power, on a revisional basis, in order to avoid misunderstanding which might lead to a breach of the peace, is manifestly a measure to improve a situation, and not to aggravate it. The resolution of 17 January 1948 also requests each of the two Governments to inform the Council "of any material change in the situation" and "to consult with the Council thereon." The Agreement concluded by the Government of Pakistan and the People's Republic of China does not cause any material change whatsoever in the situation 'within Jammu and Kashmir. It does not in any manner alter the stated quo.

It is not Pakistan which is guilty of causing a material change of situation within Jammu and Kashmir. It is India which has altered the *status quo*. Over the last four years, it has increased its armed forces and armaments in the State,—in"

contravention of not only the Security Council resolution of 17 January, 1948, but also the UN Commission resolution of 13 August, 1948 which calls for demilitarization with a view to the holding of a plebiscite.

Therefore, it ill-behoves the Government of India to charge the Government of Pakistan with violation of UN resolutions.

In this context let me recall a few other violations of these resolutions by India:

- i. Kashmir figures illegally as one of the states of India in the Indian Constitution in contravention of India's pre-existing international obligation. India is thus guilty of violation of the law of the United Nations and of international law.
- ii. India attempted to secure popular approval of the fraudulent and invalid Instrument of Accession signed by the despotic Maharaja of Kashmir when his authority had been overthrown by a successful uprising of his long-suppressed people.
- iii. India set up a so-called Constituent Assembly in 1951, in violation of the Security Council resolution-of 30 March, 1951. The manner of holding "elections" to this illegal body is only too well known to be recapitulated now.
- iv. India took steps in 1952 to bring about the administrative merger of Kashmir with India in violation of UN resolutions. An-agreement, known as the Delhi Agreement, was signed that year; it covered such matters as residuary powers, citizenship laws, fundamental rights, powers of the Supreme Court in relation to the State of Jammu and Kashmir, the application of emergency provisions embodied in the Constitution and the headship of the state.
- v. India further tightened its grip over occupied Kashmir by the promulgation of a Presidential Order in May 1954, which had the effect of extending the jurisdiction of the Indian Union. The Order also modified the definition of the term "state subjects" and broadened its basis to include all persons who had acquired immovable property there. This was calculated to reduce the Muslim majority in the state which had already been seriously affected by acts of genocide carried out in the Jammu province in 1947.

- vi. In April 1954, the customs barriers between occupied Kashmir and India were abolished.
- vii. Indian taxation laws in respect of income tax and customs and excise duties were extended to occupied Kashmir.
- viii. Kashmir's financial integration with India, which, was launched the previous year was completed in 1955: and the Auditor General of India was empowered to exercise the same jurisdiction in Jammu and Kashmir as in other states.
- ix. In April 1955, other provisions of the Indian Constitution were made applicable to the state.
- x. In November 1956. India began taking steps unilaterally to integrate the state with the Union of India with effect from 26 January 1957, in complete disregard of India's assurances to the contrary solemnly expressed before the Security Council, and in defiance of the Security Council's resolution of 30 March, 1951. This occasioned the adoption of another resolution by the Security Council, on 24 January, 1957, which reaffirmed the Council's resolution of 30 March, 1951 and declared that: "The convening of a Constituent Assembly as recommended by the General Council of the 'All Jammu and Kashmir National Conference' and any action that Assembly may have taken or might attempt to take to determine the future shape and affiliation of the entire State or any part thereof, or action by the parties concerned in support of any action by the Assembly, would not constitute a disposition of the 'State' in accordance with the principles enunciated by the Security Council."
- xi. India, went a step further when, on 23 April 1957, it included the Jammu and Kashmir state in the membership of the Northern Zone Council Organization of India.

I have enumerated this series of deliberate violations of the Security Council and UN Commission's resolutions by India to set the record straight on the subject and to reveal the sophistry in India's allegation that it is Pakistan which is acting contrary to those resolutions.

The letter of the Indian delegation to the President of the Security Council seeks to fasten on Pakistan a responsibility to withdraw troops from Jammu and Kashmir unilaterally and unconditionally by quoting out of context a certain

provision of UN Commission's resolution of 13 August 1948, that is Part 11, paragraph A1. I would like to ask why India's letter suppresses the other paragraphs of Part II. The Indian delegation is guilty of *suppressio veri* and *suggestio falsi*. These subsequent paragraphs make it obvious that the obligation of Pakistan to withdraw its troops from the state of Jammu and Kashmir does not devolve until both sides conclude a truce agreement to govern the withdrawal of not only Pakistan forces but also the bulk of the Indian armed forces from the state, the withdrawals to be carried out in a synchronized manner.

The reciprocal obligations of the two sides as to the modalities of demilitarization, have been persistently sought to be confused by India over the past 15 years so as to mislead the world into believing that the obligation of withdrawal devolves on Pakistan unilaterally. A reference to the provisions of Part II of the resolution of 13 August, 1948 and the elucidations given by the United Nations Commission for India and Pakistan to the Government of Pakistan established beyond any possibility of dispute the reciprocal nature of the undertaking given by the two sides to withdraw their armed forces from the state of Jammu and Kashmir.

Let me reiterate once again that Pakistan stands ready to conclude a truce agreement with India, here and now, so that both the Pakistan forces and the bulk of the Indian armed forces may be withdrawn in a synchronized manner according to the spirit and the strict letter of Part II of the UN Commission's resolution of 13 August 1948.

I note with great interest that India should after all invoke the UN Commission's resolution of 13 August, 1948 which constitutes an international agreement along with the Commission's resolution of 5 January, 1949, binding both Pakistan and India to withdraw their armed forces from Jammu and Kashmir so as to enable a plebiscite being held under the auspices of UN to determine the accession of the people of the state to Pakistan or to India. This is a welcome departure from the vain attempts made by Indian representatives and leaders in the Security Council and elsewhere to show that the UN Commission's resolutions are no longer operative. Pakistan's firm stand that the resolutions remain viable and the obligations flowing from them continue in force unimpaired has thus been vindicated.

As recently as the last debate on Kashmir in the Security Council in 1962, the representative of Pakistan offered, in rebuttal of the Indian charge that Pakistan is in default in the implementation of the above mentioned resolutions, that:

"Pakistan is quite agreeable to any method that may be suggested for determining (a) the obligations of the parties under the UNCIP resolutions (b)

what is holding up progress on their implementation (c) whether either of the parties is in default with regard to the fulfillment of its obligations and (d) what needs to be done by either side to move the matter forward towards implementation. If a determination of (c) above that is to say whether either of the parties is in default with regard to the fulfillment of its obligations should disclose that Pakistan is in default in any of these respects, the default would be rectified through the speediest method at the earliest possible moment so that the way may be opened towards full implementation of the resolution. This is an undertaking that I submit to the Security Council on behalf of the Pakistan Government. I do trust and hope that India will be prepared to agree to the same.

We stand by that offer. Why does India not accept it? Does it fear the verdict of a neutral and impartial third party?

Finally, the letter of the Indian delegation to the President of the Security Council refers to the letters of the late Prince Aly Khan, Permanent Representative of Pakistan to the United Nations, of 3 December, 1959, and 25 March, 1960, to contend that the Sino-Pakistan Boundary Agreement is contrary to the position taken by the Government of Pakistan as set forth in those two letters. I deplore deeply this effort of the Delegation of India to mislead the Security Council and world opinion when Article 6 of the Sino-Pakistan Boundary Agreement makes it clear that the Agreement is of a provisional nature between Pakistan and China, and that after the settlement of the Kashmir dispute, the sovereign authority that will emerge in Jammu and Kashmir, will reopen negotiations with the Government of the Peoples Republic of China, so as to sign a formal boundary treaty to replace the present Agreement. Thus the Sino-Pakistan Boundary Agreement is in full conformity with the stand of the Government of Pakistan as set forth in the letters of the Permanent Representative of Pakistan to the Security Council mentioned above.

Let me elucidate further. The key sentence in regard to the position taken by the Government of Pakistan in the letter of 3 December, 1959 in the context of the Sino-Indian dispute over the boundary of Ladakh is set forth in paragraph 5 of that letter. I quote:

“However, my Government is bound by its duty to declare before the Security Council that, pending determination of the future of Kashmir through the will of the people impartially ascertained, no position taken or adjustments made by either of the parties to the present controversy between India and China or any similar controversy in the future shall be valid or affect the status of the territory of Jammu and Kashmir or the imperatives of demilitarization and self-determination of the State of Jammu and Kashmir laid down in the resolutions referred to in paragraph 3 above.” (viz, decisions of the Security Council

embodied in its resolutions of 21 April 1948, 30 March, 1951, 24 January, 1957, and in resolutions of the United Nations Commission for India and Pakistan, dated 13 August, 1948 and 5 January, 1949, which have been jointly accepted by both India and Pakistan and by which both Governments, according to their repeated declarations stand engaged.)

It was because of this position taken by the Government of Pakistan in 1959, that Article 6 was included in the Sino-Pakistan Boundary Agreement. The Agreement fully safeguards whatever contingent interest India may have under the UN Commission's resolutions as one of the two countries to which the people of Jammu and Kashmir might accede through a fair and impartial plebiscite under the auspices of the United Nations whenever this right of self-determination is implemented.

The Boundary Agreement does not affect the status of the territory of Jammu and Kashmir. It does not affect the imperatives of demilitarization of the State. It does not derogate one jot or tittle from the right of self-determination of the people. It is, therefore, in entire conformity with the position adopted by the Government of Pakistan in the letters addressed by the Permanent Representative of Pakistan to the President of the Security Council of 3 December, 1959 and 25 March, 1960.

It passes one's comprehension how India declares it to be otherwise. And I am equally at a loss to understand the statement in India's letter to the President of the Security Council that: "The Agreement claims to be provisional and yet it is not subject to ratification. Whether an international agreement is to be made subject to ratification or not is a matter of convenience of the parties concerned and also of their respective constitutional procedures. Ratification, as such, has nothing to do with the question of provisional or permanent nature of treaties and agreements.

Finally, India's letter states that it is not clear how much Indian territory Pakistan has unlawfully ceded to China, although it is known to be not less than 2000 square miles." Only a few days ago an authoritative statement was made in the Indian Parliament charging Pakistan with "surrendering 13,000 square miles of Jammu and Kashmir to China. It is not necessary for me to comment as to how much decent respect for facts India is in the habit of showing what privileges in propaganda. The two contradictory statements speak for themselves. The facts are that Pakistan has not ceded even one square inch of territory to China. It has gained 750 square miles of territory which had been in China's occupation and control.

I shall refrain at this juncture from going into the merits of India's claim to the boundary alignment from the Karakoram Pass to the tri-junction of Afghanistan,

Pakistan and China which is the sector defined in the Sino-Pakistan Boundary Agreement. A publication by the External Publicity Division of, the Ministry of External Affairs of the Government of India dated 16 March, 1963, the same date as that of the letter of the Indian delegation to the President of the Security Council, entitled *Sino-Pakistan Agreement: Some Facts* has come to my notice which further pursues this controversy. The Ministry of External Affairs of Pakistan will go into the merits of these Indian contentions and will give an effective rebuttal to the unwarranted conclusions which the Government of India have sought to draw from the Sino-Pakistan Boundary Agreement. We have enough evidence in our possession to refute the Indian allegations and to prove the equitable nature of the accord between Pakistan and-China reached on the basis of mutual respect and accommodation of each others historic rights and national interests. We derive comfort and satisfaction from the fact that, even though the Government of India does not regard it so, the rest of the world has acknowledged the Agreement as equitable and welcomed it as a contribution to the peace-of Asia and the world.

Reply to Nehru and Menon
Statement at Lahore. July 14, 1963

In the ordinary course of events, whilst the President of Pakistan is in Washington, it would not seem altogether appropriate to enter into a dialogue with Indian leaders on the merits and morality of Kashmir, that great divider between India and Pakistan. However, notwithstanding our restraint, our desire to maintain decorum and equanimity in this hour of crisis, the Defence Minister of India and his Prime Minister have made disparaging and deleterious remarks about Pakistan and thereby hit at the roots of our relations.

One need not repeat *ad nauseam* the generous efforts made by Pakistan to seek a just and equitable solution of this grave issue. Indeed, it was the Pakistan Government which took the initiative to normalize relations by seeking to bring about a meeting of the minds at the highest level and this was done despite the vituperative provocation that flowed from India when, without justification, vile and slanderous attacks were made on the change of regime in this country.

Notwithstanding such crude and diabolical interference in the internal affairs of Pakistan the President extended the hand of friendship and goodwill to India on the condition that the issue of Kashmir be settled according to the principles of international justice and equity.

Let it be known beyond all doubt that Kashmir is to Pakistan what Berlin is to the West, and that without a fair and proper settlement of this issue the people of Pakistan will not consider the crusade for Pakistan as complete. There can be no two questions about Kashmir being an issue which threatens the peace and security of the world. Kashmir is an issue which hangs heavily on the conscience of mankind.

No verbal denial or the afflux of time can detract from the cardinal premise that Kashmir is an international dispute, the solution of which is imperative to world peace and good order: that it is a grim reminder of broken promises, of political expediencies and of international hypocrisy and duplicity, as reflected by the stand of Gandhi's India.

Is it not a tragedy that such a great country, representing a mammoth mass of humanity, should forget its solemn obligations and violate all the known principles followed by civilized nations? The Defence Minister of India has threatened Pakistan with war. I would like to assure him that the people of Pakistan are not frightened by sabre-rattling.

However, to use so grave an issue, one on which peace hangs in the balance, for an election campaign is the epitome of recklessness and irresponsibility.

But what is more unfortunate is that in the space of a few days the Prime Minister of India has again displayed his obduracy on Kashmir and this time ironically enough in Jabalpur, that riot-torn region where the blood of innocents gushed for the crime that they were Muslims.

Prime Minister Jawaharlal Nehru is reported to have said, "The cause of the riots is the social backwardness of India, but that if socially any country is more backward than India it is Pakistan."

Pandit Nehru regards Pakistan as socially more backward than India. Who dare challenge the dictum of the Prime Minister of India? A growing and insatiable appetite, capable of devouring a Junagadh, a Hyderabad, and a Kashmir, with ambition to establish hegemony over other peoples is India's clear criterion of social and political progress. Under such a system of values and judgment Pakistan can be dubbed socially backward. But it is not in Pakistan that communal riots take place almost by the day or where citizenship exists on the basis of debased and unclean ranks, each superior grade considering the inferior as polluting the higher class, and it is not in Pakistan that rituals and customs on eating, burial and companionship are so effete as to be unbelievable.

It is a matter of history, indeed of incontrovertible evidence, that when American military aid was given to Pakistan, a tirade was conducted in India to oppose it and actually this very factor was used as a pretext to resile from the solemn pledge given by India, in the United Nations, to settle the Kashmir issue.

If military assistance to Pakistan was considered so fundamental a problem as to invoke the expedient doctrine, is it not then logical to expect a similar, if not greater aversion in Pakistan if mightier India is likely to be armed in a manner that may cause total disequilibrium in the arms balance in the subcontinent ?

I would like to make it clear beyond all doubt that the people of this country will not forsake a righteous cause merely because more bayonets and bullets may be supplied to India from any source to consolidate her usurpation of Kashmir. Such issues which strike at the core of honour and dignity of a people are not solved by the threat of or use of force, but by the dauntless spirit and fortitude of a people.

It has always been my conviction that the problem of Kashmir can be settled under the umbrella of justice for the good of the people of the subcontinent and

the progress of India and Pakistan. On our part we still maintain that belief steadfastly. It only requires a little bit of goodwill, a little bit of understanding and some magnanimity to be able to do it. How can deception and fraud replace truth and virtue? Often, and, in the long march of history many have tried but none have succeeded and none can succeed as long as there is a grain of honour in humanity and goodwill in the world, as long as there are individuals willing to work for the promotion of peace and for the happiness of mankind.

For this very reason, despite the multiplicity of our pains and passions, we will not allow a blind fate to lead us to mutual doom. On our part we will not take up the sword. But if man and civilization must turn to ashes due to the intransigence and bigotry of a few, a more honorable and glorious end cannot be found than to defend the right cause in the protection of the oppressed and in the vindication of honour.

Boundary Agreement With Iran
Speech in the National Assembly, July 24, 1963

I am thankful to the Chair for the indulgence that has been shown to me in permitting me to address the House while remaining seated. I also wish to apologize to those members of the House whose speeches I was not able to hear. This was because I could not be present in the House on account of my illness to which you, Sir, have alluded in such sympathetic terms. There was, of course, no question of discourtesy on my part to: the members. A full record of the proceedings of the House is available and I can inform myself fully on what was said in my absence.

Some of the points made by the members of the Opposition about foreign policy in the course of this debate were mutually contradictory. We were told that the Government had not come forward with a forthright and positive foreign policy and that it had taken shelter behind time-worn phrases and apologies which have been repeated with monotonous regularity' for the past fifteen years. For their part, the members of the Opposition have not made any concrete suggestions as to policy.

We have been told that by the manner in which we go about begging for arms we have made an international nuisance of ourselves. I admit that one should be ashamed to beg. However, if the interests of the country demand that we should beg, then I suggest that begging becomes an act of patriotism and as such deserves commendation rather than condemnation.

Actually the question of begging does not arise. The fact is that the geo-political position of Pakistan is important to the world and to the global strategy of the great powers. We do not get aid and assistance because we beg for it. We get aid and assistance because Pakistan is a nation of a hundred million people with a geopolitical position of great importance. West Pakistan adjoins the Middle East, a region of vital concern to the world. East Pakistan is on the periphery of the sensitive areas of South East Asia. That being so, it is in the interest of certain powers to give aid to Pakistan. Pakistan having committed itself to defence alliances with those powers, they are giving it aid. Thus there is mutuality of interests and reciprocity between Pakistan and those who give it assistance.

We were told that India is being armed at an alarming rate by the same powers and that the arms which are being given to it will be used against no other country than Pakistan. On the other hand, some members said that under no circumstances could India be a threat to Pakistan, for India was in a state of

decomposition. As a matter of fact, one member said not that the process of disintegration was about to begin in India but that it had already started. He argued that therefore all the aid and assistance that India was receiving or might receive in the future would not really pose a threat to Pakistan.

Such statements are mutually contradictory. We have been advised by some members that Pakistan should not grudge massive military assistance to India because it was in the interest of the global strategy of the Western powers to give such assistance to India. If it is claimed that this statement reflects the true state of public opinion in Pakistan, then we should like the members, who have said so, to prove it. If the people of Pakistan are reconciled to this new development, then we should have no grievance against any one and indeed accept the contention that it is in the global interest of the Western powers to give military assistance to India.

However, this is not the correct position. I submit that the people of Pakistan are deeply concerned about the military assistance which is being given to India. Their concern is based on the fact that India has committed aggression on no less than five occasions during the last fifteen years and principally against Pakistan. We have, therefore, every cause to feel concerned. Really and fundamentally, it is not because of their global interests that the great powers are giving this massive assistance to India. They are giving it in order to make another Chungking out of New Delhi, to make another Kuomintang out of the present Indian regime.

Some members of the House have charged the Government with having given away 3,000 square miles of our national territory to Iran without giving any information about it to this House. The Iran-Pakistan boundary agreement was concluded as far back as 6th February, 1958. What took place on 16th July, 1963, was purely the ceremonial act of the transfer of the areas concerned. This arose out of the obligation incurred by both the countries under the boundary agreement of 6th February, 1958. It is not a fact that Pakistan has given away 3,000 square miles to Iran. We agreed to give to Iran 310 square miles of its territory, which had been forcibly occupied by the British, when they were rulers of the subcontinent and against which occupation the Government of Iran had always protested. In 1871, 1896 and 1905 Britain had forced Iran to conclude boundary agreements with it. But the Iranian Government had consistently refused to demarcate the boundary on the basis of those agreements. With the advent of Pakistan, and in view of its friendly and fraternal relations with Iran, a solution of this problem, which had been left over by history, became possible.

While the Government of Pakistan will transfer some 310 and not 3,000 square miles of territory to Iran, territory which had been in de facto occupation of the British Government of India, the Government of Iran has ceded 95 square miles

of territory, hitherto under its occupation, to the Government of Pakistan. If the demarcation of the border had taken place in accordance with the 1905 agreement, concluded between the British and the Iranians, 300 square miles of territory would have had to be relinquished to Iran, but there would have been no cession by Iran of the 95 square miles of the territory which we are now acquiring under the agreement of 1958. I should, therefore, say that Pakistan has actually gained 95 square miles of territory under the border agreement with Iran. The ceremony about it which took place in Quetta on 15th July, 1963, finally seals the friendship which has so long existed between Iran and Pakistan. As the members of the House are aware, Iran supports the right of self-determination of the people of Kashmir in accordance with the resolutions of the United Nations. I hope I have said enough about our relations with Iran and the actual position in respect of the boundary agreement that has recently been concluded between that country and Pakistan.

Reference has also been made to our relations with Afghanistan, a Muslim country and a neighbor of ours. We have the greatest respect for the people of Afghanistan. It was not of our choosing that diplomatic relations between Pakistan and Afghanistan were severed. We are aware of the fantastic territorial claim that has been made in Afghanistan against our country. I would not wish to mention this aspect of our problem, for, with the restoration of diplomatic relations between our two countries, we should all like to see the beginning of a new chapter of understanding between the peoples of Pakistan and Afghanistan. As I have said, all that we have done is to restore diplomatic relations,, with Afghanistan. That answers the question of my friend, the leader of the Opposition. However, through the re-establishment of diplomatic relations and through contacts at various other levels, we hope we shall be able to settle also other problems which exist between Afghanistan and ourselves. In the same spirit, we are anxious to settle any problems that there might be between us and any other country. It was in this spirit that we asked the Government of India that it should co-operate with, us in solving the Kashmir question, which has been a bar to goodwill between the people of India and the people of Pakistan.

We have settled our differences with other countries through the process of negotiation. Nor is this surprising, for as a member of the United Nations, we are committed to the peaceful settlement of disputes. My friends opposite have said that Pakistan should not claim credit for the good relations it has with its neighbours, Nepal, Ceylon, Indonesia, Burma and Afghanistan. I did not refer to our good relations with these countries with the object of claiming any credit for them, but only to show the contrast which exists between their attitude and India's. India's attitude is one of arrogance and intransigence in approaching problems which adversely affect its relations with its neighbours. What I said was meant to be more of an observation on India's attitude, intolerant and

unaccommodating, towards its neighbours, Pakistan, Ceylon and China. Yet India claims to be a peace-loving state. The best way for it to demonstrate its peaceful intention and professions is to settle its disputes, not only with us, but with all its other neighbours, for we earnestly desire that all countries in the region should live in peace and concord with each other.

Unfortunately, India is the spoilt child of the world. India gets away with all its machinations by irrational explanations which the world only too readily swallows. The misfortune of this region is that the powers which are not familiar with India's mentality and do not understand India's approach to international problems are only too eager to accept India's policies at their face value. That makes it possible for India to continue to menace the peace of the region and the world.

Now, it has been said that we made a mistake in entering into negotiations with India on Kashmir. Our friends opposite have criticized us for having had these talks, but they have not given any good reasons for this criticism. The assumptions on which they proceed are not correct. They have said that by entering into the talks we compromise the Kashmiris' right to self-determination. I categorically declare that under no circumstances could that right have been compromised because of our negotiations with India. In round after round, in the first round, the second round, the third round, the fourth round, the fifth round and the sixth round, the right to self-determination of the people of Kashmir constituted our basic stand for a settlement. As stated earlier, in the ultimate analysis, it would be found that by entering into these negotiations we were the gainers.

I shall now show how, on the other hand, India was the loser through these negotiations. You will recall that during the past fifteen years, India always took the position that the problem of Kashmir had been settled and finished with. India maintained that Kashmir was an integral part of the Indian Union as much as Maharashtra or Orissa or Madras; that constitutionally, politically, economically, socially and in every other way, the people of Kashmir were a part and parcel, and an inextricable one, of the Indian nation; and that consequently there was no such thing as a Kashmir dispute. In this respect, I should like to quote from some important statements made on behalf of India:

"....Kashmir is the northern extremity of India.... the idea that" this is in occupation, which is what has been represented to the Security Council, is a total misnomer.... The right of secession then, does not exist in our federation.... the Government of India.... cannot ever accept the idea that accession is anything but an indissoluble bond. When Kashmir acceded that matter was finished."

– Mr. Krishna Menon in the Security Council on 23rd January, 1957.

“Therefore the accession of the State of Jammu and- Kashmir on the 27th October was full and final accessionSo far as the sovereignty of Jammu and Kashmir is concerned, it has become the sovereignty of the Indian Union by the act of accession, by the treaty of the Maharaja with the British Crown....There is no such thing in our Constitution as provisional accession....”

– Mr. Krishna Menon in the Security Council on 3rd May, 1962.

....we regard the accession of the State of Jammu and Kashmir to the Union of India as full, complete and final, irrevocable and what is more, perpetual...we shat not at any time submit this matter to what is called mediation or arbitration....”

– Mr. Krishna Menon in the Security Council on 4th May, 1962.

That was the position of the Government of India. It was on the basis of that position that India refused to reopen discussions on the Kashmir problem or to recognize it as a dispute and sought and received the support of the Soviet Union when Mr. Khrushchev visited India in 1955. At that time the Soviet leaders were told that this was India’s final position; that India would never agree to negotiate on Kashmir, either directly with Pakistan or through the United Nations. It was on this basis that the Soviet Union lent its powerful support to India on the Kashmir question. But when negotiations were now reopened, it meant that India admitted the existence of the Kashmir dispute, for India came to the negotiating table to settle “the Kashmir dispute on an equitable and honorable basis.” These are the words of the Joint Communiqué of 29th November, 1962. This remained the position even after the conclusion of the talks when it was jointly stated that India and Pakistan had sought to arrive at an honorable and equitable solution of the Kashmir dispute but had been unable to do so. India has thus been led to abandon the premise of the finality of accession on the basis of which it had obtained the consistent support of the Soviet Union in the Security Council debates on Kashmir. This Government can take real and purposeful pride in having restored to the Kashmir question its status as one of the most important disputes facing the world.

Let me say, however, that the Kashmir problem is not one of our creation. We inherited it from the previous Governments of Pakistan. Who was responsible for stopping the fighting in Kashmir? Who was responsible for entering into the cease-fire agreement with India? Surely, not this Government. The truth is that the previous Governments were responsible for mishandling the Kashmir problem. Weakness and vacillation characterized their policies. Their political instability had sapped the vitality of the country. If we are responsible for anything it is for having restored internal stability and resuscitated the Kashmir question.

We have made at least some progress in respect of Kashmir. We have through our exertions brought the problem back before the eyes of the world. It is once again recognised as one of the most urgent problems facing the international community.

It has been stated that we missed a golden opportunity to settle the Kashmir question when there was fighting between China and India. I think that is a very irresponsible and short-sighted view. As I have said, by our tireless efforts and by our constant endeavors, we have made the Kashmir problem a live, problem again. We have brought it down from the shelf to which it had been relegated.

To take advantage of the Sino-Indian conflict, India is determined to exaggerate its nature and extent. India's main aim of course is to acquire arms for purposes other than a war with China. In pursuit of that aim a war hysteria has been created in India. Economic policies have been adopted which bear heavily upon the common man. India has adopted a course of action which is impracticable and utterly futile. It has already caused a sense of demoralization amongst the people of that country and has increased the corruption and nepotism rampant in it. Nevertheless, in pursuit of its policies, the Government of India continues to enforce stringent measures. As a result of these measures, the people of that country are living in circumstances, of which economic distress is the normal characteristic and in which they have to suffer hardships and make sacrifices for a cause that they do not understand. How long can the Government of India sustain such policies against the will of its people? After all, the people of India are human beings; they need food, shelter and clothing like any other people. Denied most of these basic needs, they live in poverty, squalor and misery. The result is utter despondency.

Now, if that is the state of the feeling of the people of India, I ask you, what is the state of the feeling of the people of Kashmir who are not a part of the Indian nation and who have never regarded Kashmir as a part of India? Why should they be made to suffer privations and make sacrifices for a cause which is not theirs, for a conflict in which they are not involved and in which they have no stake? Kashmir is a disputed territory. This fact India has acknowledged in the past and acknowledges it even today. Why should the people of Kashmir be called upon to suffer for the sake of India, in whose colonial bondage they are? India has no right to ask them to make sacrifices for a cause which is not theirs. This is an important issue. In the past, India used to tell the world that Pakistan was a mediaeval theocratic state in which democracy did not exist. On the contrary, it was claimed that India had democratic institutions and had had three elections, and that it had steel mills, had otherwise made considerable economic progress and that the Indian people were leading a better life. And they argued

that the people of Kashmir wished to be a part of the Indian nation, which had attained such prosperity. But can India even now maintain that the people of Kashmir want to be a part of India? Indeed not and yet they are called upon to make the most painful sacrifices for the sake of India and to fight a war which they do not want.

If the people of Kashmir were today in Pakistan they would, like the people of Azad Kashmir, Gilgit or Hunza, have been living in peace and security, with no conflict with their northern neighbor. But they are in Indian bondage and their land has been converted into a battle-ground. India has deprived Kashmir of its peace, tranquility and security and turned it into a theatre of war against the People's Republic of China. These are important considerations which should be taken account of in the settlement of the Kashmir dispute.

First, the people of Kashmir have been called upon to bear privations and make sacrifices for the sake of India in a conflict to which they are not a party. Secondly, they have to contend with the way that armaments and implements of war have been thrown into their land. Because India cannot keep Kashmir under subjugation much longer, this state of affairs is bound to result in an explosion. To avoid that explosion India should agree to settle the problem of its future on equitable and honorable terms. If that were done, Pakistan would be willing to live in peace and friendship with India, as Pakistan has been living with all its other neighbours such as Ceylon, Afghanistan, Iran, Burma, and China. We would welcome such a development.

We are a nation that does not believe in conflict or war. Our history shows that we have never resorted to force. On the contrary, we have always exercised restraint in the face of provocation. It is India that has resorted to war and threats of war. But time is running out for India. It is now being exposed and, in the process, is being isolated.

First things must come first. India must realize what its real position is. In Asia today, India is a suspect nation. It is a nation which is not trusted by its neighbours. It is not trusted by the People's Republic of China. There is tension between India and Indonesia. There is deep suspicion about India's motives and conduct in Asian-African countries generally. How long can India persist in its follies and play the role of an arrogant isolated nation? India is neither great enough nor big enough to play that role. Let India forsake its high and mighty posture. Let India settle on honorable terms its disputes with Pakistan. If India would only do that, a great and glorious era for the peoples of the subcontinent would be ushered in.

India has offered Pakistan a No War Pact. We do not see the hand of friendship in this offer. It is in fact a sinister offer. While the Kashmir dispute exists, it is inconceivable that we should accept India's offer of a No War Pact. If we accept it, we shall in effect accept the cease-fire line as the final boundary between India and Pakistan in Kashmir. In other words we shall be agreeing to the settlement of the Kashmir question through partition on the basis of the status quo as India desires. Thus a No War Pact under the present circumstances would mean the settlement of the problem of Kashmir on the basis of the *status quo*, without reference to its people, to which Pakistan will never agree – today, tomorrow, or a hundred years hence.

Furthermore, what does history teach us about No War Pacts? The fate of the Kellogg Pact is well known. Nazi Germany concluded a No War Pact with the Soviet Union, the Ribbentrop-Molotov Pact. Yet Germany invaded the Soviet Union. A No War Pact with India can have the effect only of lulling us into a false sense of security and making us feel that India would not resort to force against us. Then, we could become easy victims of Indian aggression. In the last fifteen years. India has committed aggression as many as five times.

A No War Pact would be pressed into service by India as an estoppel on the Kashmir problem. Just as India has claimed that Pakistan is estopped by the Indus Basin Treaty from asserting its rights in respect of the Chenab river, India will, if Pakistan agrees to a No War act, claim in the same unscrupulous manner that Pakistan has accepted the present ceasefire line as a final settlement of the Kashmir question. The status quo would thus be perpetuated.

Both India and Pakistan are members of the United Nations and share with all its member states, the obligation to settle their problems by peaceful procedures such as negotiation, conciliation, mediation and arbitration as provided by Article 33 of the Charter. We on our part have peaceful intentions. This is evident from our conduct in international affairs during the past fifteen years, which is an enviable record for any peace-loving state. Unlike India, we attach very great importance to our reputation as a peace-loving state and to faithfully carrying out our international obligations. India merely wants to throw dust into the eyes of the world by saying that it offered Pakistan a No War Pact, which Pakistan refused. We are willing to have a No War Pact with India the moment it settles the Kashmir dispute. We are willing to enter into economic collaboration with India, the moment it puts an end to this problem. This problem, I declare, must be settled, and it will be settled, because no one can deny justice for all time to the people of Kashmir. Future history will show that the people of Kashmir will not for ever be denied their inalienable right of self-determination, the right which we have emphasised in all our negotiations with India.

Coming to our relations with the Western powers, I am compelled to say that there has been a distorted presentation of facts by the members of the Opposition. It is not correct that we are putting forward a new plea for charity, on the score that since India is now receiving so much more, Pakistan too, should receive more. That is a gross and unfortunate misrepresentation of our position. What I stated was that tension existed in the subcontinent because there was in it a military imbalance. During the past fifteen years, we made sacrifices to maintain a military balance. We did so because history shows that in any given area the temptation or some states to resort to arms can be checked only through maintaining in it a balance of power. It has been in the interest of peace and security that we maintained some sort of military balance with India. Today, that balance is being upset. What we said was that the West should realize that this spelt danger and, if it wished to see peace and security in the subcontinent; it should do something to restore the balance. That is all that we said. We did not say that we were pleading for additional arms aid.

We have been associates of the West in defence alliances. We have been its comrades all these years. We have been with it through a series of crises. We have made sacrifices for the West. When the U-2 plane supposed to have taken off from Peshawar, was shot down over Russia, Mr. Khrushchev did not say that India would be annihilated. He said that Pakistan would be annihilated. We have staked our whole future in the alliances with the West. We have staked involvement in a nuclear war in the event of a clash between the two *blocs*. And, yet what is happening today? We are in the words of the unsophisticated, "being detached".

We wish to rehabilitate our relationship with the Western powers. It is for them to realize that 'Pakistan is the injured party. It is for them to understand the difficulties and dangers that Pakistan is facing. The point of nemesis has been reached. We ask the Western powers to appreciate the issues involved, to hold the line and to bring about a new era of goodwill and cooperation, such as formerly existed between them and us. We value their friendship. They have assisted us in many ways. They have made a valuable contribution to our economic growth and to our military security. We are not unmindful of these facts. We are not ungrateful. Whatever may be the faults and follies of the people of Pakistan, one thing cannot be said of them, namely that they are an ungrateful people.

All that we are doing is to ask the West to appreciate the fact that India's increased military strength can only be directed against Pakistan. India has repeatedly said that Pakistan is India's Enemy Number One. It is India that has committed aggression. India committed aggression in Kashmir, in Junagadh and nearby small states and in Hyderabad. It has also committed aggression against

Goa and in the boundary conflict with China. Thus India has committed aggression five times. Having ourselves experienced Indian aggression; it is but natural that we should expect the West to help maintain the present precarious balance of power in the subcontinent.

We, on our part, shall maintain our traditional friendship with the Western powers. We desire friendship not only with them, but also with and between all the countries of the world. We do not want to see conflict anywhere. The peoples of the world can have the opportunity of progressing socially, culturally and economically, only in conditions of undisturbed peace and security. We should like to have that opportunity for our people in order to provide them with better life, to give them more and better homes, schools and hospitals. We want our people to feel that although they were born in poverty, they do not have to live for ever in poverty. We must meet the challenge of poverty and break through the barrier of want. We can succeed in our attempt to do so only if there is peace in our region, in Asia and in the world. For that reason, we are anxious to have good, cordial and friendly relations with all countries.

So far as we are concerned, we have always done our best to help in the promotion of measures conducive to peace. We have entered into a boundary agreement with the People's Republic of China, our great neighbor with a population of 650 million. In the same spirit, we are anxious to reach an understanding with India in regard to the problems that divide our two countries. But Pakistan by itself can do little about it. A heavy responsibility in this respect rests on India and on those nations that have now come to feel that they have a stake in India. The sooner they realize that responsibility the better will it be for all concerned.

When I speak today, I do not speak only for myself. Likewise when the President speaks, he does not do so as an individual. Whenever any spokesman of the Government of Pakistan seeks to voice our deep concern over the threat to our security, he speaks for the hundred million people of this country. But, as I have said, we shall be able to meet this danger. Then there is the assurance we have from our friends, which we value namely, that in the event of any aggression they will come to our assistance. We have assurances also from other countries that if India commits aggression against us, they will regard it as aggression against them. Thus we shall never be alone in facing aggression. We are also confident that in safeguarding Pakistan's territorial integrity and independence we shall have the support of all countries that condemn aggression, irrespective of their ideological affiliations. To oppose aggression, you do not have to subscribe to any particular ideology. Aggression is an evil it for all states: it is an evil for all peoples whatever their belief's or creed. If a crisis does come, we know that we shall have the sympathy and the support of all peace-loving

nations of the world and of all states that believe in upholding the Charter of the United Nations. Even if we are alone, we shall, with faith in the righteousness of our cause, face the crisis with confidence and, I have no doubt, survive.

*United Nations and World Peace
Address at the Lions Club, Karachi.
November 21, 1963*

In recent years the General Assembly, which is the principal organ of the United Nations, and one in which all member states of the organization are represented on the basis of sovereign equality, has often met under the dark clouds of crises or acute differences between the East and the West. During 1961, the General Assembly was being rocked by the Congo crisis in which a real likelihood of extinction, and of an armed and direct confrontation between the Soviet Union and the Western Powers in the heart of Africa, was possible.

In 1962, the United States and the Soviet Union stood frighteningly close to war and the world fearfully close to destruction.

President Kennedy and Chairman Khrushchev looked into the abyss and stepped back from it. Regardless and the disputes about the possibility or otherwise of co-existence they were determined as statesmen and human beings, not to put the dispute to the arbitrament of the sword. They did not want nuclear war. At that moment of truth each recognised that he could not impose his will or his own terms on the other. Both realized that the two super states whose destinies they guide must recognize the limits of their power.

This year in sharp and welcome contrast, the General Assembly convened in circumstances of lesser world tension and even in an atmosphere of hope and goodwill generated by the conclusion of the treaty to prohibit nuclear tests in the atmosphere, under water and in outer space. The distinguished statesmen who led their countries' delegations to the 18th session of the General Assembly have all voiced a degree of hope and confidence for the future of peace that has been conspicuously lacking in the past.

President Kennedy and Foreign Minister Gromyko made constructive and concrete proposals in order to contribute to a further amelioration of the situation. The spirit which animated their approach to the problem of general and complete disarmament has led to an agreement between them not to place in orbit weapons of mass destruction.

It is the firm position of my Government that an. early end must be put, by treaty, to underground nuclear weapons tests and also to further spread of nuclear weapons under international inspection and control. Unless these and other measures of nuclear disarmament are taken, the Test Ban' Treaty, although

welcome in itself, may turn out to be only illusory, dissipating the fear of nuclear war from the minds of men.

In the past, Pakistan had made constructive proposals for certain initial measures of disarmament. We see no reason why the present equilibrium between the East and West, at least in regard to the quantum of the armed forces of each side as well as of their conventional armaments, should not be set at significantly lower levels of forces and weapons.

The cold war is not the only expression of tension in this world and the nuclear race is not the only arms race.

In Africa, the death-spasm of colonialism and the obstinate pursuit of the false doctrine of racial superiority kindle the embers of old fears and hates. In the Caribbean, which last year brought the world to the brink of catastrophe, there is yet no peace but only a precarious truce. But it is in Asia, with its stormy history, that peace is perhaps the least secure. This vast and ancient continent, inhabited by more than half of the population of our planet continues to be the scene of great convulsions which may well change the destiny of mankind.

Is it not time to take a new look at the state of this largest of all continents and to devise an approach that looks beyond the policies of maintaining the *status quo* and is in accordance with the right of self-determination of peoples? For the well-being of the teeming masses of Asia and for the sake of the peace of the world, it is imperative to find just solutions to the disputes that divide Asian nations.

For more than a year, relations between Pakistan and India have been further aggravated by the expulsion of tens of thousands of Muslim citizens of India from their homes in the states of Assam and Tripura across the border into East Pakistan. This problem is being discussed by the two Governments through diplomatic channels. It is our sincere hope that it will be resolved in accordance with law and the principles of justice.

It is a cardinal principle of the foreign policy of Pakistan to live in peace and friendship with all its neighbours, without exception. With some of them we have had deliverances. We have been largely successful in composing them. We have concluded boundary agreements with Burma. Iran and the Peoples' Republic of China which have resolved border disputes on the basis of mutual accommodation and friendship. India remains the only exception.

Pakistan bears no ill will to the people of India. With the people of India, the people of Pakistan have shared a common history for nearly a thousand years. During this long period they have influenced each other in many ways. These

facts are central in our awareness. They inform our policy towards our neighbor. We are ever ready to continue the search for a basis of peaceful and honorable co-existence through an equitable settlement of all our mutual differences, of which by far the most important is Kashmir.

The general consensus in the United Nations is that if war and violence are to be banished, then ways must be found to solve international disputes peacefully. The world we live in is passing through a period of transition and conflict. There are disputes between nations, there are struggles against domination, there are problems created by racial discrimination and by the existence of economic imbalances between nations.

The bitter legacy of these ideas will, we hope, disappear with the final disappearance of colonialism. In the newly independent countries of Africa one sees today men of all races working together in mutual respect and to mutual advantage.

In South Africa alone, the doctrine of discrimination is proclaimed as the official philosophy of the state. The rulers of that unhappy country, blind to the evidence of their eyes, deaf to the appeals of the world and ignoring the march of history, have attempted to halt its course. South Africa could become the hope of Africa: its rulers have chose to make it the shame of the world.

The interests of the people of South Africa, be they white, black or brown, and of the peace and tranquility of Africa and of the world, demand that effective measures be taken to check the inhuman policies of South Africa and to avert disaster.

All over the world one sees colonialism giving way to a relationship between nations based on equality and mutual self-respect. The colonial systems are in the process of dissolution and it is the duty of all peace and freedom loving states to accelerate that process. Pakistan endeavors and hopes that before long the remaining non-self-governing territories in Africa, in Asia and elsewhere will free themselves from colonial bondage, aided and comforted by the United Nations.

It is our profound conviction that nothing is so repugnant to the principles and purposes of the United Nations than the continuance of colonial rule of which Kashmir forms an important part.

In this context, I had the opportunity to invite the General Assembly to take note of a historic event which took place in May this year. Heads of state of thirty-two African countries met in Addis Ababa and pledged themselves with remarkable

unanimity to take active measures in order to liberate the remaining dependent territories in that continent. The conference adopted a Pan-African charter and established consultative machinery. Pakistan hails this event as the manifestation of Africa's urge to political unity and the consciousness of a Pan-African community. A historian of antiquity has observed that out of Africa there always comes something new. Asia, which is yet lacking in this kind of continental consciousness, cannot but applaud the peoples of Africa for setting us an example.

Only a few days ago, the world was given yet another proof of the living reality of African solidarity. King Hassan and President Ben Bella, with the good offices of President Keita, were able to agree upon a cease-fire between Morocco and Algeria, and to seek a peaceful settlement of their border dispute. Here is a shining example for Asia to follow. We wish Godspeed to free Africa in its march towards continental unity.

Eight years ago, in the beautiful city of Bandung, 29 independent states of Asia and Africa met together in what President Soekarno called "the first intercontinental conference of the so-called coloured races in the history of mankind." The Bandung Conference enunciated ten principles of international conduct, including the elimination of colonialism in all its forms and manifestations, to guide them in their international relations. Since 1956, more than a score of dependent peoples have emerged as independent and sovereign states. We believe that, with their distinctive experience, these new emerging states have a rich contribution to make to the problems which continue to face the peoples of Asia and Africa. Old disputes persist and new frictions have arisen.

The time has come, therefore, in our judgment to convene a second Asian-African conference to review the conclusions reached by the first and to revitalize and renew its pledges which still remain unfulfilled. We have no doubt that a second Bandung conference will not fail to make valuable contribution to world peace.

The main cause of this inequitable distribution of wealth has been the colonial system organised for the political subjugation, economic exploitation and moral degradation of one people by another.

Almost all the underdeveloped countries are producers of raw materials or agricultural commodities, on the export of which they depend for the import of goods and services to sustain and develop their economies.

The problem of stabilizing the terms of trade between the industrialized countries and the producers of agricultural commodities and raw materials, and the expansion of the trade of the underdeveloped countries, therefore, calls for an urgent solution.

The forthcoming Conference on International Trade and Development, which will be held in Geneva next year, will, we hope, make an important contribution towards finding solutions to these problems. Its success will depend on the attitude taken by the industrialized countries in dealing with the problems of the developing countries. We would expect that their own enlightened self-interest will prevail over monopolist tendencies and pressures from groups unable to look beyond short-term advantages.

The United Nations is often criticized for its inadequacies. Pakistan has had its share of disappointment. Nevertheless, seeing the United Nations at work in the Congo and in West Iran, who would deny that this Organization is a living force and an influence in the affairs of the world?

The World Organization was conceived as an alternative to world hegemony, to the domination of one or more super power over all others. It is inconceivable that in the era of the United Nations sovereign states will acquiesce in an order imposed by the strength of a great power or even that the shape of the world will be decided by the contest of exclusive ideologies or ways of life. We shall do well to remind ourselves, while we are preoccupied with short-term objectives, of the ultimate goal towards which the United Nations must move, if mankind is to be saved from self-destruction and permitted to realize the promise of man's high destiny implicit in the Quranic concept of man as the Vicegerent of God on earth.

*Interview to B.B.C.
London, January 30, 1964*

Question: The U.N. Security Council has discussed Kashmir 109 times in the past 15 years. Is this one hundred and tenth discussion likely to bring the problem any nearer to solution?

Answer: Well, we have discussed it a hundred and nine times and we are going to discuss it for the one hundred and tenth time and we are prepared to discuss it for a thousand times and we will continue to make every effort to see that the problem of Kashmir is settled in an honorable manner according to the rules and norms of justice and equity. And there is no better forum than the Security Council for this purpose. After all, the Security Council exists for a specific purpose, such as, the preservation of peace in the world, and as such it is important that we go to the doors of United Nations to seek solutions of delicate and difficult disputes in a peaceful manner and we are not going to lose hope or faith in the United Nations because there have been a hundred and nine discussions.

Question: Will you be putting forward any new proposal?

Answer: We are considering certain proposals. We have certain ideas and we will be consulting members of the Security Council on these proposals and ideas.

Question: Will these proposals and ideas include the one previously discussed at the United Nations about a plebiscite?

Answer: Well, the plebiscite is the solution to the problem which both India and Pakistan agreed to, and according to us the basic factor involved is the right of self-determination for the people of Kashmir. Therefore, plebiscite is bound to be the central factor in these discussions.

Question: You have seen the Prime Minister Sir Alec and Mr. Sandys this morning. Do you find their attitude sympathetic towards Pakistan's views?

Answer: We had a general and. I would say, a profitable exchange of views. I would not like to say anything more than that at this stage because the situation is delicate, tense and difficult and it would not be proper for me to elaborate on the discussion we had this morning.

Question: Do you think the possible departure of Mr. Nehru from power in India through ill health in the foreseeable future is likely to bring a change in the Indian policy over the Kashmir question?

Answer: These fundamental disputes are impersonal. They do not revolve round a personality although, of course, it would not be correct to say personalities do not influence events and the trend of events but nonetheless issues like these transcend individuals.

Question: Is the problem one that if it is not solved it will have repercussions outside India and Pakistan?

Answer: Most obviously. Such as the future of more than 500 million people, one sixth of humanity, and in the modern world, the whole world has shrunk and everyone is a next-door neighbor to everyone else but physically speaking, after all, the geo-political importance of these two countries and the bearing and influence they have in the region are all vital considerations.

Question: In effect. Kashmir is a drain on your strength.

Answer: It's a drain on our strength. It's a drain on the strength of India. It's a drain on the strength of the very fiber of peace in that region.

Question: If the present crisis in Kashmir, the crisis that's just blown up with riots, if it continues, is it possible that Pakistan and India might ask for help in the form of policing by Britain?

Answer: We have an open mind on this problem. We would like to see an equitable and just solution in an expeditious fashion and from that point of view we are willing to examine any constructive proposals for its solution. It may be remembered that in the past, I think it was in 1949, a proposal of this nature was made and Pakistan at that time had accepted it whereas India rejected it on grounds which, we do not think, were justifiable. However, if such a proposal is made, I am sure we will examine it sympathetically.

Quest for Peace

National Press Club, Washington, April 27, 1964

I am greatly honored to be here this afternoon. As a matter of fact, as your Club President has just mentioned, we have a number of political advisers in our Embassy, in addition to the Ambassador. They have been giving me plenty of political advice as to how to confront you gentlemen. I was told that if I made a long speech, the question time would be shorter. That was tip number one. I do not know whether to agree and accede to that advice because actually Pakistan has nothing to conceal in its foreign policy. I would welcome questions from the press, provided I am in a position to answer them. And I shall make an attempt to do so. So I shall make a brief speech, but before I do that I would like to thank you again for your very generous and kind hospitality.

As you know, we are here for the Central Treaty Organization Ministerial Meeting. Pakistan is a member not only of CENTO, but of SEATO as well, and committed to the Western defensive arrangement.

I was a student here in California, many years ago, and in those days I used to hear the phrase "bipartisan foreign policy." At present, one does not generally come across this phrase and I am told the only thing on which both parties have a bipartisan approach is their passionate commitment to golf. We in Pakistan, as a friend and ally of the United States, too, have taken up golf in a big way. I am told the Ambassador here also now goes golfing and that our Commander-in-Chief, who was here for the CENTO meeting, also played golf during his stay here. This is one game I shall have to take up to show you how keenly and loyally we are devoted, not only to the defence alliances, but to the American way of life, Gentlemen, Pakistan is a new state. We were born in a crisis. After many trying years, Pakistan emerged as a sovereign state. Today our population is 100 million. Coming from Asia, we are deeply committed to the welfare of the peoples of Asia. We know the miseries and the misfortunes of backwardness, of poverty and of misery. Time is of the essence to us. Our resources are limited. We have to do everything possible to mobilize our resources in order to give a better life to our farmers, to our school children, and to the many millions of young and unfortunate Pakistanis who have not really seen a good and decent life. In order to meet the great challenge of the rising expectations, we need peace. Without peace we really cannot overcome the tremendous tasks and challenges of poverty and want which stare us in the face. For this reason, Pakistan's policy—its foreign policy—is committed to friendship and goodwill for all its neighbours, and, in particular, for the peoples of Asia, because only by a combined effort can we really overcome these difficult tasks that face us today.

In pursuance of this policy, which is dear to us, we have endeavored to establish cordial relations with all our neighbours.

After the British withdrew in 1947, we were faced with a number of legacies left over from their rule. Chief among them were the questions of territorial and boundary disputes. In a spirit of accommodation and understanding, we have resolved our disputes, territorial and otherwise, with almost all our neighbours. With Burma we have concluded an agreement which would demarcate the frontiers between Pakistan and Burma. With Iran we have also concluded an important boundary agreement. With Afghanistan we have restored normal relations and live in peace and friendship with that country. And also with the People's Republic of China we have demarcated our frontier, which stretches over 400 miles.

India, in many ways, is our most important neighbour because of the length of history and the various other ties that bound us over the centuries, but unfortunately so far we have not been able to come to an understanding, to a *modus vivendi* with that country. It is not that we have not tried. In the last 16 years, we have made many attempts, but unfortunately because of the Kashmir dispute, which is really the bane of all troubles and problems, not only between India and Pakistan but in that whole region, success has eluded us. The Kashmir dispute vitiates the air to such an extent that it has its ramifications not only within the subcontinent, but even beyond the subcontinent. At present, as I talk to you today, things are moving very fast in the state of Jammu and Kashmir. After an incarceration of about 11 years, Sheikh Mohammed Abdullah, the Kashmiri leader, has been released by India.

The people of the state are in revolt, unmistakably in revolt. They have shown to the world that they are not satisfied. They are not content with the arrangements that exist in Kashmir. We have always tried to resolve this dispute by peaceful means, by appealing to the United Nations, by coming to the Security Council, and when we hear from certain Indian spokesmen and leaders that certain countries take a pro-Pakistan stand on Kashmir, this is regrettable because all that those countries have to do is to take a fair and a just stand on Kashmir.

Taking a fair and a just stand on Kashmir, which is in consonance with the rule of law, with international peace and morality, cannot be regarded as a pro-Pakistan stand. It should be regarded as a stand which is in favour of justice, which is in favour of strengthening the rule of law.

So when we hear, as I said, from responsible Indian spokesmen that the United States of America, for instance, takes a pro-Pakistan stand on Kashmir, that is not correct. The United States of America, enforced by its rich history and past,

cannot but take a proper and a just stand on the dispute over Kashmir. As it is, as a leader of the Western world, committed to certain values which are unalterable, no one can expect the United States to blind itself from the realities of the Kashmir dispute, from the fact that the people there are in bondage and that they seek self-determination. And if the United States Government endorses the principle of self-determination for the people of Kashmir, then it is not taking a pro-Pakistan stand. It is taking a stand which is in consonance with its historical background and its traditions as a great power.

For us, the Kashmir dispute is a simple one.

It involves two fundamental elements. One is that there is an agreement, an international agreement, between India and Pakistan, endorsed by the United Nations, and this agreement calls for the implementation of the right of self-determination. There is the sanctity of an international agreement involved and, secondly, there is an important fundamental principle of the twentieth century – the right of self-determination, in whose evolution the United States, through its great statesman, President Woodrow Wilson, made an important contribution.

These are the two fundamental principles and elements involved in the Kashmir dispute. All other considerations are irrelevant. All other considerations – that India is good and Pakistan is bad; that India has a parliamentary system and Pakistan does not have a parliamentary system but has a presidential system; that India is the largest democracy in the world and that Pakistan is not a large democracy; that in India the people are philosophical and in Pakistan the people are not philosophical – all these considerations are irrelevant.

The main consideration is that an international agreement is involved, and the right of self-determination is embodied in this international agreement. We have pursued this problem. We will continue to pursue it. We find that a great deal of activity is taking place in the state today. We have always believed that sooner or later this problem can be settled. And it will be settled. It has to be settled. Once it is settled, we are willing to live in peace with our great neighbor, India.

One of the reasons for the creation of Pakistan was that if the two communities could not live together in the same country, then it would be better for us to have our own separate state, get tucked away in our own small little corner, and then, perhaps, as equal sovereign states, establish a new equation and a new *modus vivendi* with India.

That was our intention, and that was one of the purposes of the origin of Pakistan. But, unfortunately, the tragedy of Kashmir interposed in our effort and in our endeavors to achieve that end. But we definitely believe in and subscribe

to the principle of good neighborly relations with India. We do not want to be in conflict with India. We do not want to pursue a policy of confrontation with India. We do not have the resources to dissipate for that negative end. We want to channel all our efforts and all our resources for bettering the lot of our own people. Why then should we unnecessarily take on a much bigger country and a much greater country, with greater resources and with greater potential? This has a demoralizing and a dissipating effect, not only on our, people, but also on the people of India.

And when you hear that Pakistan is a religious state and Pakistan will find some other reasons to be on bad terms with India—even if Kashmir is settled—this is not on the books. It is absolutely incorrect. We have the most cordial relations with Nepal. Nepal is a Hindu state, and I think, to some extent our relations with Nepal are as good, if not better, than those of India with Nepal.

We are not a religious state in the way India tries to make us sound to be. We do admit that we are an ideological state; that we are a state with an ideology; that we have certain values which we regard to be more important than anything else—values that we want to fight for and preserve. But this gives strength to our people. It gives inspiration to our society; and we are not ashamed of being an ideological state. Our ideology is one which can make a positive contribution to the cause of world peace. That is why, for instance, Pakistan opposes apartheid. It is not because it is fashionable to oppose apartheid. It is because it is rooted in our ideology. We believe in the equality of all men. But when India, with its deep-rooted and rigid caste system talks of apartheid, it can well be said: “Physician, heal thyself.”

Today, living in this fast-changing world with concepts changing so rapidly, one has to be vigilant all the time. We know that we are undergoing a process of change. And national interests and world interests are always subject to change. But in the last analysis, and in the final analysis, what is important is fundamental principles.

We are all conditioned by our own experiences. In the last sixteen years we have encountered experiences as individuals and as states. I do not have to say here what has been that experience in terms of Pakistani-United States relations. You are all very knowledgeable individuals and are all aware of the last sixteen years, of the political and philosophical attitudes of Pakistan in its relations with the United States. You are also aware of India’s attitude to the United States—here, in the United Nations and otherwise. I am not here to draw up a balance sheet or try to record the past and to inform you gentlemen of our contribution to the strengthening of world peace.

Today, we hear all sorts of talk of Pakistan's changing attitudes. I would beseech you impartially to examine the objective facts and to consider how difficult is our situation—how we feel that at present we are menaced, more than ever before. Not only are we menaced more than ever before, Indian statesmen have again started threatening Pakistan and calling Pakistan as India's "Enemy No. 1." Mr. Chavan, the Defence Minister of India, has said that India shall be "Pakistan's graveyard," and other Ministers—the Minister for Rehabilitation has said that India's Enemy No. 1 is Pakistan and "the enemy is next door."

So we are being very brazenly hemmed in.

The growing and menacing military potential of India is a factor which causes us great concern and, among our people, great restlessness, because they have been subjected to many unfortunate and tormenting experiences in the past. We have also seen that in the last sixteen years India has chosen to settle her disputes by the sword. On no less than five occasions in those years, India has chosen to settle her disputes by armed conflict. Take that into consideration. Also the fact that she regards Pakistan as her "Enemy No. 1."

There is a movement in India—a slow but growing movement—for bringing about some sort of a negotiated settlement with China. We do not mind if they negotiate a settlement with China. India can have that negotiated settlement. As a matter of fact, we have always said and advocated that there should be a negotiated settlement between India and China, because both of them are our neighbours and this gap between the two giants is bound to have its ramifications in other parts of Southeast Asia and particularly in countries like Pakistan, which are close to both these countries.

We do not look with equanimity on what is taking place today. So we have our problems and we have our difficulties. All I request is that you kindly consider our present difficulties and also remember the contributions we have made—not only to the cause of world peace but to the strengthening of the defence alliances. And sometimes this contribution has taken a heavy toll from us. I do not want again to record some of the positive contributions of Pakistan in the strengthening of the defence alliances, but we have made them. And I think that if you were to tabulate them, you will find that Pakistan has some assets. We are a nation of 100 million people; We believe that we have a role to play in the future destiny of the peoples of Asia and Africa; and that is why we are so firmly committed to promoting the second Asian-African conference, which we again feel can make a positive contribution to our peoples.

I shall now end my speech for there may be a number of questions to be answered.

But before I conclude, I would again like to tell you gentlemen that our paramount consideration is to give a better life to our own people. We have had enough of misery, and of squalor and poverty. It is not the law of God, it is not the law of nature that our people and the peoples of Asia and Africa should live in poverty and misery, and others should live affluently. Therefore, we want to mobilize all our resources in order to encounter this great and terrible battle against poverty.

To be a little more informal, I have four small children, and recently I sent two of them to a boarding school. The eldest is 9 and the youngest is 6. I wrote to them, when I was in Jakarta a fourteen-page letter, in which I spoke to them about disarmament, about the Afro-Asian conference, about the need to avert another war. When I came back to Pakistan they told me: "Daddy, we didn't understand a word of what you said." I said to them that it is important that the younger generation should be told about these problems although you may not understand these things, because the tasks and challenges that face the younger generation are much greater than those which the older generation faced. The future that we face is an exciting challenge but it also carries dreadful prospects.

The responsibilities are growing heavier by the day, and in order to discharge these responsibilities properly, they should not only read Alice in Wonderland, but about disarmament and about the horrors of a Third World War, and especially a nuclear war, which may destroy all that we hope for nobly and cherish as the greatest achievements of mankind.

*A Defensive Alliance
Inaugural Speech at CENTO Ministerial Meeting,
Washington April 28, 1964*

I wish to express on behalf of my delegation, and on my own behalf, our grateful thanks to our hosts for the warm and generous reception accorded to us. I also wish to place on record our deep appreciation of President Johnson's message of hope and confidence which was read out to us this morning. We have found the President's observations illuminating as well as inspiring. This augurs well for the future of the Alliance.

As we gather here today for our deliberations we are reminded of the late President John F. Kennedy whose tragic death has removed a leader and a world statesman of high courage and determination. My delegation and I wish to pay homage to his memory.

We are passing through challenging times. Momentous international developments, some of which have a significant and direct impact on the CENTO countries, have taken place since we met last, a year ago, in Karachi. These developments have brought home, more than ever before, that peace and stability are not a self-perpetuating phenomenon. Nations wishing to preserve them have to give demonstrable proof of their determination to do so. Peace in an area presupposes that the fear of domination by one country over another shall be banished; that the rights of the weak shall be protected against the strong; that peoples living in bondage shall be free – free to order their present and free to determine their future. This places special responsibilities and burdens on the great powers. The big powers cannot stand unconcerned and let situations develop which may have within them potentialities of disturbance of international peace. In the complicated world of today, no power, however great, can stand apart or act on its own. The big powers and small are interdependent and must work in concert for the preservation of the ideals they cherish.

This in sum is the thinking behind collective security arrangements such as our alliance. CENTO is defensive in character. Its vital function is the preservation of the independence and integrity of its members whom it is pledged to protect against all aggression.

CENTO is an effort in regional cooperation, which, besides defence, extends into the field of economic welfare. Over the years CENTO has established close cooperation among the regional members for the furtherance of their economic

growth. It is through technical assistance and economic development that we can build a firm foundation on which peace and security of the region can be based.

It is a matter of satisfaction that encouraging progress has been made in the economic field. Several important joint projects such as the microwave link, the high-frequency telecommunication links between London and the CENTO regional capitals, and regional railroad and port facilities, are nearing completion. Economic assistance in various other fields is underway and will bring benefits not only to individual member countries, but also to the region as a whole. It is, therefore, of the utmost importance that increased attention is paid to the economic purposes of the Treaty and their implementation. The various cultural projects launched under the aegis of CENTO will also undoubtedly bring appreciable returns. It is our hope that the economic, technical and cultural activities of CENTO will continue to gather momentum and will forge a unity of purpose and action among the peoples of the region. How well do leaders of the member countries of CENTO realize that the uplifting of living standards of the people, waging war against ignorance, hunger, poverty and disease are among the most challenging tasks facing them. They are dedicated to these ideals and the realization is ever present with them that peace and security of the region will not rest on secure foundations till their people have been enabled to overcome these social evils.

Mr. Chairman, before I conclude, I wish to associate myself with the tributes that have been paid to Dr. Khalatbary, the Secretary-General of CENTO, who has carried out his responsibilities with commendable vigor and efficiency and who has been responsible, along with members of his Secretariat, in making these excellent arrangements for this meeting.

*India's Aggression
Speech in the UN Security Council,
New York, September 22, 1965*

Mr. President,

I am thankful to you and to the members of the Security Council for having met at this late hour to discuss a matter of vital importance to my people, to the subcontinent, to Asia, and perhaps to the world at large. It was very kind of you, Sir, to have convened this meeting at this late hour to discuss the grave issues that face us. In expressing my gratitude I would like to address not only the permanent members but also the other members of the Security Council for having taken the trouble to be with us this morning. I have come direct from Pakistan and I have requested this meeting because the issues that face us are indeed so fundamental and important that it is necessary for us to meet to dilate upon them.

I am thankful also to the Secretary-General for his endeavors to bring about a meaningful settlement between India and Pakistan. We are aware of all his efforts; we are grateful to him and to the Security Council; we are grateful to all peace-loving countries for having taken such a direct interest in a war which we do not want, which has been imposed on us by a predatory aggressor.

Pakistan is a small country. You have only to look at a map of the world and see our size to be aware of our resources and our ability.

We are facing a great monster, a great aggressor always given to aggression. During the eighteen years of our independence we have seen India commit aggression time and again. Ever since 1947, India has followed the road of aggression. It has committed aggression against Junagadh against Manavadar, against Mangrol, against Hyderabad and against Goa.

It brought about a situation which has caused the Sino-Indian conflict. It has committed aggression against Pakistan. And Pakistan, according to Indian leaders, is its enemy number one. Pakistan is supposed to be the country which is the fulcrum of India's fundamental policies.

From 1947 we have been faced with this situation. We have always known that India is determined to annihilate Pakistan.

Pakistan's basic principle was the bringing about of a permanent settlement between the two major communities. For seven hundred years we sought to achieve an equilibrium between the people of the two major communities, and we believed eventually that the only way to live in lasting peace with India was to establish our homeland, to establish a country smaller in area, but nevertheless capable of having a relationship, a *modus vivendi*, with a great and powerful neighbor. That was one of the prime factors responsible for the creation of Pakistan. We know that in Europe certain countries have had to separate in order to get closer together: Sweden and Norway, for instance, had to separate in order to get close to one another. We believed that with the creation of Pakistan we would be able to establish a permanent peace, a permanent understanding, between the people of India and the people of Pakistan.

We are a smaller country and as I said, our resources are limited, one has only to look at a map of the world and a map of the subcontinent to see that we are not interested in war. We do not want aggression: we do not want conflict. We want peace in order that our people can develop. This is the age of rising expectations. We should like to see all our energies and all our efforts directed towards economic well-being. It is not the law of God that people in Asia and Africa should be poor. It is not a predestined rule or an immutable law that we should always remain in poverty. We want to break the barriers of poverty. We want to give our people a better life; we want our children to have a better future.

The leaders of Asia and Africa are determined to break the barriers of the past, the legacies of the past, and in order to do so we must channel all our resources for productive ends, for a peaceful and purposeful future. This is a dire need for a small country such as Pakistan.

We do not want conflict. We are not for war. We do not want to see the extermination of peoples. We respect and have regard for the people of India. A few years ago, we were part of the same country, but for the reason which I have stated, we were obliged to separate. But by means of separation we had thought that our people would be brought closer together, that we should bring about harmony understanding and tranquility. The basic idea in the creation of Pakistan was that the areas occupied by the Muslim majority should form Pakistan. This basic principle was accepted by the Indian leaders. All we ask is to live in peace, friendship and goodwill with India on the basis of the understanding and agreements which the Indian Government and the Indian leaders themselves solemnly pledged to my people and my country.

Today, we are fighting a war, a war imposed on us by India: a naked, predatory, unwarranted aggression by 450 million people against 100 million people, a war of chauvinism and aggrandizement by a mighty neighbor against a small

country. It is as if, in Europe, Germany committed aggression against Denmark. It is as if a small country in South America were subjected to aggression by Argentina or Brazil. It is as if the United States waged a war against a small country.

We do not want to be exterminated. We cherish life. We want to live; we want our people to live; we want our people to progress. But today our cities are being bombed indiscriminately by the might of India, by the formidable machine of the Indian armed forces.

But we are resolved to fight for our honour, to fight for Pakistan, because we are the victims of aggression. Aggression has been committed against the soil of Pakistan. But, irrespective of our size, irrespective of our resources, we have the resolve; we have the will to fight because ours is a just cause. Ours is a righteous cause. We are wedded to principles. We are wedded to our own pledges. We believe in the right of self-determination—a Wilsonian right, as I told you this evening, Sir, a concept which has inspired the whole of Asia and Africa. It is a phenomenon that cannot be stopped; and that is why we are fighting. We are fighting with our backs to the wall, but we shall fight with all our determination, irrespective of the odds and all the forces that are pitted against us.

The Secretary-General, as I have already said, has made some very constructive suggestions, and we are grateful to him. He is not only the Secretary-General of the United Nations, he is also a great Asian from a great Asian neighbor of Pakistan and of India. And we should like to co-operate with him both in his capacity as the Secretary-General and as a leader of a great Asian country. We have had useful discussions with him in Pakistan, and we told him that we are for peace.

We do not want war; we do not want destruction and we do not want disaster. But it should be a meaningful peace, a purposeful peace, a peace for all time, a peace in which India and Pakistan can live as good neighbours. We are neighbours and want to live as good neighbours. We do not want to have conflict and trouble with India for all time. No people would want that. We are a smaller country. The cardinal principle of Pakistan's foreign policy has been to establish good neighborly relations with all countries, with all its neighbours—and India is our principal neighbor. All our efforts to establish good neighborly relations with all other countries would be in vain if we are not able to establish good neighborly relations with India, which, as I have said, for historical, political and geographical reasons is our principal neighbor. We will make every endeavor to establish such relations. The Indian representative, whom I know so well and for whom I have great regard, is aware of the efforts we have made to establish good neighborly relations with India. He knows that from the very beginning our

President from the time he came into office has made positive gestures to India to establish good neighborly relations with his country. We have taken many initiatives to bring peace, tranquility and friendship between Pakistan and India. These are matters of record, not a question of propaganda, of trying to get kudos. These are tangible and well-known facts of history. The President of Pakistan has gone out of his way to establish good relations with India by co-operation in every field, co-operation in trade, in economics and in politics. Has the world forgotten that in 1959 it was the President of Pakistan who made an offer to India to disengage, to bring about a meaningful settlement so that our armies do not face each other eyeball-to-eyeball?

These are matters of record, matters of history. Thus we want good neighborly relations with India, we want peace with India and we want friendship with India. But that peace and friendship must be peace with honour and it must be peace that only a self-respecting sovereign state can accept. India must know that peace can be established only on the basis of self-respect and honour, on the basis of its own commitments, on the basis of its own pledges, on the basis of its own promise to the people of Pakistan, to the people of India, to the world at large and above all, to the people of Jammu and Kashmir.

Jammu and Kashmir is not an integral part of India and has never been an integral part of India. Jammu and Kashmir is a disputed territory between India and Pakistan. It is more a part of Pakistan than it can ever be of India, despite India's eloquence and all its extravagance with words. The people of Jammu and Kashmir are part of the people of Pakistan in blood in flesh, in life, in culture, in geography, in history and in every way and in every form. They are a part of the people of Pakistan.

We will wage a war for a thousand years, a war of defence. I said that to the Security Council a year ago when that body in all its wisdom and in all its power, was not prepared to give us a resolution. Even last year the Security Council felt that we had brought a dead horse to this Council that we were trying to make internal propaganda. But the world must know that the 100 million people of Pakistan will never abandon their pledges and promises. The Indians may abandon their pledges and promises; we shall never abandon ours. Irrespective of our size and of our resources, we shall fight to the end. But we shall fight in self-defence; we shall fight for honour. We are not aggressors: we are the victims of aggression. It was the duty of the Security Council to pronounce itself on who is the aggressor and who is the aggressed. It is Pakistan that is the victim of aggression.

I am not referring here to some of the remarks made by countries which have no right to be here; they are not even countries. I am referring to the great powers, I

am referring to all peace-loving countries, I am referring to those who believe in the cause of justice, in the cause of righteousness and in the cause of honour. After all, history is not in vain. Wars have been fought in the past and people have upheld great causes. I am referring to the great powers and also to those other countries in the Security Council which have espoused the cause of righteousness. We are grateful to all of you for whatever you have done to uphold the cause of justice, because, finally and ultimately, justice must prevail. We believe more than ever before that justice is bound to prevail for the people of Jammu and Kashmir. Five million people must have the right to decide their own future. Why should they be made an exception?

Should the whole phenomenon of self-determination, stretching from Asia and Africa, apply to the whole world except to the people of Jammu and Kashmir? Are they some outcasts of an Indian society? Are they some untouchable pariahs that they should not be given the right of self-determination; that they should not be allowed to have the right to their own future? The great country of France permitted the Algerians to have the right of self-determination. The right of self-determination is a Wilsonian concept. The Soviet Union believes in the right of self-determination of all peoples. The whole world, believes in the right of self-determination. Must it be denied to the people of Jammu and Kashmir merely because power must prevail over principles? Power shall never prevail over principles. Finally and ultimately, principles must prevail over power. This is a Christian concept; it is an Islamic concept, it is a civilized concept. Those nations which do not believe in such a concept must face the ultimate consequences.

India today is isolated. India, in spite of its size and its resources, has no one to support it openly. The whole of Asia and Africa supports the right of self-determination of the people of Kashmir. The Arab countries in Casablanca have supported the right of self-determination for the people of Kashmir. The European countries have supported the right of self-determination for the people of Kashmir. The Secretary of State of the United States of America, Mr. Dean Rusk, said that the historical position is a plebiscite in Kashmir. On the one hand, you have the whole world arrayed on the side of the cause of right and justice and morality, and , on the other hand, you have a war machine, an arrogant and chauvinistic state breaking its pledges, breaking its promises, and wanting to destroy the will and the spirit of a people. The will and spirit of our people can never be destroyed. Let me tell you: you can have one cease-fire, you can have another cease-fire but the 100 million people of Pakistan shall face extermination rather than foresake their principles or allow their principles to be negated and destroyed by sheer force and power.

Having made these remarks, I have the honour to transmit the following message from the President of Pakistan, which I have just received from Rawalpindi.

“Pakistan considers Security Council resolution 211 of 20 September as unsatisfactory. However, in the interest of international peace and in order to enable the Security Council to evolve a self-executing procedure, which will lead to an honorable settlement of the root cause of the present conflict” - namely, the Jammu and Kashmir dispute.

“I have issued the following order to the Pakistan armed forces. They will stop fighting as from 1205 hours West Pakistan time today. As from that time they will not fire on enemy forces unless fired upon, provided the Indian Government issues similar orders to its armed forces...”

Thus, in response to the call of international peace and international goodwill we have ordered our troops to cease hostilities, provided India agrees to such a cessation of hostilities.

But a cessation of hostilities is not enough. The Security Council—the most important organ of the United Nations—must now address itself to the heart of the problem. For 18 years it has played and toyed with the future of Kashmir. It can no longer make a plaything or a toy out of 5 million people. It is the moral responsibility of the Security Council to address itself to a meaningful and lasting solution of the problem of Jammu and Kashmir.

The Security Council has been seized of this problem for eighteen years. There are more documents, more resolutions on Jammu and Kashmir—the most fundamental problem facing the world today—than on any other problem. Is it not ironical that, with regard to a conflict that may lead to a world conflagration—and the present situation has shown that it is possible for this conflict to lead to a world conflagration—the Security Council has shown lethargy, its indolence?

I was here a year ago, and the Security Council was not prepared to give Pakistan a piece of paper called a resolution. It did not even want to consider the problem. It thought that this was a dead issue, that it was dormant. This can never be a dead issue; it can never be dormant.

This is the last chance for the Security Council to put all its force, all its energy, all its moral responsibility behind a fair and equitable and honorable solution of the Jammu and Kashmir dispute. History does not wait for councils, organizations' or institutions, just as it does not wait for individuals. Ultimately

we shall have to be the final determiners of our own course. Let me tell the Security Council, on behalf of my Government, that if now, after this last chance that we are giving the Security Council, it does not put its full force, full moral responsibility and full weight behind an equitable and honorable settlement of the Jammu and Kashmir dispute, Pakistan will have to leave the United Nations.

We have decided to give the United Nations a last opportunity to determine what it can do towards a purposeful, peaceful and lasting settlement of the problem of Jammu and Kashmir. We shall give the United Nations a time limit. Within a certain period of time, if the Security Council is not able to act in accordance with the responsibility placed on it, in accordance with its honour under the Charter – which believes in self-determination – Pakistan will have to withdraw from the United Nations.

I am not saying this in the form of an ultimatum, I am saying it as I am honour-bound to respect the very purposes of the Charter. In leaving the United Nations, Pakistan will be fulfilling the Charter of the United Nations, and then, one-third or more of the world will be outside this Organization.

Self-determination and Kashmir
Address to United Nations General Assembly,
September 28, 1965

Mr. President,

I should first of all like to congratulate you on your election to the presidency of the Assembly. We count it a good fortune of this Assembly to have your guidance. Your personal stature and renown and the fact that you represent a country with which Pakistan has friendly ties are a source of special gratification to us.

The outstanding development of the present century is the emergence of the peoples of Africa and Asia from an era of colonial domination. There are no two opinions about the need for completing this process of emancipation by liquidating the remaining vestiges of colonial rule wherever they might still exist. The question that the world community has to face is how to reinforce the principle of equality and the recognition of diversity in the attitudes of member states. A progressive equilibrium needs to be established between norms of international conduct and the needs to accommodate maximum diversity. The physical and human realities of Asia and Africa make it imperative that unity should be sought through diversity. The need for tranquility is paramount for the countries of Asia and Africa to enable them to secure for themselves an orderly transition. They must be free to reach their own equilibrium and find their own levels. They must be assisted in a constructive manner to consolidate their political independence through economic and social emancipation. The international community should be mindful of its responsibilities. It should recognize that it is no longer possible to think in terms of spheres of influence. The dynamics of the present world situation is such that classification in terms of exclusive influence becomes futile. Events tend to bring about rapid shifts of gravity. Realities transcend political alignments and groupings.

While promoting the growth of the African-Asian personality, the peoples of Africa and Asia are not only mindful of their own needs. They are also anxious to avoid the conflict and strife which could neutralize their national efforts, increase global tensions and jeopardize the very purpose and justification for the momentous changes that have taken place in recent times. It is now that we need to make a determined effort to prevent developments from taking place which could lead to a confrontation between the resurgent forces of Africa and Asia on the one hand, and the more powerful countries of the world, on the other.

The countries of Africa and Asia met in Bandung over ten years ago. On that historic occasion they demonstrated their collective desire to establish norms of co-operation and international conduct which have been acclaimed throughout the world. The Bandung principles represent a landmark in the evolution of an orderly international society. The concept of African-Asian solidarity is not exclusive or parochial. Its objectives are humane. It is our profound belief that in attending to our fundamental needs we promote the cause of world peace and cooperation. We feel confident that our efforts will receive commendations and encouragement. The greater cohesion of Africa and Asia and their freedom from exploitation and domination will be a powerful insurance against future conflict.

No discussion of the scheme of things in Asia and Africa would be complete without a reference to the People's Republic of China. In fact the lack of Chinese participation lends a distinct air of unreality to our deliberations even in this World Organization. In these crucial times, when developments are taking place which might well prove decisive to the entire future of humanity, it is highly regrettable that China has been excluded so far from the United Nations; but, if this exclusion continues, the United Nations will find itself powerless to apply itself effectively to international problems, particularly to those in Asia. At a time when the need for strengthening the United Nations is advocated, it is ironical that the one logical and most important step in that direction, namely, the seating of the representative of the People's Republic of China in this Organization, has yet to be taken. Our experience in recent years has proved conclusively that the United Nations without the People's Republic of China is as incomplete as a triangle with two sides. Either the United Nations moves forward towards greater effectiveness or it is bound to be overtaken by events. If the world continues to stand by and allow this to take place, it will in fact be guilty of unpardonable shortsightedness.

The world has been deeply concerned over the conflict between India and my country. This has found expression in the statements of speakers in this debate. Though there might be a difference of emphasis in their statements, there are two common thoughts in them: first, sorrow at this conflict; second, the conviction that the cease-fire this time must lead to a final settlement of the grave political problem underlying the conflict, namely, the future of the State of Jammu and Kashmir, which is in dispute. Pakistan shares both of them.

The war with India is not of our seeking. It is a war of self-defence against an armed attack launched on our borders without warning on the morning of 6 September and aimed at the seizure of Lahore, our second largest city and the very heart of Pakistan. We are defending the integrity of our territory and the sanctity of the right of self-determination of the people of Jammu and Kashmir, which the Government of India has denied them, despite its promises and

pledges to them, for the past eighteen long years. Those two principles are inseparable. We can no more surrender the one than forsake the other.

We find that impartial world opinion—the opinion that transcends the pressure and postures of power politics—has awakened to the need for a just and final settlement of the Jammu and Kashmir dispute. Who except India could be so purblind as to deny that the problem of Jammu and Kashmir, the problem of the life and future of 5 million human beings, the problem that has twice led to war between India and Pakistan and that threatens the future of 600 million people, needs now to be settled on a just and permanent basis?

It is because the Kashmir dispute so clearly involves principles of the widest human 'scope that Governments and peoples everywhere have supported Pakistan in the crisis which we are facing today. I should like to take this opportunity, on behalf of my country and my people, to express in this forum our deep and heartfelt gratitude for the moral and material support extended to Pakistan by many countries of the world. I should like in particular to mention that in our hour of peril we were not forsaken by our brothers in Iran and Turkey; the great bloc of Arab countries stretching from the great ocean of Asia and Africa to the Atlantic Ocean, to which Pakistan is linked, let me say, not merely by ties of religion and of common culture but by common adherence to the idea of justice and peace; and our great neighbor to the north, the People's Republic of China, which gave us full moral support and, rising high above ideological differences, upheld the cause of righteousness to condemn the war of aggression launched against us by India. To the Government and people of Indonesia I should like to address a special word of thanks—that great nation of 100 million people unrepresented in this Assembly. From this rostrum permit me, on behalf of the Government and people of Pakistan to pay a lasting tribute to the President of Indonesia, to the Government of Indonesia and to the great people of Indonesia, who gave us brave and unstinting support in our moment of need and crisis.

The people of Pakistan shall not forget the many proofs of true friendship given by the Indonesian President. The bonds that bind our two peoples have been tempered by this crisis and have become stronger: than steel.

These countries and peoples have given us their support because ours is not a local or a parochial cause. In supporting us, they support one of the main objectives of the United Nations: peace with justice. They uphold the principle that you cannot settle a problem pertaining to a people if you by-pass that people, ignore that people; and they affirm that in this post-colonial age we cannot sanction a new colonialism—that of India's domination in Jammu and Kashmir.

The attitude of these Governments is a proof that the old categories, the facile classifications, of the cold war are now obsolete. Some of these Governments are aligned; some are non-aligned; in both cases they have shown to them that considerations of justice and fairness come before all other considerations.

Since the whole world has been concerned with the failure thus far to resolve the Jammu and Kashmir dispute, I must refer to at least two or three basic issues involved in it. The first and the foremost is the right of self-determination of the people of Jammu and Kashmir. The second issue is the sanctity of international agreements, especially those brought about by the United Nations itself. The third is the effectiveness of the United Nations in securing pacific settlement of international disputes.

I need hardly emphasize that the principle of self-determination is an integral element of the international order embodied in the United Nations. Indeed, being older than the United Nations, it is basic to the political civilization which this Organization seeks to represent.

This principle was the basis of many territorial settlements achieved in Europe from the middle of the last century which have proved enduring. The emergence of Norway in 1905, and of Poland, Czechoslovakia and Yugoslavia after the First World War; the incorporation of Schleswig in Denmark and of the Saar in Germany – these are outstanding examples which attest to the universal recognition of the principle of self-determination.

It was against this background that the peoples' right of self-determination was proclaimed in the Atlantic Charter of 14 August, 1941; in the United Nations Declaration, signed in Washington on 1 January, 1942; in the 1943 Moscow Declaration; and in the Cairo Declaration of 26 November, 1943. This principle was finally embodied in Article 1, paragraph 2, of the Charter, which provides that one of the purposes of the United Nations is:

“To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.”

This principle was also enshrined in Articles 55, 73 and 76 of the Charter. Furthermore, it was upheld in the Declaration of the Bandung Conference of 1955, in the Charter of the Organization of African Unity, and in the Declaration of the Second Conference of Non-Aligned Countries in 1964.

During the lifetime of the United Nations, the accession to independence of Morocco, Tunisia and Algeria, as well as the emergence of a number of other

African states that are now respected members of this Organization, from the status of Trust Territories was expressly based on the principles of self-determination, on ascertaining and respecting the wishes of the peoples involved.

The principle of self-determination was also at the root of the partition of the subcontinent and the emergence of India and Pakistan as separate sovereign states in August, 1947. It was explicitly applied to those princely states the accession of which to India or to Pakistan was in dispute. Indeed referring to the Jammu and Kashmir dispute, Prime Minister Jawaharlal Nehru of India himself acknowledged this principle clearly on 2 November, 1947, in the following words:

“And let me make it clear that it has been our policy all along that where there is a dispute about the accession of a state to either Dominion, the accession must be made by the people of that state.”

India’s representative in the Security Council on the Jammu and Kashmir dispute repeated it when he said:

“When he” – the ruler of a small state – “takes one view and his people take another view, the wishes of the people have to be ascertained. When so ascertained the ruler has to take action in accordance with the verdict of the people. That is our position.”

This is also the position of Pakistan with regard to Jammu and Kashmir. It only demands that a plebiscite be held under United Nations auspices in the State of Jammu and Kashmir to enable those people to decide for themselves whether their state should accede to India or to Pakistan ; in other words, that the people of Jammu and Kashmir should be granted the right of self-determination.

This right was first recognised clearly by President Woodrow Wilson in his address before the League To Enforce Peace when he said: “We believe that every people has a right to choose the sovereignty under which it shall live.”

In a speech on 24 January, 1918, he said: “Self-determination is not a mere phrase; it is an imperative principle of action which statesmen will henceforth ignore at their peril.”

That this principle has not been confined to one political system or philosophy is pointedly brought home to us by the first official pronouncement of the Soviet Government after the Revolution of 1917, which was the Decree of Peace adopted by the All-Russian Convention of Soviets’, Workers’, Soldiers’ and Peasants’ Deputies of 8 November, 1917. This historic declaration demanded an immediate peace without forcible annexation and without indemnity, and

defined as forcible annexation the retention by any state of any nation without the latter being given the right of free voting in the determination of the forms of its national existence “under the conditions of the complete removal of the armies of the annexing or the more powerful nation.” This Decree was reported in the Izvestia of 29 October and 9 November, 1917.

More recently, the Charter of the Organization of African Unity, in its very first paragraph, stated...” – it is the inalienable right of all peoples to control their own destiny.”

Still more recently, the Declaration of the Second Conference of Heads of State or Government of Non-Aligned Countries, held in Cairo in 1964, stated:

“The Conference solemnly reaffirms the right of peoples to self-determination and to make their own destiny.

“It stresses that this right constitutes one of the essential principles of the United Nations Charter, that it was laid down also in the Charter of the Organization of African Unity, and that the Conferences of Bandung and Belgrade demanded that it should be respected, and in particular insisted that it should be effectively exercised.

“The Conference notes that this right is still violated or its exercise denied in many regions of the world and results in a continued increase of tension and the extension of the areas of war.

“The Conference denounces the attitude of those powers which oppose the exercise of the right of peoples to self-determination.

“It condemns the use of force, and all forms of intimidation, interference and intervention which are aimed at preventing the exercise of this right.”

This Declaration also stated:

“The process of liberation is irresistible and irreversible. Colonized peoples may legitimately resort to arms to secure the full exercise of their right to self-determination and independence if the colonial powers persist in opposing their natural aspirations.”

Every word in these declarations, these expressions of the great forces of history, sanctions Pakistan’s standpoint on Jammu and Kashmir. When we say that there cannot be any enduring settlement of the Jammu and Kashmir question without that settlement being freely accepted by the people immediately concerned, we

take our stand on the principles so clearly reaffirmed in the Declaration of the Cairo Conference and enshrined in the Charter of the Organization of African Unity.

When we insist that India cannot be allowed to annex Jammu and Kashmir forcibly, that the people of Jammu and Kashmir should be given the right of free voting to determine their accession to India or Pakistan, that this right can be exercised only when India's army is completely removed from Jammu and Kashmir, we follow exactly the Leninist Decree of Peace.

Is it imaginable that, on an issue of this nature, Pakistan will compromise on the basic principle of self-determination and ever be a party to a settlement that negates or displaces it in any way? Is it reasonable that any responsible power, having due regard to the basic norms of international life, will ever expect us to do so?

But despite the universal recognition of this principle, there are always some powers that try, albeit vainly, to turn back the whole current of history. Human greed being what it is, we find colonial powers—in Angola and Mozambique, in Southern Rhodesia and in South West Africa—denying a people their right to choose their own destiny as India denies it to the people of Jammu and Kashmir. The technique employed by this small but assorted company is one and the same. It is not to question the principle as such, but to assert that it does not apply to the case involved. The excuse is always available to them that the colony is an integral part of their metropolitan territory, or that they are building multi-racial or multi-religious societies and, if they permit the self-determination of one group or area, their whole state may disintegrate. In pleading this excuse they try to exploit the fear of dismemberment among many sovereign states.

That this plea is specious and is meant only to delude the world is apparent to anyone who is acquainted with the history of modern colonialism and the struggle for emancipation of subjugated peoples.

Indian leaders argue that self-determination is a disruptive principle which will lead to the dismemberment of states in Africa and Asia. They assert that the survival of India as a democracy, as a secular state, indeed as a united country would be at stake if a plebiscite were to be held in Jammu and Kashmir, the very same plebiscite which India pledged to the people of Jammu and Kashmir eighteen years ago.

This argument has been answered by a well-known Indian leader. Allow me to quote Mr. Jayaprakash Narayan:

“... if we are so sure of the verdict of the people of Kashmir, why are we so opposed to giving them another opportunity to reiterate it? The answer given is that this would start the process of disintegration of India. Few things have been said in the course of this controversy mere silly than this one. The assumption behind the argument is that the states of India are held together by force and not by the sentiment of a common nationality. It is an assumption that makes a mockery of the Indian nation and a tyrant of the Indian State.”

I do not consider it appropriate to go into the question of the nature of Indian secularism and democracy, although much can be said on that subject. I will only say that it would not be rational for Pakistan to wish the destruction or weakening of the Indian Union. Pakistan’s own progress and stability cannot be served by chaos and disruption across its border. Quite the contrary. Whether Indian fears in this respect are the nightmare of a feverish imagination, or just another stratagem by which India has for eighteen years prevented the implementation of its own international agreement on Kashmir, is a question which needs to be dispassionately considered and answered.

The forcible annexation of Jammu and Kashmir by India is not a guarantee of Indian secularism, democracy or territorial integrity. On the contrary, it keeps alive those very fears and suspicions which made it impossible for the Muslim minority to accept a united Indian State. If the Nagas, the Sikhs and other communities have grievances against the Government of India, then the fate of Jammu and Kashmir can only act as a spur to their fears and suspicions. The Nagas and the Sikhs can be pacified, not by the example of forcible occupation of Jammu and Kashmir, but by a Just redress of their grievances.

India has long used the argument that the fabric of Indian secularism is too weak to withstand a decision by the people of Jammu and Kashmir to opt for Pakistan. Indian propaganda has raised the specter of the majority community falling upon the 50 million Muslims of India if Kashmir opted for Pakistan. I will not try to answer the question whether such a mediaeval and reactionary and undemocratic argument is worthy of the country which claims to be a great secular and modern democracy. The fact is, however, that nothing of the kind will happen, unless the Indian Government permits it to happen. This is pure and simple blackmail to prevent the people of Jammu and Kashmir from exercising their right of free choice.

It is pertinent here to quote from an editorial in *The Times*, London of 23 September, 1965:

“... one of their arguments against any consultation of Kashmiri opinion – that it would lead inevitably to communal trouble throughout India – has been disproved in conditions far more tense than any such consultation could evoke.”

India asserts that the dispute between Pakistan and India is not concerned with the rights of the people of Jammu and Kashmir but is a struggle between democracy and autocracy, between freedom and dictatorship between secularism and theocracy, between rationalism and fanaticism. I shall not go into the history which made inevitable the creation of the two independent and sovereign states in the subcontinent. For 800 years Muslims ruled the subcontinent. It is for historians to ponder at the question why in the long period of intermingling, followed by two centuries of unitary administration under the British, it was not possible for a sense of common nationality to emerge in the subcontinent. It is sufficient to say that history cannot be undone.

The struggle which led to the creation of Pakistan was not a struggle between secularism and religion but between two nationalisms – the Muslim nationalism which led to the creation of Pakistan and which is heir to the 800 years of Muslim rule, and the Hindu nationalism which harkened back for its inspiration to the epoch of Hindu greatness before the Muslims came to the subcontinent. The creation of Pakistan where Muslims would be free to develop in accordance with their culture and way of life, was the result of the democratic process of self-determination in which each of the provinces which today form part of Pakistan freely and formally expressed its desire to do so. Kashmir alone of those states, provinces and territories of pre-partitioned India has been deprived of the right to participate in this process of self-determination.

That is the basic fact. India cannot deny it because, in the very letter accepting the Maharaja's accession, India's Head of State declared on 27 October, 1947:

“In consistence with their policy that, in the case of any state where the issue of accession has been the subject of dispute, the question of accession should be decided in accordance with the wishes of the people of the state, it is my Government's wish That as soon as law and order have been restored in Kashmir and her toll eared of the invader, the question of the State's accession should to settled by a reference to the people.”

India cannot deny it because, immediately after the Maharaja's accession. Prime Minister Jawaharlal Nehru of India said in a telegram to the Prime Minister of Pakistan

“Our view, which we have repeatedly made public, is that the question of accession in any disputed territory or state must be decided in accordance with

the wishes of the people and we adhere to this view." India cannot deny it because the Prime Minister of India solemnly stated again on 2 November, 1947:

"Let me make it clear that it has been our policy all along that where there is a dispute about the accession of a state to either Dominion, the accession must be made by the people of that state. It is in accordance with this policy that we have added a proviso to the Instrument of Accession of Kashmir."

Finally, India cannot deny it because the Prime Minister of India, Pandit Jawaharlal Nehru, stated in the Constituent Assembly of India on 25 November, 1947 :

"In order to establish our bona fides, we have suggested that when the people are given the chance to decide their future, this should be done under the supervision of an impartial tribunal such as the United Nations. The issue in Kashmir is whether violence and naked force should decide the future or the will of the people."

This is exactly what we have said all these years, and we say today: Let India establish its bona fides, let the people of Kashmir be given the chance to decide their future which was pledged to them by India, let this be done under the impartial auspices of the United Nations, let not violence and naked force but the will of the people decide the future of Jammu and Kashmir.

This is the basic issue involved in Jammu and Kashmir. Of equal importance is the issue of honoring of obligations undertaken through international agreements. This agreement was concluded between India and Pakistan when a plan of settlement of the Jammu and Kashmir dispute was negotiated by the United Nations Commission, submitted to the two Governments, and accepted by both Governments. The plan embodied in the United Nations Commission for India and Pakistan (UNCIP) resolution of 13 August 1948, and 5 January, 1949 provided for:

(1) a cease-fire and the demarcation of a cease-fire line; (2) the de-militarization of the State of Jammu and Kashmir ; and (3) a free and impartial plebiscite under the auspices of the United Nations to determine the question of the accession of the State to India or Pakistan.

It was upon acceptance of both resolutions by India and Pakistan that hostilities ceased on 1 January, 1949. Then, as now, the cease-fire was meant to be a prelude to a permanent settlement which was to be achieved through a plebiscite under United Nations auspices after a synchronized withdrawal of forces.

The whole history of the Jammu and Kashmir dispute is India's exploitation of the cease-fire, the first part of the agreement, for the purpose of evading the implementation of the other two parts, rather than of facilitating them.

But the non-performance of an agreement by one party cannot render it invalid or obsolete. If it did, there would be no order in international life and the entire basis of the United Nations Charter would be undermined. Even though the agreement embodied in the two United Nations resolutions was not implemented by India, the Security Council repeatedly made clear its binding nature as an agreement and affirmed that its provisions were recognised and accepted by both India and Pakistan.

As the distinguished representative in the Security Council, Justice Sunde of Norway, said at the 467th meeting of the Council:

" It is for the plebiscite to determine the ultimate fate of the State. I would like to add that this principle, this keystone of the whole structure, has an importance which transcends the obligatory force it derives from the consent of the parties. The principle has its intrinsic value because it embodies the only criterion for the determination of Kashmir's fate which is compatible with modern democratic ideals."

That the UNCIP resolutions represent the engagement of the parties to the process and method by which the final settlement of the Kashmir dispute is to be reached has been reaffirmed not only by the Security Council, it has also been repeatedly admitted by India itself. I shall quote only two of these statements.

At the 608th meeting of the Security Council, the representative of India, Mrs. Pandit, said

"We do not seek to go behind the UNCIP resolutions or to ignore the vital elements of principle contained in them We have always adhered to the UNCIP resolutions We cannot be a party to the reversal of previous decisions taken by the United Nations Commission with the agreement of the parties."

At the 773rd meeting of the Security Council, the Indian representative and former Defence Minister of India, Mr. Krishna Menon, said:

"We have accepted (the resolutions of the United Nations Commission for India and Pakistan), we are parties to them, whether we like them or not."

I repeat the words, "whether we like them or not."

India is a party to the UNCIP resolutions, whether India likes them or not. That it does not like them is no ground to consider them obsolete, It had been made clear by the United Nations Commission itself that the lack of co-operation from either side would not be considered a technical or practical reason for not holding a plebiscite in Jammu and Kashmir.

Such lack of cooperation, the Commission held, would be a breach of commitments formally undertaken by the Governments of India and Pakistan.

The agreement with regard to plebiscite binds not only India and Pakistan; it also binds the United Nations. Because of its binding nature and because of the principle of the stipulations pour autrui it involves third party beneficiaries—namely, the people of Jammu and Kashmir—it cannot, I submit, be changed or modified even by the Security Council, far less repudiated by one of the parties. This is the position of Pakistan. In surrendering it, Pakistan would surrender not only a basic principle of its national policy but the very principle of its allegiance to the United Nations.

I can pledge from this rostrum that my Government intends no such surrender. The third issue which is involved in the Jammu and Kashmir dispute is that of the effectiveness of the United Nations for the pacific settlement of international disputes.

To all those who put their faith in international peace-making it should be a cause for concern that this dispute has remained unresolved not only because of India's intransigence but also because of the failure of the Security Council to overcome that intransigence. The history of the dispute is a history of opportunities neglected, of chances thrown away, of warnings disdained.

Since 1949, Pakistan has repeatedly approached the Security Council. Every time we asked, not for a verdict in our favour or against India, but for the Council to spell out the obligations of the parties under the international agreement. Every time we warned that the issue involved the questions of war or peace in the subcontinent. Every time we were ignored.

Ever since it had become plain to the Commission that India was determined to block the demilitarization of Kashmir and to prevent the plebiscite, there was no lack of opportunities for the Security Council to discharge its primary responsibility. When the Commission reported its failure, the Security Council should have realized the futility of further negotiations and should have called upon the two parties to fulfill their obligations. It did not do so. When the Commission suggested that the differences between the two Governments with regard to their obligations for demilitarization should be submitted to arbitration,

President Truman of the United States and Prime Minister Attlee of the United Kingdom endorsed that suggestion and Pakistan accepted it. At that point, too, the Security Council had an opportunity to support the appeals of the United States and the United Kingdom and to bring pressure to bear upon India to accept it. Again this was not done.

When Sir Owen Dixon, who replaced the United Nations Commission, reported that he could not make India agree to withdraw its troops from Kashmir and allow the people of the State freely to decide their future, it had become manifestly clear that India was no longer acting in good faith, and mere persuasion was no longer enough. Again, the Council refused to grasp the nettle. Again, it put its faith in further mediatory efforts, this time by Dr. Frank P. Graham.

When, after persevering efforts over a period of years, Dr. Graham made a clear report in 1958 about Pakistan's acceptance of his proposals and India's rejection, of them, again the Security Council did nothing.

It will be interesting to those members of the Assembly who do not know it that, in the past seven years, the Security Council has not found time even to consider Dr. Graham's report.

At each stage, India went one step further in defiance of the international agreement. The Security Council, instead of discharging its duty under the Charter, continuously yielded to India's maneuvers until India became convinced that it could defy the Council with impunity. By letting that situation arise, the Council abdicated its functions under the Charter. That had a far-reaching effect. It jeopardized peace in our region. It gave rise to grave doubts whether the United Nations was capable of securing the implementation of an agreement which it had itself brought about. It brought the peace-keeping functions of the United Nations into disrepute.

Having maneuvered the Security Council into a position of helplessness, India openly repudiated its obligations under the United Nations resolutions. The Council merely watched a process of continuous attrition. Since 1962, it found it difficult even to pass a resolution asking for the parties to negotiate with due regard to their commitments. It was not a question of imposing a solution on one party to a dispute. It was a question of securing India's compliance with the agreement which it had freely and solemnly entered into. And thus the world witnessed the pitiful inadequacy of the principal organ of the United Nations for the maintenance of international peace and security.

It is a painful story, this story of the Security Council's inaction. The world knows how all avenues leading to a peaceful settlement of the dispute – the recognised methods of negotiation, mediation and arbitration – were blocked by India. For no reason understandable in terms of the Charter, this inhibited the Council, instead of stimulating it into action. It is no secret that in 1964, when there was a mass uprising in Jammu and Kashmir, the Council met only reluctantly. A distinguished representative at that time said to us that we had brought a "dead horse" to the Council. Another expressed the opinion that we were using the Council for internal propaganda. I put it to the members of this Assembly: Could any situation be more exasperating for a country which is a party to an international dispute? Here was a question in which not only Pakistan was deeply and vitally interested. Here was a question which was also a matter of life and death for the five million people of Jammu and Kashmir. Here was a question which involved the peace and stability of Asia. But the Council was content with meeting, hearing parties and adjourning *sine die*.

When, through the years, we warned the Security Council that the problem should be resolved before it led to an explosion, our warnings either went unheeded or were termed an empty threat. I again ask the members of the Assembly: What language is one supposed to speak when one wants to bring out the urgency of a situation and the grave dangers in its remaining unresolved? Pakistan spoke that language. It spoke the language of reason and remonstrance; it made constructive proposals such as the induction of a United Nations force pending a plebiscite. But nothing made India budge an inch. Nothing moved the primary organ of the United Nations into action.

Such was the position in the Security Council. Outside the Council, from 1949 to this day, India has spurned every offer, rejected every suggestion, and barred every avenue for a peaceful settlement of the dispute. It has ruled out recourse to the International Court of Justice. It has rejected mediation, conciliation and even good offices, including those of the Secretary-General. Whenever India has made a show of willingness to enter into bilateral negotiations with Pakistan, it has been only to tide over some crisis in its internal or foreign relations. In the long negotiations in 1962 and 1963, during the Sino-Indian conflict, India's position was that it would retain the possession of Kashmir, which it had obtained by force, and all there was to negotiate was how best to establish it in that possession. Finally, India's real attitude was made clear by its Home Minister on 1 July, 1965, when he stated:

"Kashmir is an integral part of India. It is a settled fact which cannot be the subject of debate or negotiations."

Such a declaration foreclosed the pacific settlement of the dispute. India brazenly sought to annex the State of Jammu and Kashmir in 1964. Concurrently, for the third time, Sheikh Abdullah was thrown into prison in 1965 by the Indian Government.

What was the result? The result was that the tensions which had been accumulating through the years exploded, and a situation arose precisely' of the kind about which we had warned the Security Council and the world for over a decade. The people of Jammu and Kashmir could no longer be content with a non-violent rebellion and were forced to take to arms, which eventually led to war between India and Pakistan, one of the gravest situations ever faced by the United Nations.

In view of the background of this dispute, we are certain that both the United Nations and Pakistan, as a member of the United Nations; have arrived at the crossroads. For the United Nations, there are two paths open. One is to continue to condone further evasions by India, to succumb to the pressures of power politics, and to foreclose the chances of a just and enduring peace between India and Pakistan. The other is to take prompt measures to secure a just and honorable settlement of the Jammu and Kashmir dispute and to save India and Pakistan from -another catastrophe. Need I say that the fear and misery in both countries, the grief and suffering endured, the blood that has been shed, all cry out for an immediate settlement of the dispute on the only basis on which it can be finally settled: the basis of the will of the people of Jammu and Kashmir.

It is upon the path chosen by the United Nations that Pakistan's course will itself depend. If the United Nations works for a settlement, not on our terms, but in terms of the Charter, in terms of the international agreement accepted by both parties, then Pakistan will not stint its co-operation in the slightest measure. If, however, delays still prevail, if the expediencies of power politics rule the day, then Pakistan will be forced to conclude that the norms and purposes of the Charter and the actual practice of the political organs of the United Nations are no longer in harmony. The choice that will then be forced upon us will be the choice between a principle and a pledge, on the one side, and the dictates of power, on the other. It will be painful, but it will involve no dilemma. Pakistan will opt for the principles of the Charter rather than for the expediencies of this Organization. I have every confidence that, when we say that we might have to withdraw from this Organization, our fellow member states will not consider this to be a threat or ultimatum by Pakistan, but the outcome of deep and long disillusionment over its ineffectiveness to resolve a dispute which has been a threat to world peace, just because one member state, India, which holds an excessive number of sensitive posts in the Secretariat of the United Nations, refuses to honour its commitments.

Pakistan will never presume to dictate to the Security Council. But our fellow members will appreciate that, when faced by a situation of the extreme nature of the one which confronts Pakistan today, a country has to ask itself some fundamental questions. One of these questions is: What kind of peace do we seek? The second question is: What kind of peace is it that the United Nations assures for its members?

The United Nations Charter could not be clearer on the subject. Article 2, paragraph 3, makes it binding on members to settle their international disputes by peaceful means in such a manner that international security and justice are not endangered. The point here is the conjunction of peace and justice. There are some who separate the two – who, in other words, elect, or want others to elect, peace at any price. But peace at any price is not the purpose of this Organization. Peace at any price could be achieved without this Organization. The United Nations came into being as a result of the war waged against aggressors. If that war had not been waged – if the peoples of Britain, France, the Soviet Union and the United States, and the resistance movements in Europe and other parts of the world had not fought against fascism – we still would have had a peace imposed by a victorious aggressor. But it would have been a dark, evil, iniquitous peace. It would not have been the peace envisaged in the United Nations Charter.

To impose an unjust peace on a member of the United Nations is therefore, to undermine the Charter. The very purpose of the United Nations, as laid down in Article 1 of the Charter, is completely disregarded when a country is enjoined to “live with” a problem, rather than make vigorous efforts for its resolution. A sophisticated expression of this trend has been the formulation of what is called the law of the cease-fire. This so-called law is nothing but a justification, a rationalization, for doing nothing to settle disputes, especially those which involve the life and future of millions of human beings.

The more one analyses it, the more it seems to be but an expression of the philosophy of the status quo. This was the philosophy that brought death and dishonor to the League of Nations. It is the philosophy of those nations which are secure in their possessions and resources and have the ability to enforce their will upon others. It is not, and cannot be, the philosophy of those who have been robbed of their rights, who have suffered infringements and who cannot be expected to tolerate the status quo. Justice sometimes demands a change in it.

The test of the United Nations lies in whether it can ensure that this change will be peaceful and will conform to human justice. If it does not stand the test, the conclusion will be unavoidable that it is a monopoly of the “haves” and that it

cannot adjust itself to dynamic currents of international life based on justice and honour.

Mr. President, you are aware of the very grave situation prevailing in India and Pakistan today if the root cause of the conflict is not removed, it would be dishonest for anyone to suggest that the cease-fire in any way mitigates the dangers that lie ahead.

It is of no use to have the Security Council congratulate itself on the accomplishment of the cease-fire. Will it be any consolation to any one that the United Nations has an observer corps merely to observe and report violations of the cease-fire? A cease-fire and its observation do not amount to peace. What is needed is firm action to eradicate the incentives to violence and fighting. What is needed is action to remove the seeds of war.

Pakistan has accepted the call for the cease-fire with the confidence that it would lead, not to mere exhortations and appeals, but to a self-executing machinery for a final settlement of the Kashmir dispute. Security Council resolution 211 of 20 September, 1965, has described the cease-fire as "a first step towards a peaceful settlement of the outstanding differences between the two countries on Kashmir and other related matters". As far as we are concerned, there are "no other related matters," there is only the Kashmir dispute between us. There is nothing in this resolution which precludes the implementation of the UNCIP resolutions which have been the sole point of agreement between the parties and which alone can ensure an enduring settlement. If anything is plain in this resolution, it is that the cease-fire should not lead to the spurious and bullet-riddled peace which has been the lot of both India and Pakistan for all these years.

Pakistan believes that the Security Council and the Assembly will not allow the spirit of this resolution again to be eroded. We have made proposals, and I will leave it to the judgment of members of this Organization whether our proposals are just and fair. It is no use telling us that India does not accept them. If they are just and fair, and are the only ones that make a reference to the will of the people, then it is for this Organization and the world at large to make India accept them.

Indeed, India's objections to these proposals follow the same pattern as that of the variety of pretexts which it has put forward for depriving the people of Jammu and Kashmir of their right to decide their future.

Today I present the following proposal. Let both countries withdraw their forces from the State of Jammu and Kashmir. Let the United Nations send a force consisting of contingents from African, Asian and Latin American countries,

countries which have no interest in the outcome of the plebiscite in Kashmir and which are not involved in the exigencies of international power politics.

India has given the stock answer that it will not accept “foreign” troops on Indian soil. The State of Jammu and Kashmir is not a part of India; that is precisely the point at issue. But what passes comprehension is that India which has sent its own troops to serve in United Nations forces in other countries, which has deputed one of its Generals as the Chief Military Adviser to the Secretary-General for many long years, which has pretensions to the leadership of the Afro-Asian community and seeks hegemony over the Indian Ocean region, should consider that the stationing of a United Nations force in Kashmir, composed of African, Asian and Latin American contingents, would constitute a “foreign” intrusion and an affront to the honour of India.

If we had made the demand that Kashmir be given to us, the United Nations would have every right to look askance at our suggestion. We are asking that a plebiscite—the most orderly, peaceful and equitable method for the solution of the problem—be held within a reasonable period. Those who read “Kashmir” for “plebiscite” and consider our demand unreasonable admit, in effect, that if Kashmir is given the chance to decide its fate, it will link its destiny with Pakistan.

This is the reality of the Jammu and Kashmir dispute. This is the primary fact of the present situation between India and Pakistan. For eighteen years this dispute has been before the United Nations. For eighteen years it has been the victim of apathy and inertia. At times it has been caught in the coils of the cold war. While the human core of the dispute might have been obscured from other eyes, it could not be eclipsed in Pakistan eyes. The suffering of the people of Jammu and Kashmir, their being sundered from their brethren in Pakistan, their families divided, their hopes deferred, their voice unheard—these could not but weigh heavily on the conscience and feelings of the hundred million people of Pakistan.

When Pakistan, a country much smaller than India, was invaded by India, the sufferings of both Pakistan and Jammu and Kashmir were fused. These sufferings formed a single resolve to fight against India’s aggression against Pakistan and Kashmir. These passions may be disregarded in the calculations of power politics, but history deals far more justly with them. When we say that we are giving the United Nations a last chance to settle the Jammu and Kashmir dispute, we are saying that we are determined not to let a righteous cause be abandoned. It is not the will of Allah that the victims of injustice and aggression should have no higher court of appeal.

Plebiscite in Kashmir
Address to the United Nations General Assembly,
October 15, 1965

I apologize for taking the rostrum again on the question of Jammu and Kashmir. We have discussed it at great length, but it becomes necessary for me to take the rostrum again because of the remarkable, almost magnificent, distortion of facts which the Assembly has just heard from the heirs of those who were the first to be the champions of the literature of fairy tales and of distortion.

The representative of India, who took the floor just now, has outdone that great legacy of fiction. This performance of his this afternoon has been better than the rope trick. He has referred to Pakistan's aggression, saying that in eighteen years it has committed aggression against India on three occasions. Pakistan is a small state. We are much smaller than India in our resources, in our population, in our ability. It is preposterous for anyone to contend, after an objective appreciation of all the realities that Pakistan would be given to aggression against a powerful and large neighbor like India. All that we have done in the last eighteen years has been to uphold our national sovereignty, to uphold the cause of justice, and to uphold a righteous course; and if, in so doing, we have been pitted against a merciless neighbor, a neighbor that has itself been given to aggression, whose policy is predicated and based on aggression, it is because we believe that a smaller people, a smaller country can withstand the slaughter and the aggression of a greater neighbor in the course of upholding principles and international morality. We have been accused of committing aggression against a country which is five times our size; a country which in eighteen years has an exemplary record of aggression; a country that has committed aggression against Junagadh, Manavadar, and Mangrol, against Hyderabad, against the State of Kashmir; a country which is responsible for the Sino-Indian conflict and which also seized Goa by force.

We do not condone imperialism. We do not say that there should be any vestiges of imperialism left anywhere in the world. On the contrary it is our very cause, our very contention that we want to see the liquidation of all forms of colonialism; and that is why with all our resources and all our strength we are upholding the cause of the people of the State of Kashmir. It is not that we condone imperialism; it is that we condemn the methods India chooses in the settlement of disputes. The representative of India says that Pakistan has violated the United Nations Charter in upholding the cause of the people of Jammu and Kashmir. I ask you, Mr. President and fellow delegates: Who has violated the United Nations Charter? What has been Pakistan's position? All that Pakistan

has sought is the implementation of the United Nations resolutions and adherence to the United Nations Charter. It is we who, for the past eighteen years, have sought sedulously and tirelessly to implement the United Nations resolutions and the United Nations Charter. It is we who have asked India to implement the very resolution of the United Nations to which India is a party. That is all we ask. We ask that India, representing 400 million people and claiming to be the largest democracy in the world, should honour the solemn pledge which she gave in broad daylight in the United Nations of her free will and of her free accord. Not only did she give it here in the United Nations in 1948 and 1949, but that pledge—that the people of Jammu and Kashmir will exercise their right to self-determination—was given by the Prime Minister of India, Jawaharlal Nehru, repeatedly to the people of Pakistan and to the people of Jammu and Kashmir. All we seek is that India should fulfill her solemn commitments; yet India has the temerity to say that it is Pakistan that has violated the United Nations Charter. It is we who seek to uphold the Charter of the United Nations and to strengthen this international organization by pressing for compelling Lidia to abide by its Charter and resolutions and to fulfill her commitment to Pakistan, to the people of Kashmir and to the United Nations.

The representative of India has referred to a so-called acknowledged leader of Kashmir and a co-worker of Sheikh Abdullah, who took the floor a few days ago from this rostrum—a man called Mir Qasim. He has been described as a co-worker of Sheikh Abdullah. But who is Sheikh Abdullah? Sheikh Abdullah is the Lion of Kashmir, the man who has waged a heroic struggle for the people of Jammu and Kashmir from 1931 onwards; the man who has been prepared to make any sacrifice for a righteous cause; the man who was regarded by Pandit Jawaharlal Nehru as the champion of the people of Kashmir, as a legend whose fame and glory knew no dimensions of territory, as a person who was a hero and a symbol of his people, as a person who symbolized freedom and the struggle for emancipation. These are not my words. These are the words of Pandit Jawaharlal Nehru, paraphrased by me, which are in the records of the United Nations. Yet that great hero, who symbolized freedom, is today in an Indian gaol. By proxy we are told what Sheikh Abdullah said, what Sheikh Abdullah meant; and the Indian representative has the audacity to quote a man who, in the eighteen years of our independence, has been incarcerated for eleven years or more by India. After the independence of India, this great comrade of Pandit Jawaharlal Nehru, this great symbol of the freedom movement, has been rotting in Indian gaols for more than a decath. When his son, the young Tariq Abdullah, who is a chip of the old block and a valiant fighter who has inherited the great tradition of his father and his people, takes this rostrum, he is ridiculed. In ridiculing Tariq Abdullah, the Indian representative is actually ridiculing Sheikh Abdullah. They have cause for ridiculing him, because it is that same Sheikh Abdullah who now languishes and rots in Indian gaols. We say Release Sheikh Abdullah, the

acknowledged leader of the people of Jammu and Kashmir, and let the world hear what he has to say about the future of the State of Jammu and Kashmir.

Yesterday, when Tariq Abdullah took the floor, he did say that, originally, Sheikh Abdullah, who had been given solemn pledges and assurances by the Government of India and by the Prime Minister of India that a plebiscite would be held in the State of Jammu and Kashmir, took those assurances at their face value. He believed them because they came from a Prime Minister of the largest democracy in the world—from Pandit Jawaharlal Nehru. In view of those solemn and categorical assurances, he did co-operate with the Indian Government, but on condition that a plebiscite would be held in the State of Jammu and Kashmir to determine the future of the people of that state. However, when time and experience showed that all the Indian Government meant was to perpetrate a fraud on the people of Jammu and Kashmir, he was disillusioned. This was not the first time in history that leaders of a people have been ensnared, entrapped and deluded. Thus, when Tariq Abdullah took the floor, he said:

“This will give the Assembly some idea of the causes of my father’s disillusionment with India. For a man who had been a staunch nationalist all his life, a personal friend of Pandit Nehru, who condemned bigotry and fanaticism, and under whose leadership Kashmir remained untainted with any religious strife, it could not be but a wrench and a deep crisis to raise the banner of revolt against Indian occupation of Kashmir. Much though he loved the principles of secularism, he could not tolerate that, under their cloak, India should throttle the aspirations of the people of Kashmir, separate them from their brethren in Pakistan and hold them in bondage. He warned Mr. Nehru from 1952 onwards that India was following a disastrous policy in Kashmir, and that, if she reneged on the promise of a fair and impartial plebiscite, she would forfeit all claims to the respect and sympathy of the people of Kashmir as well as the people of the world. When in 1953 he publicly stated his view that the future of India, Pakistan and Kashmir could not be secure without an honorable settlement of the Kashmir dispute, he was deposed and put in gaol. For a long time no legal proceedings were brought against him. When a case was filed, it dragged on for several years. Finally, Sheikh Abdullah was acquitted in 1964, but his freedom was short-lived. Since early this year he has been kept in detention without trial.”

So this is the truth about Sheikh Abdullah who now languishes in an Indian gaol and who is being authoritatively quoted as representing the Kashmir position in so far as India is concerned. Yet when the authentic voice of the people of Kashmir represented by Tariq Abdullah, takes this rostrum we are told by the Indian representative that what he utters is not true.

Let us see what Sheikh Abdullah has to say more recently. The Indian representative has quoted Sheikh Abdullah in 1947, in 1948, in 1950, when, under categorical assurances given by the Government of India, he made certain statements which would, later on, betray and belie him and which, though no longer of any relevance, are now being quoted to the Assembly.

But let us see the actual position, as it is today. The thinking of Sheikh Abdullah, as revealed in February 1958, is this:

“Since my release, after four and a half years of detention, I have tried to explain my viewpoint and possible solutions in regard to various problems facing the political future of the State. With sufficient clarity, I hope, I have succeeded in elucidating the following principles: (a) So long as a final decision about the future disposition of Jammu and Kashmir State is not arrived at, the political uncertainty, the economic distress and the miseries which the people of the State are facing at present cannot terminate; (b) The existing strained relations between India and Pakistan are not only a source of great danger to the solidarity of Asia but also threaten the ruin of the people of the State of Jammu and Kashmir; the dispute over Kashmir is one of the main contributing factors to these strained relations; and (c) The ultimate decision with regard to the future affiliation of the State rests with the people and can only be achieved by allowing them to exercise their right to self-determination under impartial international supervision in accordance with the universally recognised methods – as has already been agreed to by the parties concerned – or otherwise as is acceptable to them.”

Again, Sheikh Abdullah, addressing 20,000 people in Jammu on 9 April 1964 – not 1948 or 1949 – declared emphatically that it would be wrong to claim that the people of Jammu and Kashmir had already exercised their right of self-determination through free general elections, when the truth was that all the three elections held had been rigged. This charge was made, he said; not only by him but also by all opposition parties in Jammu and Kashmir, including the Jan Sangh, an extremist Hindu organization.

In addition, on 15 April, 1964, speaking in Doda, a town in Jammu, Sheikh Abdullah said that the argument that the people of Kashmir had exercised their right of self-determination by electing a constituent assembly was beside the point, because no election was held on the issue of accession. He added that the elections were rigged, even according to the Prime Minister of the State of Jammu and Kashmir, Mr. G.M. Sadiq, when he made a certain reference to those elections which I shall not take up the members’ time to repeat here now.

Again, on 13 March, 1965, speaking at Nottingham Sheikh Abdullah said:

“When we went to the Security Council it was decided that the question of Kashmir would be settled through a free and impartial plebiscite. Suddenly we started feeling that India’s opinion was changing. India was going back on her word. India wanted me to support her on this and it is from here that my quarrel with India started. We have no enmity with anyone. We only want to exercise our right. Once that right is achieved, I would have no objection if the people freely join this country or that, but whichever course they adopt it will be an honorable course. They will not be driven like cattle.”

This was in Nottingham, on 13 March, 1965, when Sheikh Abdullah was briefly released from gaol and was again imprisoned upon his return to India.

The representative of India has said that he does not want to waste the time of this Assembly by repeating all the arguments. None of us wish to waste the time of this Assembly but much more is at stake than the time of this Assembly, much, much more is at stake. The principles of the United Nations are at stake. The principle of self-determination is at stake. The causes of war and of peace are at stake, and it is necessary to speak out on these issues, because these issues have a bearing on the future of humanity. And it is the direct responsibility of this Assembly not only to hear them but also to resolve these disputes which lead to the slaughter of mankind, to bloodshed and to misery. So it is not a question of wasting the time of this Assembly. It is a question of bringing before this Assembly, matters of dire importance which affect the peace in our region and which affect the future of our countries.

The representative of India has said that legally, morally and constitutionally the State of Jammu and Kashmir is a part of India. Sheikh Abdullah and many of us before that have informed the Assembly of the legal, moral and political issues involved in the future determination of the people of Jammu and Kashmir. It has been said in defence of the Indian contention that no uprising has ever taken place and that at present there were only infiltrators who went in from Pakistan to be of assistance to the people of Jammu and Kashmir. And, in support of this contention, *The New York Times* has been quoted, authoritatively. I have here before me the most recent report from *The New York Times*, if that is an authoritative way of determining the future of the people of Jammu and Kashmir. On 13 October, *The New York Times* says: “Police in Kashmir kill boys; stoning by crowd is charged,” and there follows a long report of what is happening in Srinagar, how students are being killed, how demonstrations are being quelled, how popular uprisings are being quashed by the 200,000 Indian soldiers who are

in the valley, and all this has increased since the fighting is taking place between India and Pakistan. The police forces and the militia of the State are all pitted against the poor, helpless, innocent people of Jammu and Kashmir.

Again, on 11 October, 1965, there is another report from Jammu and Kashmir by the correspondent of *The New York Times*. He says: "School girls lead Kashmir crusade; hatred of India draws them out of cloistered life." So the young school girls of the age of eighteen and younger have taken upon themselves the struggle with their comrades for the liberation of the people of Jammu and Kashmir.

These are facts; these are realities which cannot be ignored. There are demonstrations – we want plebiscite; long live Pakistan; long live the struggle of the people of Jammu and Kashmir – by young students, by mujahids, by freedom fighters, by the five million people of Jammu and Kashmir, all united indissolubly and indivisibly for a fight, for a just cause which cannot be denied to them. It is a righteous cause. They may be pitted against Indian bayonets; they may be pitted against the force, the might and the armada of the Indian army; but their sacrifices will not be in vain. The blood that they shed will not be in vain.

We are told that it was the freedom fighters who destroyed and looted and committed arson in Jammu and Kashmir. It is inconceivable for a people to commit aggression against their own people. It is inconceivable for the people of Jammu and Kashmir to perpetrate wrongs against their own brethren. When *The Pakistan Times* was quoted with reference to the burning of Patmulla village, it was not *The Pakistan Times*. *The Pakistan Times* was quoting All India Radio, and it reported All India Radio to have said that the village of Patmulla had been razed to the ground. I believe that Mr. Radhakrishnan, the President of India, visited Patmulla and saw for himself the destruction of that village; the burning of innocent men, women and children, and I believe even he wept. I am told that Mr. Desai, a former Finance Minister of India, when he was told that Indian soldiers and the Indian army had committed genocide and had burned villages, he said, in defence of that action. Well, if someone from Madras wanted to secede from India, I would not mind if villages in Madras were burned.

However, the question of Madras or the question of any other constituent part of India has no relevance whatsoever to Kashmir. Kashmir has never been a part of India. Kashmir's future has always been in dispute. I do not say this. This is what India has said. This is what India has maintained, that is, the future of the State of Jammu and Kashmir will be decided by the people of Jammu and Kashmir. Kashmir is not a part of India. It can never be a part of India. It has never been a part of India. We have no quarrel with India, properly calling, with an Indian India; but Kashmir is not an Indian India.

This is not my assertion. These are the assertions, the pledges and the commitments of the Government of India itself, and in the space of eighteen years they cannot be forgotten. They can never be forgotten as long as the conscience of mankind exists, as long as there is civilization, and as long as there is a quest for freedom of peoples.

Pakistan is also a pluralistic society. We also have multi-racial and multilingual components of Pakistan. We have the Baluchi the Sindhi, the Pathan, the Punjabi and the Bengali, We would not like to see fissiparous tendencies encouraged in India. We would not like to see the disintegration of India. This process of disintegration can be harmful, not only to India, but to its neighbours. We would like to see a strong India. We would like to see a consolidated India, a harmonious and peaceful India, but that India must be Indian India. That India must be a part of India, and not a disputed territory which has been taken by India by brute force and occupied by the imposition of its army and the bayonets. It has been said that in Pakistan is holding various nationalities by force, and reference has been made to different regions of Pakistan. This is a problem of the people of Pakistan, and if there is any dispute which Pakistan may have with others it is none of India's concern. Our relations with Afghanistan are most cordial. During the war with India, I know for certain where the sympathies of the people of Afghanistan lay, as demonstrated by the people of Afghanistan and reiterated by the Government of Afghanistan.

The King of Afghanistan, in a communiqué to the President of Pakistan, said: I as a King give you assurance, I as a Muslim give you assurance, I as an Afghan give you assurance that we are with you, and we will never betray you. It is none of India's concern to meddle in Pakistan's internal affairs.

We would not want to meddle in India's internal affairs. By resorting to a just settlement of the dispute over Jammu and Kashmir we are not interfering in India's internal affairs, because the problem of Jammu and Kashmir is not a question of India's internal affairs. It is a question of India fulfilling her pledge to the people of Jammu and Kashmir, and it is a question pure and simple, of the exercise of their right to self-determination.

It has been said by the representative of India that the problem is of a much greater dimension, that the problem does not concern Kashmir alone. It is one of religious bigotry. It is one of intolerance.

Pakistan has friendly relations with all its neighbours except, unfortunately, India, and that is not because of any failing on the part of Pakistan. We have friendly relations with Nepal which is a Hindu state. The majority of the people

of Nepal belong to the great Hindu religion. We have over ten million Hindus in Pakistan and they have lived in peace. Their lives, property and honour have never been jeopardized. We have hardly had any communal disturbances, whereas in India, secular India, they have had over 600 odd communal disturbances. Even during this war they had communal disturbances in which minorities were maltreated.

The representative of India contradicts himself when he says that the Muslims of India fought, valiantly for India during the struggle against Pakistan; that they were amongst the highest decorated soldiers. I bear tribute to their valour. I bear tribute to all the soldiers of India who fought heroically in this war, but does this not show that our dispute with India is not a religious dispute? That it is not a communal dispute? It is a national dispute. It is a dispute over principles. It is a dispute over the right to self-determination. It is a dispute over the implementation of international agreements. If it were a religious dispute, if it had to deal with the determination of a communal future, then why should the Indian Muslims have fought so valiantly and so bravely?

But because it is not a communal dispute, because it has nothing to do with religion, the Indian Muslims – as they rightly should do, according to their great tradition and according to their great religion – fight for their motherland, and we salute their bravery, whether they be Indian, whether they be Muslims, Hindus or Christians. So also those who fought for Pakistan, whether they be Muslims, Hindus, Christians or Buddhists, fought for their motherland. They fought against a predatory aggressor and that is why it is not a religious issue. It has nothing to do with religion. It has nothing to do with bigotry. It has to do with the most sublime and the most liberal principles which have been upheld by mankind, that is, the future of a people their liberty, their freedom, an international obligation, an international commitment. These are the principles for which Pakistan has fought, and not on the basis of religion or communalism, which the representative of India, himself, by contradicting himself, has established for Pakistan.

The dispute over Jammu and Kashmir transcends not only religious frontiers, but also national frontiers. This dispute is not only the concern of India and Pakistan and the people of Jammu and Kashmir. It is the concern of the United Nations. It is the concern of the international community. Just as the international community has supported the freedom movements, throughout the world, wherever they be whether in Asia, Africa or in any other part of the world, it is its moral obligation to support the freedom movement of the people of Jammu and Kashmir.

We are not fanatics, we are not bigots. We want peace in order to develop ourselves, in order to give a better life to our people, in order to make progress so that, after centuries of misery, after centuries of poverty, we can march forward. We should also progress and have a better life. This is our concern and our ambition and we want the whole international community to march side by side with us in the determination of these high objectives.

But in life, men have fought for honour, men have fought for self-respect, men have fought for pledges and for nations. They may be small. Their resources may be limited. They may be subjected to one aggression after another. They may face overwhelming obstacles. They may face overwhelming odds. But finally they must triumph.

It is our conviction, it is our belief in God, it is our belief in international morality and in the conscience of mankind that the people of Jammu and Kashmir shall not be an exception to this long and glorious march of mankind for justice, for peace and for honour, and as far as Pakistan is concerned, it is pledged, it is honour-bound to fulfill this promise to the people of Jammu and Kashmir. We shall never tire. We shall never rest. We shall continue relentlessly and dauntlessly for the achievement of the right to self-determination for the people of Jammu and Kashmir, and for the fulfillment of international obligations entered into solemnly by sovereign states and sanctified and baptized by the United Nations. This is our right and this we shall fight for, irrespective of the consequences.

*Cease-fire Violations by India
Address to the Security Council,
October 25, 1965*

Mr. President,

The consideration of the India-Pakistan question by the Security Council has now reached a stage which will be decisive, as much for the issue of war or peace in South Asia as for the effectiveness and authority of the United Nations.

I am grateful to the President and the other members of the Security Council for having convened this meeting, at our request, to consider the rapidly deteriorating situation between India and Pakistan. The reasons which prompted our request were the virtual collapse of the ceasefire and the total disregard by India of the letter and spirit of the Council's resolution of 20 September, 1965. That resolution provided for various essential measures to facilitate an honorable settlement of the political problem underlying the conflict between India and Pakistan—namely, the Jammu and Kashmir dispute. It was stated authoritatively in the Council that the resolution stood as a whole and had to be implemented as such. It represented the Council's commitment to secure a peaceful settlement of the dispute. That was emphasised by the members of the Council and also by numerous member states speaking in the general debate of the current General Assembly session.

What is India's attitude to that commitment? As far as the world is concerned, today India has unmasked itself. It has said that it is not prepared to participate in the Council's deliberations if these go beyond paragraph 1 of the Security Council's resolution of 20 September. In other words, it shows contempt for the Council's resolution and the Council's authority. That fact is so plain that it needs no elaboration.

The Council is told that Jammu and Kashmir is an integral part of India and that any discussion relating to it amounts to a gross interference in India's internal affairs. That is to say, the Council's deliberations for eighteen years, extending over more than a hundred meetings, with all the statements made by its members, the resolutions adopted, the pledges given, the commitments solemnly entered into—all these are to be expunged because India has decided to annex Jammu and Kashmir and to repudiate unilaterally all its obligations.

Has any member state—South Africa included—in the history of the United Nations gone further in its brazen defiance of the World Organization?

When the Council met on 27 September to consider the situation, it did so as a result of the Secretary-General's report that the cease-fire agreed to unconditionally by the Governments of India and Pakistan was not holding. The Council reaffirmed its previous resolution and demanded that the parties urgently honour their commitments to the Council to observe the cease-fire and withdraw their forces as necessary steps in the full implementation of the resolution of 20 September, 1965.

Nearly a month has elapsed since the Council adopted its last resolution, but the cease-fire continues to be unstable and negotiations have still to begin on the withdrawal of troops and a settlement of the political problem with regard to Jammu and Kashmir. In our submissions before the Council, we have consistently affirmed that, while a cease-fire and withdrawal of troops must necessarily form a part of the effort to reach a permanent settlement of the Jammu and Kashmir dispute, it was unrealistic, in political terms, to divorce the problem of the cessation of hostilities from that of settling the Jammu and Kashmir dispute.

The reason for this is not far to seek. One of the parties considers the cease-fire as something which merely facilitates its continued hold on the greater part of the State of Jammu and Kashmir. It is, therefore, unwilling to allow such stabilization of the cease-fire and withdrawal of troops as would permit the Council, as well as both parties to the dispute, to proceed with the task of finding a peaceful settlement of the dispute. It is for this reason that my delegation has constantly urged that the Council would be defeating even the immediate purpose which it had in mind if it allowed India to escape with the impression that the Council had resigned itself to the continuance of the *status quo* in Jammu and Kashmir.

It is also on this account that my Government has always urged the Council to remind the parties not merely of their duty to refrain from the use of force in their relations, in contravention of the United Nations Charter, but also of their responsibility to honour and implement in good faith the obligations and commitments undertaken by them under the United Nations resolutions which lay down the accepted and agreed solution of the Jammu and Kashmir dispute.

In its resolution of 20 September, 1965, the Security Council demanded that India and Pakistan should issue orders for a cease-fire to take effect on 22 September at 7 a.m. Pakistan complied with it. India asked for an extension of the deadline by eighteen hours on the pretext of giving sufficient notice to local commanders. The Council agreed to extend the time-limit by fifteen hours. As we expected in Pakistan, India utilized this opportunity to improve its military position. While

pretending to get ready for a ceasefire, India moved an entire division against Khem Karan on the Indo-Pakistan border, in a frantic bid to regain lost ground. Simultaneously, it launched major offensives in the Wagah, Sialkot and Fazilka sectors. Most of these actions were, however, thwarted as a result of the vigilance of our army commanders and the stiff resistance of the Pakistan troops.

Even after the cease-fire, there is no let-up in India's aggressive attitudes and activities. It has been flouting the cease-fire agreement by following a deliberate and systematic plan to seize forcibly as much territory as possible. It has also been endeavoring to improve its position on the actual line of control by creeping forward and occupying areas which it failed repeatedly to capture during the war.

Since 23 September there have been a large number of violations of the cease-fire by Indian forces in Jammu and Kashmir and against Pakistan territory. These have been reported by our military authorities to the United Nations Observers and by our Permanent Representative to the Secretary-General. In spite of their endeavors, the United Nations Observers have not been able to ensure effective observance of the cease-fire or vacation of territory seized forcibly by India since 23 September. It is no wonder that the Secretary-General is concerned about the deterioration in the situation and mounting tension in various Sectors of the battlefield, and that he has come to the conclusion that "the existence of the cease-fire must be considered precarious."

At the meeting of the Security Council held on 27 September, I mentioned some of the breaches of the cease-fire committed by India between 23 and 26 September. I also drew the attention of the Council to the first three reports of the Secretary-General which showed that our complaints were well founded. The Council was naturally concerned over this state of affairs and again called for strict observance of the cease-fire. Let us now see how far India has complied with the Council's directives.

There has been no diminution, even after 27 September, either in the number or in the gravity of breaches of the cease-fire committed by India. Numerous complaints have been filed by our military authorities of which only a small proportion have been investigated so far by United Nations Observers. Their reports, however, leave no doubt as to India's responsibility for proved violations of the cease-fire. I shall not weary the Council with details of all the cases investigated by the United Nations Observers, but I should like to invite the Council's attention to some of the major breaches of the cease-fire which India has committed during this month and which have been dealt with in the Secretary-General's reports dated 18 and 23 October.

In the Domel-Tanqdhara sector, on 6 October, 1965, the Indians launched a major offensive at Jura and Shahkot bridges in the presence of United Nations Observers. This fact is borne out by paragraph 12 of the Secretary-General's report of 18 October, from which I quote:

"Observers stationed at Jura reported that Jura and Shahkot bridges had been shelled and attacked by Indian troops at 1045 hours on 6 October A later report from the Observers received on 13 October indicated that Indian attacks at Jura and Shahkot bridges had continued in the presence of the Observers and that Pakistan troops had returned the fire In view of the heavy mortar firing, the Observers had to withdraw west of Jura."

An Indian operational order captured by Pakistan forces during this fighting revealed that the 19th Indian Division stationed in Indian-held Kashmir was ordered to clear the bulge east of River Kishenganga and to dominate the river line. Three Indian battalions were used to destroy the Jura and Shahkot bridges, supported by medium, field and mountain artillery. Helicopters were also used for logistic support. A photo-stat copy of the skeleton operational order as noted down by the Indian Commanding Officer of the 4th Kumaon Regiment, who took part in this operation, is being distributed for perusal of the members of the Security Council. This Indian operation continued for more than ten days, in total disregard of India's cease-fire commitments and the intervention of United Nations Observers. This premeditated attack has created an extremely dangerous situation, the consequences of which will have to be borne by India and by India alone.

In the Kotli-Naushera sector, on 7 October, Indian troops, supported by artillery, attacked Pakistani positions on the Indian side of the ceasefire line in the Khuiratta-Janghar area. Again, this aggression took place in the presence of the United Nations Observers, who confirmed that the Pakistani position mentioned in our complaint had been attacked by the Indian troops at 0140 hours and at 0215 hours during the night of 6-7 October, and that Indian troops again shelled the Pakistani area between 0265 and 0925 on 7 October. They also reported that two of the Pakistani positions had been occupied by Indian troops on the night of 7 October and were taken by Pakistan forces later on the same day.

In the Uri-Poonch sectors, the Indians are building a road linking Poonch town with Uri, thus committing a serious violation of the ceasefire. The UNMOGIP have been informed of this violation and of the fact that Pakistan forces will have to take action to prevent the construction of the road. Furthermore, as is now well known, on 29 September the Indian local commander issued an ultimatum to Pakistani forces in the Chliamb sector to vacate areas under Pakistani control, failing which, Indian forces would launch an offensive action. This did not prove

to be an empty threat. The Indians did launch a well coordinated attack on 1 October in the area between the 81st and 74th Northings. This area has been in the possession of Pakistan forces since before the time of the cease-fire. These facts have been substantiated by the United Nations Observers in the area, as can be seen from paragraph II to 21 of the Secretary-General's report dated 7 October. In Pakistan also the Indians have been re-organising and regrouping their forces in front of the Lahore, Sialkot and Kasur sectors, contrary to the spirit of the cease-fire; and they continue to disregard the interventions made by the United Nations Observers as can be seen from paragraph 46 of Document S/6710/Add. 4. This paragraph states:

"On the morning of 13 October, between 0920 and 1000 hours, Indian troops fired with tank and field artillery at Pakistan positions in the Siphon area on both banks of the canal. The Observers observed no reaction from Pakistan artillery, but believed that there was an exchange of small arms fire. At approximately 1005 hours, the firing stopped and the Observers took this opportunity to place their jeep with the United Nations flag in the west bank of the canal in full view of both sides. Nevertheless, firing was resumed by Indian troops with artillery, antitank guns and recoilless rifles and lasted nearly one hour.

In the Ferozepere sector, in violation of the cease-fire agreement, India brought the 23rd Infantry Division, equipped through United States military aid, from the North Eastern Frontier of India to Ambala, an Indian military station close to West Pakistan. A few days ago this Division was moved to Ferozepore. All the evidence indicated that India intended to launch an attack on the Khem Karan sector, which has been in the occupation of Pakistan forces since before the time of the cease-fire.

In the Sulaimanke sector, Indian forces on 4 October engaged our posts at Sanderke with heavy guns and small arms, which created an extremely tense situation.

In the Rajasthan sector also, according to the Secretary-General's report dated 23 October, the Chief Officer of UNIPOM considers the area "to be probably the most potentially dangerous sector of the conflict between India and Pakistan".

The responsibility for this dangerous situation rests entirely with India as the Indian forces in the Rajasthan area have made repeated attacks in pursuance of a deliberate and systematic plan to seize territory which has been under Pakistan control since before the cease-fire came into effect. On the morning of 7 October 1965, Indian forces, in approximately battalion strength, attacked our post at Raichandwala, which has been in our occupation since before the cease-fire. They used mortars and medium machine guns. On 9 October, the Indians attacked.

Kelnor, and outpost on the Indian side of the border held by Pakistan since before the ceasefire. This breach of the cease-fire has been confirmed by the United Nations Observers, as can be seen from paragraph 70 of document S/6710/ Add.4.

On 12 October, the Indians attacked our position at Ghotary. These attacks have been confirmed by United Nations Observers in the area, as can be seen from paragraphs 66 and 67 of document S/6710/Add.4.

On 14 October, the Indians attacked the Pakistani-held village of Nawatala. This is confirmed by paragraph 71 of the Secretary-General's report dated 18 October and by paragraph 8 of his report dated 23 October, which reads:

“On 15 October also, an Observer in the Chor-Barmer sector who had proceeded to the village of Nawatala reported that the village had been attacked on 14 October by Indian troops and occupied by them the next day. When the Observer told the Indian major that the village previously had been definitely occupied by Pakistan troops, the Indian local commander replied the he had instructions to clear Pakistan infiltrators from Indian territory. The Observer later received the same reply from the Indian battalion and brigade commanders.”

This shows India's respect for the cease-fire.

On 15 October, the Indians, after capturing a Pakistani-held post at Kelnor, crossed the Indo-Pakistan international boundary near the village of Bhame Jotar, which is well within Pakistan's territory. This constituted not only a serious breach of the cease-fire, but also an act of aggression against Pakistan.

Our Army authorities informed the Chief Officer of UNIPOM on 18 October that Indian forces in the Rajasthan area were being reinforced by one fresh infantry division. These reports were confirmed by United Nations Observers, who informed General MacDonald on 21-22 October that there had been quite a “substantial build-up in the Jaisalmer area.”

The threat of Indian aggression is, however, not over. The Indian Chief of Staff has agreed “to stop offensive action and forward' movement” only pending consultations with his government. I must make it clear to Council that if India proceeds with its evil intentions and launches an attack on our positions in Rajasthan, the armed forces of Pakistan will take whatever military action is deemed necessary in this and other sectors of the war front.

In a futile attempt to justify her aggressive action in the Rajasthan sector, India has been asserting that Pakistan held only the border outpost of Ntunabao in

Rajasthan when the cease-fire came into effect. This Indian lie has been finally nailed by the Secretary-General in his report dated 18' October. I invite the Councils attention to paragraph 68 of that report in which the Secretary-General categorically states that "the above-mentioned positions under attack by Indian troops" – Malesar, Raichand and Ghotary – "are located in the area held by Pakistan forces."

Again, in paragraph 70, he refers to Kelnor, which was attacked by Indian forces, as "a Pakistan-held position near the border on the Indian side". And then in paragraph 71, while reporting the Indian seizure of Nawatala, it is made clear that this area "had been definitely occupied by Pakistan troops."

Apart from the above serious cease-fire violations in Jammu and Kashmir and along the Indo-Pakistan borders, the Indians have committed inhuman atrocities on the civilian population in parts of Pakistan which are under their occupation. Acts of barbarity being committed by Indian military authorities against Pakistani prisoners of war have been reported to the Secretary-General. Documents captured by the Pakistani forces reveal that the Indians are violating the Geneva Convention on the treatment of prisoners of war. Wounded Pakistani prisoners of war have not been given adequate medical treatment, and some have been killed in the Rajasthan and Fazilka sectors. All such cases have been brought to the notice of UNIPOM in the hope that they would be able to persuade the Indians to abide by the Geneva Convention and to accord humane treatment to the prisoners of war.

The Security Council, in its resolution 211 of 20 September, called for the withdrawal of armed forces subsequent to the coming into effect of the cease-fire. In identical telegraphic messages sent to the Governments of India and Pakistan on the same day, the Secretary-General stated, inter alia:

"I request your plan and schedule for the indicated withdrawal of your troops."
Again, the Secretary-General in his telegram dated 23 September, 1965, to the Prime Minister of India and the President of Pakistan said:

"it is my duty to inform you that I expect to receive from you at a very early date your plan and schedule for the required withdrawal of any of your troops that are now on the wrong side of these lines."

Pakistan's response to the Secretary-General's request was positive and constructive. Our Permanent Representative pointed out to the Secretary-General on 26 September that:

“ no withdrawal can take place until it has been jointly agreed to by representatives of the two Armed Forces and a mutually accepted programme of withdrawal has been prepared.”

The Indian reply and subsequent communications to the Secretary-General, on the other hand, were contentious and designed to delay the withdrawal as long as possible and to provide India with excuses to resile from any plan of withdrawal that may be formulated whenever it suited India.

In his message of 13 October to the President of Pakistan and the Prime Minister of India, the Secretary-General expressed his concern over the fact that “the withdrawals foreseen in the Security Council resolutions have not taken place.”

In this letter, the Secretary-General put forth two possible courses of action. First, that: each party might find it possible to formulate its own plan and schedule of withdrawal and that the respective time schedules might be coordinated with the assistance of United Nations Military Observers.” Alternatively, the Secretary-General suggested that: appropriate military representatives of each side be brought together by and with an acceptable representative to be designated by me to meet either in the area or at United Nations Headquarters for the purpose of formulating an agreed withdrawal plan.”

Pakistan took a practical approach to the problem and accepted the second alternative suggested by the Secretary-General. It was also recommended that the meetings should be held in the subcontinent rather than at the Headquarters of the United Nations as all the relevant information would be more easily available in the subcontinent, and senior military officials could take part in these meetings.

Let us now look at the Indian reply to the Secretary-General’s proposals. The Prime Minister of India in his letter of 18 October, 1965, stated that: since a cease-fire has not been effectively established, the stage for a planned schedule of withdrawals over the entire area of conflict has not yet arrived.”

This is tantamount to saying that withdrawals cannot take place before the cease-fire becomes effective. The Council has already heard the extent to which India is observing the cease-fire agreement. India’s deliberate and continuous violations of the cease-fire might very well be used to block withdrawal of forces. The tactics used by India to thwart demilitarization of Jammu and Kashmir since 1948 are likely to be repeated here again. I am sure that the Council will see through the Indian designs and machinations and will not let India once again flout the will of the United Nations on one false pretext or another.

In his letter to the Permanent Representative of Pakistan, dated 22 October, the Secretary-General welcomed our favorable response to his suggestion. He proposed to send Major-General Syseno Sdrmento of Brazil, Commander of the United Nations Emergency Force in Gaza and Sinai, to the area at an early date to visit both capitals and to arrange for representatives of India and Pakistan to meet at some mutually agreed place, possibly near the front lines, and to seek agreement on a plan and schedule for the withdrawal by both parties. We have accepted the proposal. India's reply is still awaited.

The record is open for all to observe and to come to the only logical conclusion. India is flagrantly violating the cease-fire and then using the ineffectiveness of the cease-fire to frustrate any plan for withdrawal. Pakistan accepted the cease-fire in good faith and has taken no offensive action since it came into effect. But surely, we cannot be expected to carry out the cease-fire unilaterally and then follow it by a one-sided withdrawal. The Security Council must also bear in mind India's past record when it frustrated all the attempts made by the Military Sub-Committee of the United Nations Commission for India and Pakistan to effect demilitarization in the State of Jammu and Kashmir. India must not be permitted to repeat its past tactics with regard to withdrawal of troops and once again hold tip implementation of the resolutions of the Security Council. If the Security Council is determined to implement its resolution of 20 September, it should compel India to show respect for the cease-fire and co-operate with the Secretary-General in implementing the withdrawal provisions of the Council's resolutions.

I must remind the Council that a cease-fire and withdrawal of troops are, in the words of the Council resolution of 20 September, 1965, only the first essential steps towards a peaceful settlement of the outstanding differences between Inc is and Pakistan with regard to Jammu and Kashmir. The Council must now address itself to this basic problem.

This my President has also pointed out in his communication to the Secretary-General this morning:

"To effect a cease-fire and withdrawal of troops would be dealing only with symptoms, not the disease. Present indications are that, unless the Security Council gets down to dealing with the root cause of the conflict, the present cease-fire may prove to be only a short-lived lull in fighting. The institution of a Security Council Commission such as we have proposed would be evidence of the determination of the Security Council to see the conflict urgently and peacefully resolved, a fact which should result in a lowering of tension in the subcontinent and thereby help to strengthen the expectation that the cease-fire would endure."

The need for prompt action under paragraph 4 of the Council's resolution of 20 September, 1965, has become more urgent than ever on account of the large-scale arrests by India of political leaders in Jammu and Kashmir and the expulsion of thousands of people who opposed Indian rule. It is a fact which many impartial observers have attested to, that almost simultaneously with the cease-fire India let loose a reign of terror in the occupied portion of Jammu and Kashmir.

In a letter addressed to the President of the Security Council on 18 October, 1965, the Permanent Representative of Pakistan has drawn attention to the situation which prevails in that unfortunate land. He has quoted from the dispatches sent by correspondents of a number of reputable and well-known newspapers to show the brutality with which the Indian occupation authorities have set upon the people of Jammu and Kashmir. As the Council can visualise, there are stringent restrictions on press dispatches from Srinagar. Yet stories are beginning to leak out which give us some idea of the extreme measures employed by India to wreak vengeance on the people of Jammu and Kashmir.

(Interruption: Now follows a debate whether or not the Foreign Minister of Pakistan can dwell upon the internal situation in the State of Jammu and Kashmir. He is finally permitted to continue his speech which he does.)

What I have to say now goes to the heart of the problem in the sense that it is in conformity with the Security Council resolution of 20 September. The Security Council resolution of 20 September is not divisible. The ceasefire is connected with withdrawals, and withdrawals are connected with the underlying problem that divides India and Pakistan over the State of Jammu and Kashmir. This is an indistinguishable in-dissolvable problem. It is a great tragedy that India would not even want the Security Council to hear of the latest developments, to inform the Security Council as to what is the situation in the subcontinent, how the cease-fire is being observed, why it is not being observed, the object with which it is not being observed, why they are not effecting withdrawals, what their intentions are behind not wanting to effect withdrawals, and why they do not want to go to the heart of the problem that has caused bloodshed once in a generation between India and Pakistan.

This is an indication this is a betrayal, of the state of mind of India in refusing to discuss a problem which has been before the Security Council for the last eighteen years. They call the Jammu and Kashmir state an integral part of India and they say that it is a gross interference in the internal affairs of India to discuss the Jammu and Kashmir dispute.

This is the mind of India; this is the mentality of India. A dispute which has brought war and bloodshed and misery to the subcontinent twice in eighteen years, which has been before the Security Council for the last eighteen years, which has engaged the attention of the whole world for the last eighteen years, is regarded by India, unilaterally – like Mr. Ian Smith who regards the question of Southern Rhodesia unilaterally – to be a part of India. The world must be blind, truth must be suppressed, reality must be hidden, so that India, by the sheer weight of its force, and carry its military power, is able to defy the Security Council and deny it the right of proceeding with the determination of a dispute which has to be resolved and must be resolved.

I am thankful to those members of the Security Council who have allowed the rule of law, the rules of procedure, not to be subjected to Indian intimidation, because if the Security Council is to arm India with a super-veto, if the great powers are going to move in step with India's obduracy, then there can be no justice in the world, and then we might as well implement what is regarded to be a threat by us, but what we in good conscience believe to be the only honorable course left open to us.

I again thank the members of the Security Council for having correctly and courageously interpreted the rules of procedure and the resolution of 20 September.

As I was saying, the Council can visualise there are stringent restrictions on press dispatches from Srinagar, yet stories are beginning to leak out which give us some idea of the extreme measures employed by India to wreak vengeance upon the people of Kashmir. A dispatch by the special correspondent of the Paris daily, *Le Figaro*, contains the following account of his meeting with some of those who have escaped the Indian terror:

“An angry young man grabbed my arm and told me the story of his village. Mandi somewhere in the vicinity of Poonch. ‘Indians have cut off the breasts of our girls and held them up saying ‘here is your Pakistan.’ Seven members of my family have been taken by the soldiers and butchered,’ he went on with tears in his eyes. Another man interrupted:

‘They locked people in their houses and set fire to them. The whole village has been burnt.’

“This morning I visited another refugee camp further up in the north. Here again I had the same accounts from fleeing villagers. One of them, a bearded man, told me how his village had risen against the Indians five or

six months ago. 'Twenty men of our village were participating in action against the Indian Army.' What kind of action? 'Sniping at soldiers.....

(Interruption: At this stage India again tries to interrupt but as a result of the ensuing debate the Indian delegation decides not to return to the meeting after the recess. Foreign Minister of Pakistan is allowed to continue his speech.)

'Sniping at soldier passing by, blowing up bridges. Eighteen days ago the Indians launched an attack against our village, and after a fight they entered it and burned all the houses, killing everyone in sight. He said he had escaped with his two sons, his daughter and his wife. He did not know where the others were and how many survived."

The correspondent of *Le Figaro*, who has no direct interest in the subcontinent, continues:

"A little girl, aged about twelve, was standing beside a tall man wearing a blue shirt. She was firmly gripping the man's hand. 'We found her wandering alone in the jungle', he told me. 'She was keeping the cattle, when the Indians came up and burned her village. So she fled alone, without knowing what happened to her brothers and sisters and family.' The same correspondent of this paper' says that the refugees from Indian-occupied Jammu and Kashmir keep asking questions, and he quotes them:

"Why are we treated like that? What have we done? Who has given you the right to behave with us in such manner? Why do you help India? All we want is to be free from India and to go back to our homes and to our honour."

The magazine, *Newsweek*, of New York, in its issue of 11 October, 1965, reports a tour of camps of refugees from Indian-held Jammu and Kashmir by its correspondent. The journal writes:

"There, reported our correspondent, he heard tale after tale of Indian atrocities against Moslems in Jammu and Kashmir. 'I talked to the people at random and they all told stories of India's butchering Moslem families, burning down villages, raping and torturing villagers."

The *Newsweek* article continues:

"A ten-year-old girl told me she saw her parents shot. One woman, sobbing and hysterical, said her small children were cut into pieces and her husband taken away when Indian troops attacked her village." The Delhi correspondent of The

Daily Telegraph, in a dispatch about Indian-occupied Kashmir, said this on 12 October, 1965:

“Resentment and hatred are growing against the Indian army in Kashmir as it is burning houses of those persons who are charged with helping and hiding guerrillas.”

The facts are so overwhelming in their detail that it is impossible for me to do them justice in this presentation. What has been reported in the press is inevitably only a fragment of the reality which, were it visualized here, would so stir the Council’s conscience as to bring immediate condemnation on India. And India, fearing that all the truth would be told, brought about an unusual, an extraordinary, procedural debate in which it had no right to be a party. For the first time in the history of the Security Council, it brought about a procedural debate to thwart the truth, to suppress the facts, to make reality out of the falsehood of its policies. That is why they are not here tonight – not because of procedural technicalities or legal niceties, but because under the bright lights of the Security Council they do not want to hear the truth, they do not want to know what they are doing to the people of Jammu and Kashmir. They are not prepared to hear of their atrocities; that is why their seats are vacant. They do not have the courage to hear of the atrocities and the barbarism they are perpetrating against the people of Jammu and Kashmir and that is why you find them absent in an unprecedented fashion. It is not because of the procedure, it is not because of legal niceties; it is because in their conscience and in their hearts they know that they are following, barbaric, a Nazi-like policy against the people of Jammu and Kashmir.

The harrowing tales which they relate of Indians murdering all the young men and abducting the women are corroborated by the fact that the refugees pouring into Azad Kashmir are by and large old men, old women and children below the age of ten. Young men and women are conspicuous by their absence in the Azad Kashmir refugee camps. The people of Rajauri District, who had declared for freedom after the call to arms by the Revolutionary Council, are being subjected to unheard of atrocities. The borders of this district and Mendhar area have been almost sealed by the Indians and the entire population is facing the prospect of annihilation at the hands of Indian soldiers.

It must be recalled here that, in the month of August, Indian troops’ burnt down the town of Mandi and twelve adjoining villages. Three families of Muslims in village Bedar Balnoi were burnt alive in their houses and many Muslims were shot down by Indian soldiers in cold blood in the presence of their families. Several girls were also abducted in the same village. Similar barbarities were committed in other villages in Muzaffarabad, Rawalkot and Mirpur sectors. And

because the Indians have no answer, Mr. President, that is why they are not here tonight.

The entire Batamaloo suburb of Srinagar inhabited by Muslims was set on fire and razed to the ground. Many Muslims were burnt alive in this suburb by the Indian Army. This burning was reported by the correspondent of *The Washington Star* in the paper's issue of 1 September, 1965:

“During the past three weeks hundreds of Kashmiri houses have been burned to the ground—about 440 in Srinagar alone and scores of others in from fifty to seventy villages scattered throughout the valley.

“Indian officials claim Pakistani infiltrators started the fires. But both extremist and moderate Kashmiris and the victims themselves, interviewed while digging in the smoldering wreckage, claim the Indian army was responsible.”

The Indian army was- responsible for the destruction and devastation and for setting Kashmiri towns and villages ablaze, for abducting women and children and for tearing the breasts off people. I do not say that as the Foreign Minister of Pakistan; that is what *The Washington Star* says, a United States newspaper, the newspaper of a country which is friendly to both India and Pakistan and which would like to see a settlement.

What is the difference between the extermination of the Jews in Europe by Hitler and the extermination of Muslims by Indian bayonets in Asia? Is there any difference? Are we to have a double standard? After twenty years of the ghettos of Poland we are still reminded of the horrors and atrocities committed against the people of Europe by Hitler. Men were killed, men were shot, women and children were killed, and torture was inflicted. Is torture in Europe different from torture in Asia? Is death in Europe different from death in Asia? If people die in Europe is it different from people dying in Asia? Are they not human beings in Asia? Do they not feel the same pain? Mr. President, it is for you and your grandiose Council to answer these questions.

This explains why there has been an exodus of about 75,000 Kashmiris so far from Indian-occupied Kashmir. There are extremist fanatical organizations in India called the RSS and Jan Sangh, and the ruffians and hooligans in their service have been armed by Indian authorities to carry out the heinous design of exterminating those who resist the Indian occupation. If this is falsehood, the Indian Foreign Minister should be here to deny that charge. I say with all the solemnity and with all the sovereignty of 100 million people of Pakistan that that is not a false charge. There is not an iota of exaggeration in this charge. If this is

incorrect, the Indian Foreign Minister should be sitting here to deny this charge on behalf of his people. But the Indian representatives have fled. Why have they fled? Is the Indian delegation not capable of answering these charges? The Indians are very good at forensics. They are philosophers. We know that they are very capable in using pretty words. Why are they not here? They are not here because they cannot answer the charges of the Government of Pakistan or of the people of Pakistan; they cannot answer the conscience of mankind against the atrocities, barbarous acts and ruthlessness; they have no answer to the tragedy and the upheaval that they have brought about on the subcontinent of Asia, to the trouble that they have created in Asia. They are not here because they have no conscience, they have no integrity, and they have no words. They are afraid to account for what they have done to the people of Jammu and Kashmir.

As I have said, more than twenty years have passed since the Nazis executed their programme of exterminating the Jews in Germany. We still read the stories of those horrors and the world tries to salve its conscience by description and dramatization of those bestial acts. Today, despite the existence of the United Nations, despite the solemn commitment of the Charter, despite the convention against genocide, despite all the talk, with its intervals of ten minutes, about the sacredness of human life. India is perpetrating similar acts in Jammu and Kashmir. Will the world remain unmoved? Will it refuse to stir because the people involved are so distant from the air-conditioned headquarters of the United Nations? Are we all to be so shackled by our inhibitions, so bogged down in expediencies, and so crippled by our calculations of power interests that the blood that is being shed in Jammu and Kashmir, the families that are being torn apart and wiped out, the voices that are being throttled, will bring forth no response from us? The ghettos of Poland live as a painful and fearful memory, but the ghettos of Jammu and Kashmir are stinking with human flesh ripped asunder by a monstrous and habitual aggressor determined to destroy, like a blood thirsty barbarian, all that stands in his way—the beauty and the life of Kashmir, the living and the dead, the truth and the reality.

Pakistan will not stand by and allow India to carry on these monstrous acts in Jammu and Kashmir, where 5 million people live. If the United Nations remains unmoved and unconcerned. Pakistan will take up the challenge and will be prepared for the ultimate consequence of life or destruction, of extermination or honour.

This attempt by India to take advantage of the cease-fire in order to exterminate the population of certain areas in Jammu and Kashmir is one part of the human reality which is unfolding before us. The other is the resistance movement in the Indian-held area and the barbarous response to it from the Indian Government. Let me now give the Security Council an idea of the situation in Indian-occupied

Jammu and Kashmir, particularly in the valley of Kashmir which has deteriorated rapidly since the ceasefire. This is why the Indian Foreign Minister has absented himself from the deliberations of the Council meeting, although he has come all the way from Delhi. The Indian representatives do not want to hear the truth and the reality of the situation. *The Guardian of London* stated on 22 October:

“Day by day come reports from Srinagar—many of them attested by Indian sources—of student demonstrations, riots, police firing, use of tear gas, throwing of grenades, closing of schools and colleges.”

Mr. President, you are an academician connected with a university, and here we see that schools and colleges are being closed in order to perpetuate Indian terror. The article continues:

“The Indian Government, having earlier this month arrested more fiery opposition leaders in Kashmir, yesterday turned its attention to Maulana Masoodi and Mr. Karra who want Kashmiris to use non-violent means of persuading the Indian Government to consult them about who they want to be ruled by. Now all leaders, disunited about methods as they have been, are united in being prisoners.”

The correspondent of *The Times, London*, stated on 22 October:

“Leaders of all political groups opposed to present Indian policies in Kashmir are behind bars: Sheikh Abdullah”—whose son sits in my delegation—“overtly pro-Pakistani leaders, and now those who have tried for years to steer the Valley away from violence and who have sought some middle way, where, in fact, there was none”.

The dispatch in *The New York Times* on the same date commented that the arrests had virtually wiped out the leadership of the Kashmiri people. It quoted authoritative sources as saying that “the Government had ample evidence that the men had been maintaining close ties with Pakistani infiltrators.” The same dispatch added:

“In an interview last week, Mr. Dhar, Kashmir’s Home Minister, said the Government had no evidence that Mr. Masoodi and Mr. Karra were guilty of collaboration with the infiltrators.”

If one examines the reports of Indian statements regarding the so-called infiltrators which have appeared in the world press, a pattern emerges which is revealing of the truth about the resistance movement in Jammu and Kashmir.

Since this movement encompasses the entire population of Jammu and Kashmir and involves both the Azad and the Indian-occupied territories, it is natural that the Indian Government should get involved in perpetual contradictions when it seeks to establish that all the trouble is the work of agents from Pakistan. At first they said that the guerrillas had no local support. Then they conceded indirectly that they had some local support, because otherwise the battles fought by guerrillas near Srinagar and the alleged existence of ammunition dumps in mosques could not have been explained. Then they began to assert that some of the leaders of the resistance movement were collaborating with the guerrillas but a few were not. Then they said that those other leaders—the few of them—also were in collaboration with the guerrillas.

Now, judging from a report in *The New York Times* of 23 October, they say that these leaders of the people of Kashmir are Pakistani agents themselves. The next logical step would be to condemn the entire Muslim population of Jammu and Kashmir as consisting of Pakistani agents, which would mean condemning 90 per cent of 5 million people. All that would have been ludicrous if its effects were not so deadly. The Indian allegations about infiltration are now seen to be not merely a canard, but the means by which India supplies itself with pretexts to crush all vocal opposition to its hated occupation. Let me quote a report filed from Delhi in the *Baltimore Sun* of 11 October. I am quoting American newspapers friendly to both India and Pakistan. The report says:

“The reports of demonstrations and arrests were the first official confirmation of substantial unrest in Srinagar since the troubled state went into what amounts to a war footing early in August Mr. Dhar blamed the incidents in the city on the remnant of the Pakistani guerrillas and their agents among the local population. His remarks constituted the first admission by a Government official”—that is the Home Minister—“that the guerrillas were receiving significant cooperation from the people of Jammu and Kashmir.”

If an impartial outsider reads reports of happenings in Indian-occupied Jammu and Kashmir which are published in the world press, the question will naturally arise in his mind: How deep, how widespread, is the opposition of the people to Indian occupation? He will, of course, remember that the press reports cannot possibly convey the full dimensions of the revolt because of the manifold restrictions, because of censorship, barriers of language, and the difficulty of foreign reporters obtaining access to the humbler folk. All the same, he will come across numerous indications which can be pieced together and from which a coherent picture will emerge. Let me now mention some of these.

On 13 October, *The New York Times* reported that three boys, sixteen years old, were killed by the Indian police in Srinagar.

There is a parallel between what the Indians do in Jammu and Kashmir, and what the Portuguese are doing in Angola and Mozambique, or what Mr. Ian Smith does in Southern Rhodesia. These Southern Rhodesians, and the Indians, and the Portuguese; they want to destroy the spirit of Asia and Africa. The spirit of Asia and Africa cannot be destroyed. It is vibrant; it is youthful; it is enthusiastic; it is full of life. We must achieve our objectives. The age of domination has come to an end. It has come to an end throughout the world and that is why they cannot face the fact that they are dominating 5 million people.

As I have said, sixteen-year old boys and girls were killed by Indian soldiers and Indian bayonets. Commenting on the slaughter of the innocents, the Home Minister of the Indian-sponsored Government in Srinagar is reported to have said that the firing could not have been avoided because “for a small group of police to move around in the narrow lanes of the old city in the present atmosphere is just to invite trouble.” What does this statement mean except that the population of Srinagar is totally hostile to India’s army and police and will not hesitate to battle with it wherever it can?

The same newspaper, that is, *The New York Times*—very much respected and quoted by the Indian delegation in the General Assembly—was quoted in the General Assembly by the Indian delegation as if it were a bible: and I am now quoting this bible—of 13 and 14 October reported that Muslim girls at a college had played a significant role “in a new wave of agitation that has been sweeping” Srinagar. It mentions an eighteen-year girl, who hitherto lived a cloistered life, as having stood on a stage at a public meeting and shouted “Indian go home.”

It quotes the girl as saying “We must show how we feel. We Muslims here are tired of Indian rule. We want to be with. Pakistan.” Of course they want to be with Pakistan. They are part of us; they are our blood; they are our flesh; they are our lives and they will be a part of us.

Is it conceivable that a movement would absorb the passion and dedication of boys and girls of that age unless it was rooted in the heart and soul of an entire people?

News dispatches about the situation in Indian-occupied Jammu and Kashmir report that shops are closed in Srinagar and there is no traffic in the streets. *The New York Times* of 13 October reported that only armed policemen and army patrols are seen moving in the streets of Srinagar.

The *Financial Times* of London of 8 October said:

“Only the very prejudiced can deny that mass opinion in Kashmir is now overwhelmingly anti-Indian.”

The Foreign Editor of the *Frankfurter Allgemeine*, an eye-witness in Srinagar, reported on 10 October: “At least 30,000 policemen and soldiers have turned Srinagar into a huge army camp.”

On 19 October he further reported how street battles developed between the people and Indian police when unarmed demonstrators demanded a plebiscite and an end to Indian brutalities. When he drove through Srinagar he saw crowds of protestors everywhere asking for a plebiscite and shouting curses at Indians.

These developments in Indian-occupied Kashmir reached a climax on 23 October when the Indian puppet regime in Kashmir decided to assume control of Muslim trusts, mosques and shrines, and post police guards at these places. The same day there were reports of widespread demonstrations in Baramula and Shopian against the desecration of a revered shrine in Charar Shareef. It can be imagined how deep must be the hostility of the people of Jammu and Kashmir to the regime of the occupying power when the occupation forces find it necessary to deny them free access to their places of worship where it is natural for them to congregate and worship and pray to Allah. The extreme nature of this act can be understood by anyone in East or West who remembers that the act of worship touches the deepest and most intimate part of a people’s personal life and no Government will dare encroach upon it unless it is utterly desperate before mass opposition.

The situation in Srinagar and the Valley is brought out in the dispatch published in *The New York Times* of today. It confirms what I have said above and bears out the fact that the news stories are tightly censored. The newspaper’s correspondent, reporting from Srinagar yesterday had this to say:

“The Indian Government is seeking to destroy the Kashmir self-determination movement with virtually all the means at its disposal.

“In the last few weeks, the Government’s policy has shifted from a selective pruning of the movement’s most radical elements to all-out suppression.” – of the people of Jammu and Kashmir.

“The large Indian police and army forces in the state have been used liberally to break the back of the movement’s organization and to dissuade its members and sympathizers from further activity.”

He goes on to say that the gaols in Jammu and Kashmir:

“.....are crammed with those who demand a plebiscite to determine Kashmir’s future.”

The correspondent continues:

“Last Friday, policemen and soldiers blocked all roads to the Hazaratbal shrine, turning away thousands” –thousands, Mr. President –“of Moslems who tried to go there for their weekly worship.

“Srinagar Moslems said it was the first Friday in 350 years.....”

Mr. President, the first Friday in 350 years. Yours is a great country; yours is a great continent, but imagine, the first time in 350 years that a people should be told that they cannot go to the shrine for congregational prayers. For the first time in 350 years the people should be told this –there must be something very extraordinary that the people should be denied’ this for the first time. Can you imagine Catholics being told for the first time in centuries that they should not go to the Vatican to receive papal blessings? Can you imagine the Jews being told that they cannot go to Jerusalem for their religious obligations? But the Muslims of Jammu and Kashmir, for the first time in 350 years, were stopped from going to their most holy shrine because the situation was such that India could not tolerate religious freedom for the five million people of that state.

“The Government said that it had had to take the unusual action” - they regard it as an unusual action –“to prevent a repetition of the violent demonstrations that took place at the shrine last Monday.”

“Action has also been taken to prevent Moslem merchants in Srinagar from showing support for the self-determination movement.” This is in *The New York Times*. The report confirms the tight news censorship imposed by the Indian authorities. It says:

“The Government has also taken steps to prevent news of the unrest and its counter-measures from reaching the outside world.”

That is, from reaching you, Mr. President, and from reaching members of the Security Council.

“Several correspondents who tried to transmit articles on the situation from here last week had the articles returned by the cable office marked ‘Objectionable.’

“One high-ranking official in the state government said, ‘We are not going to let any news out of here which is not favorable to our position.’”

This is the secular democracy of India which takes so much pride, and which tells the Western countries that India is the only democracy in Asia. The only secular democracy which butchers its own minorities, which suppresses its own people, which destroys the soul of its own society, which has untouchables and which defies the Security Council. This is the secular democracy of India which is supposed to receive support from other democracies in the West. And this secular democracy of untouchables, where we, as non-Indians are regarded as sub-human, will not allow any news to go out of here which is unfavorable. This is the democracy of India which does not allow any unfavorable news concerning India to get out of Jammu and Kashmir. And they come here and sit and talk with great forensics and with a great deal of eloquence of their democracy. They pontificate and lecture to us as to what is the meaning of democracy. We know the meaning of democracy; you know the meaning of democracy; we all know. But they come here and tell us what is secular Indian democracy, which has a caste system, which has people who are suppressed because they are born in different castes, which has people who are killed and destroyed because they are different from them. Then they come and tell you that they are a democracy and that they must be supported. Yet that same democracy refuses to let news out—leave alone destruction, chaos, slander, burning of villages, raping of women and children. These people do not want news to get out of their secular democracy.

The New York Times report is confirmed by a dispatch appearing in the *Observer*, London, of 24 October saying:

“Hazratbal Shrine in Srinagar, from where in December 1963 an uprising in Kashmir sparked off, might once again see the same. For at Hazratbal on Monday, occurred a clash between police and the mob of Kashmiri students which Government spokesmen say might have terrible consequences.”

These are Government spokesmen saying that it will have terrible consequences. The report continues;

“Hazratbal has -become a symbol for right to self-determination campaign and a last desperate throw by Kashmiris. It is clear that the plebiscite campaign in

Srinagar has been taken over completely by students and has become a kind of children's revolt terrifying in its innocent determination."

When there is an almost general strike in a city when all popular leaders of a people are thrown behind bars, when the police dare not move about in small numbers, when the Government is driven to obstruct the people's prayer congregations, when schools and colleges are closed, when the young are in the forefront of the opposition movement, it will be but a heartless soul who does not conclude that this is an extreme situation which cannot possibly be allowed to continue. The people of Jammu and Kashmir, themselves, are unarmed; they are fighting their oppressors with only the weapons which the weak have always used against the strong. The editor of the *Frankfurter Allegmeine* and the correspondent of The New York Times whom I have quoted have both said that people in Srinagar came to them and pleaded, "Please tell our story to the world. Please tell them what you have seen here. You are now our only hope."

It means, Mr. President, please tell the story to you and to the members of your Council because you now are their only hope.

As I read these words, I am driven to ask the question: Are we here so hardened in our hearts, so deadened in our conscience, so morally bankrupt, that we will be deaf to this piteous pleading of a people groaning under the oppressor's heel? The truth of the reports I have quoted can be verified by a visit to any part of Indian-occupied Jammu and Kashmir by any impartial observer from any country in the world.

In our Permanent Representative's letter to you, Mr. President, dated 18 October 1965, my Government suggested that the Secretary-General send immediately his personal representative to visit the Indian-occupied part of Jammu and Kashmir and gather a first-hand account of the situation. My Government believes that what is happening in the occupied state of Jammu and Kashmir today should be brought under the scrutiny of the whole world. This is, above all, a human problem and a human question. Irrespective of the measures that the Council may eventually decide to take in order to bring about or facilitate a final settlement of the Jammu and Kashmir dispute, it is the Council's duty to go to the succor of a people whose fate has been the subject of its deliberations for nearly two decades and who are today subjected to untold hardships under its very gaze. The people of Jammu and Kashmir are a part of Pakistan. We cannot and we shall not stand by as silent spectators while India, with seeming impunity, proceeds to wreak vengeance upon them.

I repeat with all the solemnity at my command that the hundred million people of Pakistan will not and shall not allow Indian tyranny and Indian oppression to

be perpetrated, against them. We shall face extinction but we will not allow these absent war-lords to perpetrate horror and crimes against the people of Jammu and Kashmir. It is a part of our duty, it is a part of our faith, it is a part of our religion, it is a part of our tradition, it is a part of our culture, it is a part of our life, that we shall honour our commitments to the people of Jammu and Kashmir. This you must know. And then do not say that we spread trouble or that we are the cause of anguish and anger. We have suffered. Our people have suffered. We have gone through torment and turmoil. Young women and children destroyed, killed, lacerated. I speak this evening with a bleeding heart. I come from the battlefields of Pakistan; where we have fought a monstrous and a habitual aggressor – and I tell you, Sir, that we are prepared for all consequences, but we shall never surrender our honour and our self-respect. The Security Council must know this, the Permanent Members of the United Nations must know this; Pakistan will face destruction, but we shall honour our pledge, because we are an honorable people. And this you must know when you pontificate under your great lights.

I would like formally to reiterate the request of my Government that a fact-finding committee, or the Secretary-General of the United Nations, should without further delay visit the embattled State of Jammu and Kashmir in order to see what is happening there, report the facts to the Council, and suggest prompt and effective measures to end this intolerable situation in Jammu and Kashmir.

The situation in Jammu and Kashmir today, with its passion and poignancy, its suffering and tragedy, should serve to restore some perspective to the Council's consideration of the Jammu and Kashmir dispute. It is all very well for people to listen to arguments and counter-arguments on the two sides and say, "Oh, well, it is a very complex question." It is all very well for world powers to go through careful calculations of their interests and opine, "Oh, it is a very delicate problem." But to the people of Jammu and Kashmir, and to the people of Pakistan, the people who are involved in it, whose life and honour are at stake, whose happiness and aspirations are threatened, whose very existence as a people is jeopardized, there is nothing complex or delicate about this problem. What is so complex in an issue of freedom of enslavement? What is so delicate in a choice between security and torture? I have assumed that the members of the Council are aware of numerous reports which all say that the huge demonstrations in Srinagar have just one slogan: "Our demand is plebiscite." This shows that, however, it may look in a debating chamber of the Security Council; the plebiscite is eminently feasible to the people of Jammu and Kashmir. After all, it is their judgment which is of supreme importance.

Is the Council aware that Jammu and Kashmir is larger in size and population than several members of the United Nations? Its five million people have never

been a part of India. "What they seem to resent simply," a reporter wrote in the *Irish Times* of 11 October, "is their belonging to India being taken for granted by New Delhi." For India to say that there is an issue of national integrity involved here is preposterous because the national integrity of India comprises the territory which was included in the Dominion of India at the time of its establishment as an independent state on 15 August, 1947, and those territories which acceded to it without dispute. By no stretch of imagination can Jammu and Kashmir be included in either of these categories.

How, when and where did Jammu and Kashmir become an integral part of India? Not when India came to the Security Council saying that—and I quote from India's communication of 1 January, 1948:

"It was imperative on account of the emergency that the responsibility for the defence of 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 utilized the State's immediate peril for her own political advantage, the Government of India 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."

These are the words and the commitment of the Government of India. Jammu and Kashmir did not become part of India when India accepted the UNCIP resolution of 5 January, 1949, paragraph I of which states: "The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite."

Jammu and Kashmir did not become an integral part of India when, in later years, the Indian representative assured the Council that India was committed to the UNCIP resolutions and that no decision of a so-called Constituent Assembly in Srinagar would come in the way. Then, how and when did Jammu and Kashmir become an integral part of India? By the decision of the people of Jammu and Kashmir? Certainly not. At no time have these people been consulted. They have been held by the Indian bayonets and by the Indian terror and by the Indian atrocities.

Jammu and Kashmir became a part of India only by the fiat and by the arrogance and by the chauvinism of the Government of India. Is this a position which the Council will accept? Pakistan will certainly not accept it, even if the Council were to accept it.

Colonialism, in its classical form, is on the wane. Only a small number of powers continue to hold on to their possessions, justifying their action by the fiction that the territories in question form part of the metropolitan nation. This is the position which India has taken in the case of Jammu and Kashmir.

It would be interesting to see how one colonial power, speaking of its colonies in Africa, interpreted the Government of India's position vis-à-vis Kashmir. Speaking in the General Assembly on 11 October, 1965, the Foreign Minister of Portugal said:

"We have here two points of the utmost importance: first, foreign countries or outside organizations cannot request that a plebiscite be held in a territory which is part of another nation; and, second, integration of a territory by a constitutional provision or clause is considered to be legitimate and final, and should be so accepted by all."

The Portuguese Foreign Minister, who was defending his Government's policy in Angola and Mozambique, went on to say:

"Let us see whether the Indian Government from now on will dare to ask for the implementation of other and different criteria when other governments are involved."

India, which herself has only just emerged from centuries of foreign domination, has joined the dwindling ranks of colonial powers and deals with occupied Jammu and Kashmir as if it were a colonial possession. The atrocities that are being perpetrated on the defenseless people of Jammu and Kashmir are no less cruel than those which the people of other colonial territories have had to suffer. The repressive laws through which India seeks to cow the people of Jammu and Kashmir are no different in their character and effect from those which the Rhodesian minority employs to prevent the people of Southern Rhodesia from exercising their right of self-determination. If the Government of South Africa has sent hundreds of leaders of the South African people to prison without trial, then the Government of India is acting no differently in occupied Jammu and Kashmir.

The General Assembly adopted, only the other day, a resolution on the situation in Southern Rhodesia. The Council will shortly meet in order to consider the South African question. It should come as no surprise to the world that, as the Government of South Africa has done in the Case of apartheid, the Government of India now pleads that discussion of Kashmir in the Security Council compromises the internal sovereignty of India by raising matters which are within, her domestic jurisdiction. Mr. Shastri speaks the language of Mr. Ian

Smith when he asserts that any concern by the United Nations in the fate of the people of Jammu and Kashmir constitutes interference with India's internal affairs and infringement of India's sovereignty.

The minority clique which today rules Southern Rhodesia against the will of its people, on the basis of a constitution specially made to perpetuate alien rule, would like nothing better than to be left alone in the possession of the land which they have stolen from the real people of the country. The Government of India constantly complains that there is little sympathy and understanding in the world for its case on Jammu and Kashmir. The Indian leaders should ponder over this fact and try to understand the reason why they can seek support for their policy on Jammu and Kashmir only from the Ian Smiths of the world.

The Security Council gave a pledge to the people of Jammu and Kashmir that they would not be placed under a sovereignty which was imposed on them by an imperial army of occupation. On 20 September, 1965, the Council committed its prestige and power to going to the heart of the problem and to securing a just and honorable settlement of the dispute. The question is: should the Council allow either party to veto its efforts? If so, then one must be candid and say that the United Nations, this organization which we look upon as the custodian of humanity's conscience, is now destitute of courage and drained of all its powers and its moral resources. The long history of the Jammu and Kashmir dispute is sufficient proof of how India's willfulness has been encouraged by the seeming helplessness of this Council.

Should this process have no end? Is the Council powerful enough to tell Pakistan, "The blood you have shed shall not be in vain", and so powerless as not to tell India to come to a settlement? You cannot approbate and reprobate. Either you are powerful enough to put your force, morality, strength, will and law behind the settlement or else you tell us, "We cannot settle the problem: it is beyond our competence; we cannot do it unless the Indians agree." In that case, why do you stop us from the ultimate sacrifice? If you have the power to stop us, to bring about a settlement with all the experience that you have of the dispute, then you should have the strength and courage to fulfill your promise and your pledge and bring about a settlement between the people of India and the people of Pakistan by settling the dispute in Jammu and Kashmir. Why these double standards: one standard applicable to Pakistan and the other applicable to India? Is it because India is big and is resourceful? Well, Pakistan is not small either. Pakistan is not without resources either. Pakistan also has a place in Asia. Pakistan is in the forefront of the Asian movement.

If one is to go by the criterion of justice, of what is right, one does not go by the size of Pakistan or the size of India or by what your vital interests in India are or

what your vital interests in Pakistan are. Your vital interests are best served by bringing about a just and honorable settlement. Therefore, the Security Council is committed by its resolution of 20 September to bring about an honorable and equitable settlement of the Jammu and Kashmir dispute. This it is committed to bring about in the interests of the Security Council of the United Nations, of the great powers, of world peace and of peace in Asia. Do not tell us, "Pakistan, stop, because we have the power to force you to stop", and tell India "Do not stop, because we do not have the power to stop you." Do not tell Pakistan, "Accept the solution", and tell India, "Do not accept the solution." Both countries must be treated at par. The two countries have fought against each other. We have established our equality for all time with India, because India, a habitual predatory aggressor, committed aggression against Pakistan, and we repelled that aggression. We established Pakistan because we were on a basis of equality. There is complete equality between the people of India and the people of Pakistan. On the basis of equality, determine the issue on the rights and wrongs, on the morality of the situation and on the basis of international law and international agreements.

It is impossible to think of this dispute without recalling the many instances in history of the small or the weak being pitted against the strong. The betrayal of Ethiopia when it was pitted against Italy brought death and dishonor to the League of Nations. How can the consequences for the United Nations of the betrayal of Jammu and Kashmir be much different? The betrayal of Czechoslovakia before Hitler's hordes involved the world in a disastrous war. The calculations of power interests in the case of Jammu and Kashmir may point differently today, but, whilst these are bound to be ephemeral, the moral laws are eternal and inexorable.

We are being counseled patience today. Has not Pakistan shown patience in the past? More than that, have we not demonstrated in full measure our willingness to co-operate in seeking a peaceful and honorable settlement of the Jammu and Kashmir dispute? Even today, after repeated evidence of India's obduracy – even to the point of leaving the chamber of the Security Council – Pakistan is prepared to go forward in search of a settlement of the dispute through the peaceful methods laid down in the Charter of the United Nations. The Council has called upon both parties to have recourse to these methods, pending the Council's own consideration of the steps needed to bring about a final settlement of the dispute. We have accepted this advice. But what is the response from India?

According to a New Delhi dispatch of 3 October published in *The New York Herald Tribune* the next day, the Prime Minister of India, Mr. Shastri, said that India wanted peace with Pakistan but that this time it must be on India's terms. Peace with Pakistan on India's terms! We are not interested in peace on any

terms. If it were a question of obtaining any kind of peace, there would be no need for the Security Council, there would be no need for the United Nations. Why not have a Hitler's peace? Why not have a Chengiz Khan's peace? You can have peace on the terms of the victor, you can have a dishonorable peace at any time. Why should there have been a San Francisco Conference, at which you, Mr. President, represented Uruguay and put your signature on the Charter? You came there with enthusiasm, with the belief that we were going into a brave new world based on justice and courage. Was that your concept when you went as representative of Uruguay to the San Francisco Conference – that there should be peace on any terms? Peace on any terms is always easy to achieve. Peace on any terms is something that can be achieved without war. It can be achieved on the basis of dishonor, on the basis of surrender. But the United Nations came into being, with its Charter, to achieve not peace on any terms but a just and lasting peace.

Mr. Shastri said: "This time it must be settled on India's terms." It will never be settled on India's terms. That is out of the question. Who is Mr. Shastri to say that peace in the subcontinent will be settled on India's terms? Have we lost ourselves? Are we completely destroyed? We are a hundred million people. We cannot allow peace to be settled on India's terms. We who have ruled India for 800 years, we who have dominated India for 800 years and who are responsible for much of India's civilization for the Delhis and the Taj Mahals and for the grandeur and glory of India, are we today in the twentieth century to accept peace on India's terms? One hundred million people to accept peace on India's terms? It is out of the question. It is for you to know that we will never accept peace on India's terms. It is preposterous, it is scandalous, it is a dishonor to us, to accept peace on India's terms when we have always established our equality and our spirit and have stood for an honorable and dignified world. The Muslims of Pakistan cannot accept that. It is out of the question. It is preposterous that this time it must be settled on India's terms. It is out of the question.

Here the Council has a clear indication of India's attitude. "Peace on India's terms" is something which no warlord in history could possibly have improved upon. I crave the Council's indulgence to contrast this with what I stated earlier, at the plenary meeting of the General Assembly on 28 September:

"If the United Nations works for a settlement, not on our terms, but in terms of the Charter, in terms of the international agreement accepted by both parties, then Pakistan will not stint its co-operation in the slightest measure."

I stand by those words. That is the issue, without verbiage or embroidery. The Council here witnesses a clear confrontation, not between two powers, not

between two nations, but between two attitudes and policies which directly impinge upon the value and effectiveness of the United Nations. Anyone might prefer to be neutral when it comes to a clash between two national interests; but who can be neutral when it comes to a clash between the attitude of compliance with the Charter and the attitude of defiance? No one can say, "Let us help one party to defy the Charter a little and the other party to obey it a little."

It is impossible to comprehend how it can be within the bounds of human reason to remain neutral between these two attitudes. In fact, neutrality between them is actually an endorsement of the negative and defiant attitude, because it amounts to acquiescence in it and an encouragement of it. Need I say that such neutrality is an abdication of the functions of the Security Council, that it undermines all the principles of the Charter?

The present situation brings out the stark reality of the issue. Immediately after the cease-fire, when the world was beginning to feel a renewal of hope in the effectiveness of the United Nations, India lost no time in putting us all on notice that such hopes were ill-founded. The Education Minister of India is reported to have said in the Indian Parliament that the Government of India is prepared to have discussions with Pakistan, but only on the clear understanding that Jammu and Kashmir is a closed chapter. If Jammu and Kashmir is a closed chapter, then what is Pakistan supposed to discuss? And what is the problem the Security Council is trying to resolve?

That is the essence of the Jammu and Kashmir dispute. If one looks at it as a collision of national interests and claims, it would be quite understandable that one might not like to take sides. But it is not merely a clash of interests. It is, I repeat, an opposition of two attitudes and philosophies towards the first and foremost purpose of the United Nations, which, under Article 1, paragraph I of the Charter, is to bring about, by peaceful means and in conformity with the principles of justice and international law, adjustment or settlement of international disputes which might lead to a breach of the peace.

In regard to India's commitment to a plebiscite in Jammu and Kashmir, I have cited at earlier meetings of this Council scores of pronouncements made by the late Mr. Jawaharlal Nehru, Prime Minister of India. These are on the record of the Security Council, as well as of the General Assembly. But the source of that commitment is not only the Government of India and its architect and first Prime Minister, Mr. Jawaharlal Nehru. It is also the father of the Indian nation, the late Mr. Gandhi, for whom I had great respect. We who stood for Pakistan nevertheless respected Mr. Gandhi, who was regarded as the great Mahatma, the man of peace. We still have respect for Mr. Gandhi. He was assassinated by the bullet of a bigot – and that bigot was not a Muslim, but a Hindu.

I have never quoted Mr. Gandhi since I have been Foreign Minister of Pakistan. I have quoted Mr. Nehru, who was the heir of Mr. Gandhi, the father of India's democracy and secularism, but I have refrained--in spite of the emotions of the Kashmir dispute--from quoting Mr. Gandhi. However, we have reached the high tide; we have reached a crucial stage; and I am compelled to quote even Mr. Gandhi on Kashmir.

And what did Mr. Gandhi--the father of Indian nationalism and of the renaissance in the subcontinent, a man whom all of us respect--have to say? I should like to quote from a biography of Mr. Gandhi written by his private secretary, Mr. Pyarelal:

"Gandhi was on his way to Kashmir and had detailed talks separately with the Maharajah and his Prime Minister on 1 August in Srinagar. On the 3rd, a deputation of Kashmiris asked Gandhi in Jammu, 'India will be free on 15 August what of Kashmir?' Gandhi replied, 'That will depend on the people of Kashmir.' They all wanted to know whether Kashmir would join the Union or Pakistan. 'That again,' said Gandhi should be decided by the will of the Kashmiri."

Those were the words of Mahatma Gandhi. He said that it was for the people of Kashmir to decide.

In all the eighteen years in which this dispute has been discussed here we have never quoted Mr. Gandhi. We do not want to make him a controversial figure in this issue. We have quoted what the Prime Minister of India said about the will of the people of Kashmir. The representative of India is absent from this meeting because he does not want to hear what the father of the Indian nation had to say about the future of Jammu and Kashmir. The whole delegation of India is absent from this meeting because they do not have the courage, or the conscience, or the heart or the eyes to face the truth and the stark reality of an indefensible position, a chauvinistic position, the position of an aggressor. That is why, as I have said, I am constrained at this high tide to quote what Mr. Gandhi himself had to say on the future of Jammu and Kashmir--namely, that the future of Jammu and Kashmir must be decided, not by the Maharajah of Jammu and Kashmir, by whom the Indian Government sets such great store; not on the basis of the arbitrary will of a Maharajah who was on the run, fleeing his state; but on the basis of the will of the five million people of Jammu and Kashmir.

It was to spare the Indian rulers embarrassment that we never before quoted Mr. Gandhi in this context. We do so now because we have discovered that it is well-nigh impossible to subject India to the kind of embarrassment to which those

who are sensitive and have some sense of honour are easily susceptible. But the Prime Minister of India, who claims to be a disciple of Mr. Gandhi, should show some respect for the words of Mahatma Gandhi.

Whether Mr. Shastri does so or not, it is the duty of the Security Council to rise above the interests and demands of the parties to the dispute, to act independently and look at the issue in its human and moral reality.

Jammu and Kashmir is not a piece of real estate. Its future is not a problem to be viewed only in the context of the rights and wrongs of India and Pakistan. It cannot be condemned to a kind of Klu Klux Klan administration. A leading collaborator of Mahatma Gandhi, the father of India, a prominent Minister of the late Mr. Nehru's Cabinet, a contestant against Mr. Shastri for the Prime Ministership of India, none other than Mr. Morarji Desai, is reported to have said recently that the South Indian city of Madras would be razed to the ground if the people of the South sought secession from India. That may be his conception of how Indian unity can be strengthened. But Jammu and Kashmir is not "Madras or Bihar or Gujerat" – and those are the words of the late Prime Minister, Mr. Jawaharlal Nehru. Jammu and Kashmir is not a part of India, and therefore cannot be condemned to be a victim of Indian oppression.

To sum up, it is apparent that, as in January, 1949, the Government of India has once again agreed to cease hostilities with a perverse mental reservation. In the light of the events of the thirty-two days which have elapsed since the cease-fire formally went into effect, there can be little doubt that the great anxiety manifested at the time by the Indian Government for a cessation of hostilities was not prompted by any desire to eschew the path of force and aggression and to return to the methods of peaceful settlement for resolving its dispute with Pakistan.

Only four days after the cease-fire went into effect, I had the occasion to place before the Council a number of facts which indicated that India was using the cease-fire to re-establish its authority in Indian-occupied Kashmir and to crush the Jammu and Kashmir liberation movement. The Council has also been apprised of the various military measures taken by India to improve the tactical position of its original to recapture territory lost to Pakistan during the war.

In recent weeks there have been large-scale movements of Indian troops from other parts of India to Jammu and Kashmir and the borders of Pakistan. A mountain division equipped by the United States has been moved from the NEFA area to Ferozepur, and another such division from Ladakh to Tithwal. Augmentation of forces amounts to a grave violation of the cease-fire and gives the lie to India's assurances of peaceful future behavior.

Pakistan accepted the Security Council's call for a cease-fire in good faith and stands ready to carry out its obligations without reserve. We stopped fighting in order to avert further bloodshed and the danger of a more widespread conflict in the subcontinent, and perhaps beyond. However, Pakistan cannot be expected to exercise endless restraint in the face of India's patent and proven aggressiveness. Pakistan cannot permit India to continue to nibble away at its positions and to obtain, under the cover of a cease-fire, what it failed to gain on the battlefield—namely, a position of military advantage from which it can dictate terms to Pakistan and force us to abandon our support for the right of the people of Jammu and Kashmir to determine their own future in freedom.

Mr. President and members of the Council, Pakistan complied with your call for a cease-fire in the expectation, on the basis of the solemn assurances given by the Council and, in particular, by the four great powers, that the future of the people of Jammu and Kashmir, who have for eighteen years borne the burden of India's tyrannical and hated occupation, would at last be the subject of a final settlement, based on justice and honour.

Paragraph 4 of the Security Council resolution of 20 September commits the Council to consider steps which it might take to bring about such a settlement of the Jammu and Kashmir dispute. More than a month has gone by since the cease-fire went into effect, a cease-fire which the Council regarded as the first step towards a peaceful settlement of the Jammu and Kashmir dispute. The withdrawal of armed forces called for in the resolution of 20 September has not even commenced and, from what I stated a short while ago, it is to be feared that the Government of India will delay as long as possible the withdrawal of its troops, with the object of averting or delaying consideration by the Council of the political problem underlying the Indo-Pakistani conflict.

In the light of experience, there cannot be any doubt that India will not of its own volition do anything to facilitate a peaceful settlement of the dispute over Jammu and Kashmir. The history of the last eighteen years has shown that India will use every argument, and will even run away from the Council, exploit every event and happening in the world to prevent the people of Jammu and Kashmir from exercising their right of self-determination. India will comply only when it realizes that the Council will not tolerate any dilatory tactics and will insist on strict implementation of all parts of its resolution of 20 September, 1965.

As I appear before the Council today, it would be unfair to the world community if I did not point out that Pakistan does not come here as a supplicant before this Organization. In signifying our willingness to stabilize the cease-fire and to withdraw our troops in conformity with the Security Council resolution, in assuring the Council of our readiness to cooperate in the search for a just and

honorable settlement, Pakistan is adhering to the self-same path which it has followed all these eighteen years. It is the only path of honour. We believe in the implementation of the resolutions of the Security Council, and in so doing we take the rough with the smooth. We do not flinch from sacrificing a position of advantage if justice so requires. Were fortified by the faith that, despite India's arrogance and obduracy, despite its flouting all canons of civilized conduct, despite the armed might which it deploys against Kashmir's helpless people, this long-drawn-out tragedy can end only in the victory of the people of Jammu and Kashmir and in the vindication of the honorable position which our country and our people have taken.

We are committed to honour our pledges. We shall honour our pledges irrespective of the consequences. It is only when a nation is prepared to stand by its word, by its commitments by its honour and by its pledges that it can serve its people, that it can serve the cause of peace.

It is not a question here of unequally pitted against each other, with the Security Council trying to bring about certain equilibrium. It is more than that. You have to go back to the very quest of mankind for a just and honorable future, for a right and for a proper society. That is what has brought about revolutions in the world. That is how the French Revolution took place; and when the Kings of Europe threatened France, the revolutionaries of France said: "You threaten us: we give you the head of a King".

And we tell you, Mr. President, we shall face complete extermination; we shall face destruction; we shall never dishonor our pledge. We shall fight by the people of Jammu and Kashmir, and we shall honour that pledge irrespective of what the Security Council does, irrespective of what the great powers do. This is a part of our faith; it is ingrained and enshrined in our very civilization. And we know it—each and every Pakistani knows, men, women and children. That is why we are able to face aggression from a country six times our size. We have fought it heroically, bravely: and when the history of that is written, it will be enshrined in the annals of mankind.

There is nothing inherently brave about us, but we stand for a righteous cause; that is why we are brave. We fight for justice; that is why we are brave. And, filially and ultimately, whatever you do, we must triumph; we must succeed because justice is with us. And those who have left this chamber will leave us also. They will run away from Jammu and Kashmir in the same way that they have run away from the chamber of the Security Council.

*On Indo-Pakistan War, 1965
Speech in the National Assembly,
March 16, 1956*

Mr. Speaker, Sir, I have heard the debate with great interest, because it is of crucial importance to Pakistan and its future. The views of the Opposition have been taken into account and I will make an endeavor in formulating the Government's policies to take into account the various issues that have been raised by the Opposition.

One of the eminent speakers from the Opposition, Shah Azizur Rahman, in his statement has said that foreign affairs emanate and originate from internal conditions. This was reiterated by a number of members of the Opposition when they said that there is a direct co-relation between the internal and external relations of a sovereign state. This is a truism and I would like to say that we agree with the members of the Opposition when they say that foreign affairs and internal affairs are inter-connected and that foreign affairs in many ways stem out of internal considerations.

As much as internal considerations affect foreign policy, foreign policy of a country also affects its internal affairs. They both have a relationship of cause and effect. But in order to ascertain what those relations are, what are the motivating factors which bring about an inter-relationship between the foreign affairs and the internal affairs in our own country, it is necessary for us to know what Pakistan itself is. What is our state and what is our status? What are our objectives? What are our motivations?

Pakistan is a great ideal. A member of this House has said that Pakistan was a man-made country. Pakistan is not just a man-made country. It is a God-made country. It is a progressive idea. It is a concrete idea. It is a beautiful thought. It is a creation of excellence. That is what is Pakistan—a beautiful idea, a concrete thought and a creation of excellence. It is not just the sandy desert of Sindh or the rugged nobility of Baluchistan and the enchanting lushness of Bengal or the inspiring plains of the Punjab or the raw courage of the land of the Pathans, and it is not just the land of a hundred million valiant and heroic people. Indeed all these things—the desert, of Sindh, the lushness of Bengal, the magnificent plains of the Punjab, the raw courage of the North-Western Frontier and the nobility of Baluchistan, go to make Pakistan. On top of all these there is something much more to Pakistan. It is the blessing of Allah. Pakistan is the creation of the surge of Islamic nationhood. Pakistan is the product of an earth-shaking idea. It is a revolution cut out of the heart of history. Pakistan is the struggle of mankind for

liberty and equality, much more inspired and much more romantic than the original revolution of man. Pakistan is a live revolution. In order to understand the internal and external policy of Pakistan, you must understand what Pakistan is and what the motivations which created Pakistan are. It is a revolution against repression. It is the handsomest off-spring of self-determination. That is what Pakistan is. That is why Pakistan is not only a physical reality but it has a romantic ideological basis on the teachings of Iqbal as they were translated into actuality by the Quaid-i-Azam.

The French Revolution was inspired by the struggle of mankind against oppression. The Pakistan revolution has inspired the people everywhere throughout the world in their struggle for self-determination. Pakistan is the culmination of an ideology and the incarnation of self-determination. Pakistan is a beautiful thing. There is nothing ugly about Pakistan. Pakistan is a great and glorious culmination of the people's struggle for emancipation. Pakistan is the product of concrete forces which cannot be mutilated. Pakistan can never be recast, can never be reshaped. Pakistan is never to be amputated or merged. "It is the mercy of God on earth," as the great German Philosopher Hegel said.

I, as the Foreign Minister of Pakistan, would say that I would not exchange one Masud or one Yusufzai or one Chandio for all the industrial power of India. I would not be prepared to barter one millimeter of the sacred soil of Pakistan for all the industrial arsenal of India.

Pakistan is a mystical idea. It is an idea which we well understand and which only the Pakistanis can best understand. Those who have struggled for the creation of Pakistan, those who know what self-determination really means, will understand what its motivation is. To the foreigners sometimes Pakistan is an enigma. Others say that it is a miracle but miracle is a norm to the Pakistanis. Pakistan is the heart-throb of the people. Pakistan is the culmination of the aspirations of the Islamic Order. Those who were fortunate enough to join the struggle for Pakistan like Shah Azizur Rahman, Mr. Sabur and others, those who were in the forefront of the struggle, to them I should say that glory belongs to you because you have contributed to one of the richest chapters of the history of mankind. And to those of us who have to defend and consolidate the integrity of Pakistan I say the challenge is an enchanting one and we shall accept it with confidence.

I now come to the war. So much has been said about it. Members in this House have said, "Why this war?" They have accused the Government of irresponsible action. Some of them even assumed that the initiative for war lay with us.

War is a terrible thing. It has rarely been consciously sought, as it is a vehicle of destruction, and yet from the dawn of history there have been terrible wars of destruction. Civilizations half as old as time, have been destroyed, magnificent cities like London, Stalingrad and Berlin have been devastated to the point of nothingness. In the ultimate analysis, it will be found that mankind fared better when it fought on the basis of justice and a more complete dignity and morality. History knows of two wars; one is the immoral war of avarice and exploitation and the other is a war of resistance against domination and exploitation. These are the two categories in which modern man will place wars: one of avarice and exploitation and the other a struggle for emancipation and liberty.

Alexander the Great sought to conquer the world, but the world of his time disillusioned him. Why was he disillusioned? Because his was a war of avarice and exploitation. The Roman legions swept across Europe, Asia and Africa but they were driven back from everywhere because theirs was a war of exploitation and avarice. Charlemagne the Great held sway over Europe, but the people of Europe destroyed his empire because his was a war of conquest and avarice. Chengiz Khan's hordes galloped across Asia and parts of Europe but the Khan's conquest had to be halted and defeated because the great Khan's war was of avarice, Napoleon dreamt of conquering the world but he was driven from Moscow because his war was a war of exploitation. Hitler dreamt like Napoleon, but like Napoleon he, too, was driven back from Moscow because his war was of domination and exploitation. From Alexander to Hitler, from the colonialist wars of the British and the French and others all wars of exploitation and avarice have been decisively defeated by people struggling for emancipation, independence and self-respect.

The other war is a glorious war, it is a war of liberation, it is a war of national self-assertion. Small powers have stood against mighty empires, little people have had to lend for their freedom and they have succeeded because theirs have been wars which have been called just wars. There is a distinction between a war of exploitation and a just war. A just war cannot fail, no matter how serious the consequences, no matter how great is the empire that is pitted against it. We have to draw a distinction—a clear and precise distinction between, war of exploitation and struggle for independence against exploitation.

In what category does the struggle of the people of Jammu and Kashmir fall? Is the struggle of the people of Jammu and Kashmir a war of exploitation and war of domination or is their struggle for freedom a war for self-respect, for independence, for self-assertion and for self-dignity? This is the basic distinction that has to be drawn in pronouncing a judgment on the subject matter of war. But is it fair for the Foreign Minister of Pakistan to pronounce whether we fought a war of exploitation or whether we fought a just war? Is it fair for the Foreign

Minister to say whether the people of Jammu and Kashmir struggled for their independence and liberty against oppression or whether they were exploiters akin to Napoleon or Chengiz Khan or Alexander the Great? I do not think it is necessary for me to answer the question because perhaps you may say that this is a subjective evaluation of history. I would urge the House to take into account what the rest of the world says on the subject matter of this war.

The whole world supported the people of Jammu and Kashmir during the September war. Have you ever asked yourself, Honourable Members, why is it that the international community supported Pakistan in the September war as against India? The whole people and all the Governments of Asia, Africa, Latin America and Europe supported Pakistan. They supported Pakistan because the struggle of the people of Jammu and Kashmir was a just struggle. It was a process in the culmination of self-respect of the international community, not because they had any preferential treatment for Pakistan as against India but because objectively they believed that the people of Jammu and Kashmir were struggling against foreign domination. There was no difference between their struggle and the struggle of the people of Algeria, the people of Southern Rhodesia, Asia and Africa and people throughout the world who fought for liberation. This is why the whole world supported the people of Jammu and Kashmir. The world of Islam, perhaps for the first time in its history of 1300 years, was united right from the Maghrib to the Pacific, right from Algeria to Indonesia in support of Pakistan and in support of the people of Jammu and Kashmir because that was 'a just struggle. Right from Algeria to Indonesia they supported the people of Jammu and Kashmir and Pakistan for their just struggle, because ours was a struggle for the cause not only of the people of Jammu and Kashmir but because our fight and our struggle was for a better world order, for a finer society, for greater justice and articulation of right against wrong and that is why 5 million people of Jammu and Kashmir and the people of Pakistan were supported by the Afro-Asian countries, by the world of Islam. They were supported everywhere because they stood valiantly and courageously for a right cause.

India, in size and in territory, in resources and in diplomatic ingenuity, is a great country. India is like Europe, the whole of Europe without Russia. The size of India and the resources of India are like Europe without Russia and yet it stood alone. It stood completely alone and forsaken. India was absolutely isolated with all its resources, with all its power, with all its diplomatic agility, going back to Asoka—no not Asoka, Asoka was a Pakistani, make no mistake about it—going back to all their ancient rulers. So they stood absolutely alone, forsaken and naked in this struggle and the late Lal Bahadur Shastri, at the height of the war, had to say that India is all alone; India is not supported by any country in the world. These are not my remarks: these are, remarks of Lal Bahadur Shastri,

Prime Minister of India, who said at the height of the conflict that India stands all alone, India—Europe without Russia—standing against the Denmark of Asia. Why? Because justice was with us, because we were espousing a righteous cause, because we were supporting the right of self-determination, the most noble ideal known to modern man. That is why India with all its resources, with all its might, with all the formidable and invincible armada of its power and strength stood absolutely isolated and alone. And the Prime Minister of India had to say that we stand alone and deserted and Pakistan has the support of the world. This is a phenomenon which is unknown to history. Never before in the history of mankind has such a situation arisen. And that is because we were supporting a right cause and we were fulfilling our commitments and our pledge to the people of Jammu and Kashmir.

That India was the aggressor is borne out by statements made by many of the members of the Security Council. If the members of the Opposition would care to look at the statements in the Security Council and its proceedings, they will see that many states said that India is the aggressor. That India was the aggressor was borne out by the September 6th resolution of the Security Council. That India was the aggressor was borne out by the statement of Prime Minister Harold Wilson. Great Britain is no particular friend of Pakistan. Both India and Pakistan are members of the Commonwealth and the Anglo-Saxons weigh the scales of justice evenly between their fellow-Commonwealth members and yet with all due respect, and I must say that Prime Minister Harold Wilson was brave enough to declare that India had committed aggression against Pakistan. We admire him, for standing by truth.

And then, Mr. Krishna Menon went to Cairo to plead India's case and what was Mr. Krishna Menon told in Cairo? Mr. Krishna Menon was told in Cairo that India crossed the international frontier and that Cairo could not support India" in spite of all the association and friendship that existed between Cairo and New Delhi. That India was the aggressor was borne out by all the statements that were made by the leaders of Asia and Africa, Latin America and Europe during the Indo-Pakistan war.

It must be clearly understood that Pakistan did not start this war. We had every moral and legitimate reason and justification to support the people of Jammu and Kashmir in their legitimate right for self-determination. We are ourselves the product of self-determination and we had every right to support the people of Jammu and Kashmir for their self-determination as much as we had supported the people of Algeria for their self-determination. In the case of Jammu and Kashmir we had even greater reason to support the right of the people of Jammu and Kashmir for self-determination.

It must be clearly understood that in supporting the people of Jammu and Kashmir for self-determination, we did not commit aggression against India. This is a factor which must be clearly understood in order to remove confusion and inconsistency in the minds of some people that if Pakistan supports the people of Jammu and Kashmir for their right of self-determination as the rest of the world has supported the people of Jammu and Kashmir in their fight for self-determination then we are not committing any aggression against India. If the rest of the world, if China, Indonesia, Algeria, Morocco—and I do not want to quote all the other countries—support the struggle of the people of Jammu and Kashmir for self-determination, then they also committed aggression against India if we committed aggression against India. A clear and basic distinction must be drawn in order to appreciate and understand the realities of the present situation.

We had been told that we plunged our country into war, that we risked the future of Pakistan by supporting the people of Jammu and Kashmir for self-determination. I have already explained that in supporting the people of Jammu and Kashmir we are not violating any norm of international law or international morality. We support *bellum justum*, a just war of the people for their liberation. In spite of that, many patriotic friends of ours have said our defenses were bad and we took a terrible risk, that it was possibly an adventurism and that there was an element of immaturity in it. This is not so. It must be appreciated and understood that this was a heroic struggle. This was a heroic support for a great and noble cause. This is one of the factors which makes Pakistan great and which will make Pakistan a pioneer and a pillar of strength and morality for the whole of Asia and Africa.

Let us look at history. If the whole world can be plunged into the war of 1914 for the assassination of an Archduke whose name, I believe, very few people in this House and even in the galleries will remember should we not be committed to the five million people of Jammu and Kashmir and support them in their struggle for independence? In 1939 Britain and France declared war against Germany, because there was a commitment on the part of Britain and France to support the international frontiers of Poland and in order to fulfill their commitment Britain and France plunged the whole world into war and the international community was faced with obliteration because Britain and France had to honour their commitment to Poland and millions of people had to die because the commitment had to be honored. A commitment had to be honored in order to respect treaty obligations and that is why Britain and France are great powers because they fulfilled their commitment to the people of Poland. If they could fulfill their commitments in spite of its terrible consequences, should not Pakistan fulfill its commitment to the people of Jammu and Kashmir?

Let us come closer to our times. United States of America is a great and prosperous country. It has much more to lose by war than any other country. If we are at war, some Dawood Mills may be destroyed, some Adamjee Mills may be destroyed. But if United States is at war, that means destruction of a saturated society, yet the United States have the courage and the honour to tell the Soviet Union to remove their missiles from Cuba, otherwise there will be a third world war and the United States of America under that great President, John F. Kennedy gave an ultimatum to the Soviet Union to remove their missiles or face a world war. President Kennedy said, "We are also prepared to face destruction; we are prepared to face all consequences of war", not peace gentlemen, but war—"if you do not remove your missiles from Cuba." And what happened in Korea? Again nations fought against each other because each one of them felt that they were fighting a war of liberation and a just war.. What is happening in Viet Nam today? The whole world is on the brink of disaster, moving the way of total destruction. Yet there are nations—great powers on both sides saying that we must support war of liberation. Can Kashmir be an exception? How is Kashmir an exception? The right to self-determination of the people in Viet Nam or anywhere else in the world is the same. Is there any difference in the case of Kashmir? What is the difference? If one single member of the House wants to tell me, I will sit down. Let him say what is the difference.

The argument, that the future of fifty million people of East Pakistan was jeopardized for five million people of Jammu and Kashmir is a pathetic and false argument. That the future of fifty million people of East Pakistan was jeopardized for the future of five million people of Jammu and Kashmir is only, Sir, a false argument. It is a bankrupt and an immoral argument. If that is to be the criterion of a just struggle of supporting the right of self-determination that fifty million must not be sacrificed, it is an assumption, in any case that fifty million were being sacrificed for five million, but if you carry it to its logical conclusion, then in the end only Mymensingh district will remain as a part of Pakistan, because Mymensingh district is the most populated district of Pakistan. You will say all right; do not sacrifice fifty million for five million. They cannot say do not sacrifice. Do not sacrifice fourteen million people of Sindh. Then you I will say, let Baluchistan go, let Sindh go, and parts of Pakistan will be slowly and gradually swallowed up by India because fifty million or twenty million or ten million will be running the risk of destruction. And then only the Mymensingh district will be left, and then the most populated thana of the Mymensingh district will remain as a part of Pakistan. Can that be the argument that a heroic and great nation of Pakistan is going to put forward in this National Assembly in this august House—in this supreme legislature which has heroic people who have fought for Pakistan—men like Mr. Nurul Amin and Shah Azizur Rahman and others? Nations and their destinies are not judged by mathematical calculations. There is no arithmetical formula. It may be true—it may be five

million—it may be three million—it may be one million. We have heard this argument in Pakistan that why should five million people be sacrificed? I must say to the credit of India—and the House knows and the people of Pakistan know that I am not an apologist for India—I never heard this argument from the Indian leaders. I have never heard from a single leader of India why should four hundred million people of India be sacrificed for the five million people of Kashmir? Why should four hundred million people of India sacrifice so much in terms of economic resources for the five million people of Jammu and Kashmir whose loyalty is with Pakistan? Why should the people in Calcutta suffer from starvation? Why should the people of Kerala who are crying for a bowl of rice suffer for the five million people of Jammu and Kashmir? Why should Pakistan not adopt a similar attitude with greater fervor? Is it not a disservice to our cause not to do so? In the advancement of her chauvinistic and colonial ambitions, India wants to hold on to Jammu and Kashmir irrespective of the riots in Calcutta, irrespective of the starvation and irrespective of the other consequences and knowing that the people of Jammu and Kashmir in due process will become part of Pakistan. But this argument is a bankrupt argument.

Jammu and Kashmir is a disputed territory. It has been a disputed territory for the last eighteen years and it continues to be a disputed territory and all the people everywhere and most of all the people of Pakistan have a legal and moral right to support the struggle of the people of Jammu and Kashmir for emancipation from foreign bondage. Jammu and Kashmir is a disputed territory. Even for India Kashmir is a disputed territory. The support for the people of Jammu and Kashmir, as I said, has been forthcoming from all over the world.

India invaded Pakistan as a result of the struggle of Jammu and Kashmir. India should have invaded Pakistan when Algeria was fighting France for its self-determination. India should have invaded Pakistan then Tunisia, Morocco and other countries were fighting for their self-determination. There was no justification in law and in morality for India to invade Pakistan as a result of the culmination of the fight of the people of Jammu and Kashmir for their self-determination. But, Sir, why did India invade Pakistan? India invaded Pakistan because it used Jammu and Kashmir as a pretext. It must not be forgotten that it is not just Jammu and Kashmir which is at stake. It is not for the people to say here that Jammu and Kashmir is a thousand miles away because West Pakistan is a thousand miles away. India cannot tolerate the existence of Pakistan and that is why on the pretext of Jammu and Kashmir war was unleashed on Pakistan. India on the pretext of the struggle of the people of Jammu and Kashmir wanted to destroy Pakistan and that is why twelve or more of India's finest divisions, whose guns and wheels were greased by great powers, made an onslaught on Sialkot and Lahore to destroy Pakistan, because in the destruction of Pakistan lay India's most sublime and finest dreams. But the aggressor was brought to a halt.

It was an epic struggle. It was a most glorious chapter in the glory-studded history of Pakistan. It stood like a formidable and impregnable wall. This nation stood to a man against the terrible onslaught. Ours was a mighty victory. It was a victory of the people of Pakistan; a glittering crown was worn by the armed forces of Pakistan. It was a victory in which the whole nation shared. The people of the Punjab will no longer have to tell the world that this is the Punjab, this is Lahore, this is where the Shalimar Gardens are; this is where Iqbal was born. The world will be told that these are the people of Punjab who resisted 12 divisions of India and destroyed the might of India. The people of Sindh no longer will have to tell the world and refer them to the battle of Miani in 1847. The people of Sindh have only to tell the foreigners that these were the Hurs who went right into India and occupied vast regions of Indian territory with their bare hands. The people of Bengal no longer will have to say that this is the cultural renaissance of the subcontinent. They will tell the world that this is the region against which India dared not lift its little finger. The people of Swat and the people of Dir and the other gallant regions do not have to say that this is the land of brave Pathans, because they showed their bravery in the way they carried their muskets and they fought a great war against the hordes of India and against predatory and wanton aggression against Pakistan. The whole people of Pakistan everywhere, in the Punjab, Sindh, Baluchistan, North West Frontier, and Bengal, all rallied as one man against India. And what is India? India is Europe without Russia. Such a formidable and mighty force flung itself against a small and heroic nation, and why did we succeed? We succeeded because God was on our side. Because Pakistan is a God-made country, and not a man-made country.

Sir, we are told that war is a terrible thing. You do not know the consequences of war. Those who have fought any war know what war means. For 200 years we have not fought a war, and now we have just seen a glimpse of war; we have just seen a glitter of war. For 200 years the people of this country did not fight a war of self-defence, a war of dignity. Our people have fought in Tripoli; they have fought in Italy. They have died in other foreign lands, fighting for their foreign powers. But what a magnificent and beautiful difference there is in fighting for your own country as against fighting for foreigners. For the first time in 200 years, these people, gallant and glorious people, fought for their own homeland and no sacrifice can be measured in a balance of equity. This is the greatest equity to fight for your own homeland and to fight for your own country.

We are talking in terms of losing five thousand men or so. One hundred million of the people of Pakistan have fought a war and a million can sacrifice themselves for a greater cause and can face any consequence or any disaster. We have fought for foreigners and more people have died for their cause. Has that been a greater honour for us? Do we recount their services, the services of the

people who died fighting for the British earlier? Let us take a balance-sheet of the past and the present, and we will find that we have fought for our homeland, for the great soil of Pakistan. There is a great difference in fighting for the foreigners and in fighting for your own country, and yet we are told we do not know what war means. Those who have known wars, they know what war means. Let us take the case of Germany. Germany fought a war in 1864; it fought a war in 1866; it fought a war in 1870; it fought a war in 1914 and in 1939. It was destroyed after Hitler's plunder of Europe in 1939 and yet we are told that Germany must be contained because Germany wants to fight against those who have fought war more successfully and continuously. Destroyed and decimated, they are prepared to go to war, but we who have not fought for 200 years a war of liberation should not say that a great disaster has taken place and we have lost so many people.

We never lost anyone. Each one is a martyr to the greatness of Pakistan. Each one of them has contributed to the glory of Pakistan. Each one of them has shown to the world that this is a great and glorious nation. These lives have never been lost; they can never be forgotten. Those lives which fought for an imperial power will never be remembered, but each single life, each jawan, each officer, who fought for the soil of Pakistan, has a place in our hearts and we shall cherish them.

War is a terrible thing, but this war was thrust on us. It was not of our choosing. It was not an aggressive 'war. It was thrust on us and we had to accept the challenge. There was no alternative to the challenge of a predatory and habitual aggressor who since 1947 has repeatedly committed aggression in Junagadh, in Mangrol, in Manavadar, in Hyderabad, in Jammu and Kashmir, in Goa, against China; that great aggressor whetted by his appetite for aggression, launched his final attack against Pakistan. We had no alternative but to face the aggressor. This was our irrevocable commitment to the people of Pakistan. And yet, Sir it is a tragedy, a shameful slander, I would say, not just a tragedy, but shameful slander, that there are those amongst us who have been brainwashed and who ask why we started the war. We did not start war. You have all the evidence in the world to know that we were the victims of aggression. The British Prime Minister, who is not elected by the Basic Democrats of Pakistan, did say that India committed aggression against us. The great leaders of Asia and Africa, not beholden to any privilege or to any import license, told us that India committed aggression against us. The whole world says that we were the victims of aggression. We faced a great challenge.

We were a smaller country pitted against a powerful one; and we could not only hold that country at bay, but ours was the victory.

And I am told that some of the Members of the House have a grievance that this policy of war which, as I have said, was thrust on us, and was not of our making, it was such that it left East Pakistan defenseless; it left East Pakistan isolated. Now, these are very important statements, that East Pakistan was left defenseless, and that East Pakistan was isolated. I would like you to share my thoughts on the subject.

To the extent to which I can reveal the facts, for the satisfaction, not only of the Members of this House, but for the fifty million of people of East Pakistan, who constitute the majority of the people of Pakistan; and they must know because it is not fair to them to think that, although this war was thrust on us we did not anticipate it; and that we did not take necessary safeguards. You must know for one thing that you were isolated, that is true; and this is inherent in the scheme of Partition. But I would like to ask you: Is it not preferable to be isolated than be subjected to aggression? Which part of the country was subjected to the aggression by 12 divisions of the Indian Army and the onslaught of the finest armaments and materials? It was West Pakistan. I think it was a blessing that the majority of our people were safe from aggression. Isolation is preferable to being victims of aggression, to be overtaken, God forbid, by India. General Chaudhri is said to have remarked that by the evening he and his jawans would be sitting in Lahore, and that they would indulge in rapine and plunder. These were the remarks that we heard in West Pakistan, and we had to face that situation. We were the direct victims of aggression, and I would say, objectively speaking, it is better to be isolated than to be a victim of aggression.

Secondly, Sir, in so far as the defence of East Pakistan is concerned, I am not going to reveal any secrets. What I say is not a revelation. It is known to the great powers, it is known to the United States of America, it is known to the People's Republic of China, and perhaps it is known to the Soviet Union, why East Pakistan was insulated from the conflict. East Pakistan was not insulated from the conflict because India had some special love for East Pakistan. East Pakistan was regarded to be a territory over which the Indian armies could just walk through. We were always told that in the event of a war between India and Pakistan, East Pakistan would be in the Indian bag before we get up to load our guns. Then why, ask yourselves, why did India not attack East Pakistan? Why was not East Pakistan attacked? What were the reasons? These are important considerations. These are considerations of basic importance to the future of this country.

Some Members of the House have said that there were three considerations which prevented Indians from attacking East Pakistan—God, monsoons, and the ultimatum from China. As Muslims we bow to the mercy of God; we forget the monsoons; and we talk about the ultimatum from China. And this was the

subject matter of discussions which took place between the United States' envoy and the Chinese representative at Warsaw. The defence of East Pakistan and the attack on East Pakistan was the subject-matter of consideration between the United States' representatives and those of the Chinese People's Republic at Warsaw, and it was during this period that the United States' Ambassador to Pakistan came with the proposal that East Pakistan should be insulated and quarantined from the war. Why? After all, the attack was on the whole of the country. The whole country was subject to attack. Why should East Pakistan be insulated and quarantined from war? You people are not more pious than we are; you people are part and parcel of our country; you people have all the greatness and the failings of our country: but why should East Pakistan have been quarantined from war? What was the reason? Why was India so anxious not to invade East Pakistan? I say with all the responsibility at my command that India could not dare to lift its little finger against East Pakistan.

All this notwithstanding, all this one day will come to light. The whole of the people of Pakistan will know everything in its fullest detail, with all the commas, semi-colons, and full-stops. But what I have said today is what is known to the Great Powers, and what was reported by The New York Times, that this was the subject-matter of discussion in Warsaw. Therefore, I am not revealing any secret. If it comes to The New York Times, that at Warsaw it was discussed, then I am not revealing something which is secret, but one day the whole country, the nation, the people of East Pakistan will know that the leadership of West Pakistan thought more of East Pakistan than of West Pakistan.

At the same time, I can understand a sense of some frustration. I can understand it, because the people of East Pakistan are very patriotic; and they must have felt a sense of frustration, not because they were isolated, but because they were not merged in the conflict. They wanted to be a part of the aggression. Frustration would not have been there if India had attacked East Pakistan. They feel frustrated, not because they were isolated, but because they were not attacked. But there should be no misgivings because, at the end of all wars there is an element of frustration. But when the dust of war settles, reality becomes clearer. There should be no frustration because it must be remembered that the blood of East Pakistani martyrs was merged with the blood of the Punjabi martyrs in the defence of Sialkot and in, the defence of Lahore. This is the blood that has come together to sanctify and solidify the nation for all times notwithstanding Six Points or Twenty Points. The people of Pakistan have come together. There has been a consummation of the blood of the martyrs on the soil of Pakistan. Therefore, we are not concerned with these problems of distance. Political issues can be discussed at any time. This war has proved that Pakistan is indivisible, imperishable, and it stands united as one force and one factor, as the great redeemer, as the beacon light of the right of self-determination of the people, and

as a nation committed to an ideological struggle for the emancipation of mankind and for the end of exploitation.

Now, I come to the famous Tashkent Declaration. I have already said that this declaration is a declaration of intent; and one of my learned friends, who I am sure is a scholar of jurisprudence, knows what is the difference between a declaration of intent and a contractual obligation. A declaration of intent is this that both the leaders of India and Pakistan declare that they would like to see an end of disputes between India and Pakistan; that they would strive to put an end to disputes. The Tashkent Declaration did not stipulate the various measures which should bring those disputes to an end. If the Tashkent Declaration had said that the dispute of Jammu and Kashmir will be settled on the following lines, stipulated stage by stage all the steps for settlement, it would have been a contractual obligation. But it was only a declaration of intent.

And now I would like to trouble the House with a reference to Tashkent Declaration. As a token of our appreciation of the Soviet efforts, I am reading from a Soviet document given to me by the Soviet Ambassador. I would like to read the nine Articles if you would permit me. Article I says, but I will try to be as brief as possible, so please do not be impatient. Article I says: "The Prime Minister of India and the President of Pakistan agree that both sides must exert all efforts to create good neighborly relations between India and Pakistan in accordance with the United Nations Charter." Mind you, note the words "in accordance with the United Nations Charter." Each is required through an obligation under the Charter not to have recourse to force and to settle their disputes through peaceful means. They consider that the interest of peace in their region and particularly Indo-Pakistan subcontinent and indeed the interest of the people of India and Pakistan were not served by the continuance of tension between the two countries.

It was against this background that Jammu and Kashmir was discussed and each side set forth its respective position. Now, my submission is that Article 1 is the most important Article. I am not an expert in jurisprudence, though I went to Oxford to study law. I think the Law Minister will be able to explain it better. Article 1 says that in the background of tension the dispute over Jammu and Kashmir was discussed. How and why was Jammu and Kashmir discussed? Because Jammu and Kashmir is the main factor and the main bone of contention between India and Pakistan and that is why in the background of conflict and trouble it was discussed; and it was in accordance with the United Nations Charter. Therefore, we did not enter into a new commitment. There is no new commitment. We are already a member of the United Nations—both India and Pakistan. Therefore, in declaring our intention to act in accordance with the United Nations Charter, we have not entered into a new commitment. As

members of the United Nations and in accordance with the provisions of the Charter we are seeking peace. The dispute over Jammu and Kashmir is the most important problem and the most important dispute that plagues India and Pakistan. What is the United Nations commitment? Let us go through the United Nations Charter. First of all, the preamble of the United Nations Charter. "To save succeeding generations from the scourge of war which twice in our life time has brought untold history to mankind." This is a pre-existing obligation. The obligation is not on us; it is on India because there are existing treaties between India and Pakistan for the settlement of the Kashmir dispute. So, we have not entered into a new agreement, whereas India has reconfirmed its agreement for the settlement. This is not a commitment which is against us. This is a commitment which is against India because in its confirmation it has committed itself to settle the Jammu and Kashmir dispute according to International Law and Treaties. Then, to practise tolerance, to ensure by the acceptance of principles and institution of method that armed force shall not be used. This is a pre-existing understanding. So, in the interest of world peace armed force shall not be used. This is a principle which is existing. Now, Article 1: "To promote international peace and security and take effective measures for the prevention and removal of threat and for the prevention of acts of aggression". India is the aggressor. It went against India; not a commitment against Pakistan "and to fulfill its commitment as laid down in Article 1, para 2." – but most important, it says: "To develop friendly relations among nations based on respect and self-determination of people." This is again directed against India, because they have to respect the people's right of self-determination. Therefore, what are the commitments of India? The commitments are that they will not resort to aggression and that they will fulfill treaty obligations and that they shall respect the people's right to self-determination. How can this Article No. 1 become a liability to Pakistan? Everything stems from this basic article, and India has been under a moral commitment and a legal commitment under the Tashkent Declaration, sanctified by the United Nations Charter, to fulfill its treaty obligation to respect the peoples' right of self-determination and not to wage aggression as is India's habit.

Article 2 says that the Prime Minister of India and the President of Pakistan agreed that all armed personnel shall be withdrawn to August 5 position. This again is not a new commitment. This is in the September 20 Resolution. The September 20 Resolution of the United Nations says that the armed forces personnel of both countries shall be withdrawn. So, here again is reconfirmation of the 'United Nations obligation.

Now the Prime Minister of India and the President of Pakistan agree – Article 3 – that the relations between India and Pakistan shall be based on the principle of non-interference in the internal affairs of each country. I again go back to the

Charter and the Charter says in Article 2, para 7. "nothing contained in the Charter shall authorize the United Nations to intervene in matters which are essentially within the jurisdiction of any State or shall require the Members to submit." Article 2, para 7, has already enjoined us not to interfere in each other's internal affairs. Now, has the Charter of the United Nations ever come in the way of the right of self-determination for the people of Jammu and Kashmir? So, why should the Tashkent Declaration come in the way of Pakistan? In spite of the Charter which was signed in 1948 in San-Francisco, there have been wars between India and Pakistan in 1947 and 1948 and in 1965. The Charter already said that member countries shall not interfere in the internal affairs of each other, but Jammu and Kashmir is not the internal affair of India; it is not an integral part of India irrespective of what they say. Therefore, we are fortified here by the context of the past. This Article 3 has no relevancy whatsoever to our right to support the people of Jammu and Kashmir and that is why the Charter of the United Nations has supported the Resolution of August, 1948 and 5th January, 1949. If we were to interfere in India's internal affairs, then there would have been no Resolution of August, 1948 nor of 5th January, 1949. The Security Council would have told us that you are interfering in India's internal affairs, but that is not the position. The Security Council knew that Jammu and Kashmir was a disputed territory; the whole world knows it. India has occupied and usurped the territory of Jammu and Kashmir against the wishes of the people. Therefore, it is not interference in India's internal affairs and the Tashkent Declaration only reiterates our obligation of the United Nations Charter. It is not a forecloser and it is not a bar.

Article No. 4 says that the Prime Minister of India and the President of Pakistan have agreed that both sides will discourage any propaganda against each other. Now, as far as the propaganda is concerned it is a different thing to pursue one's legitimate right to support the right cause and indulge in propaganda. Propaganda means vilification propaganda means slander, propaganda means abuse. No respectable and self-respecting country would like to indulge in propaganda. This is not our policy. We do not indulge in propaganda. We are not going into India's affairs that they should have one Prime Minister or the other, that India should give food to its people or buy armaments and all that. That is a separate question. But as far as Jammu and Kashmir is concerned, as far as the question of liberation is concerned, as far as the question of eviction of Muslims is concerned, as far as the question of justice is concerned we are not precluded from espousing and propagating these causes.

Then in Article 6 the Prime Minister of India and the President of Pakistan have agreed to consider measures for the normalization of economic relations and the implementation of the existing agreements between India and Pakistan. Are those agreements in favour of Pakistan or in India's favour? Do we have to give

Berubari to India or India has to give Berubari to us? Has India to fulfill the agreement on Jammu and Kashmir or do we have an obligation to fulfill? There are two important international agreements which India has to fulfill towards us, that is, the transfer of Berubari and the self-determination in Jammu and Kashmir. Are these agreements against us or against India?

Article 1 goes against India, Article 2 goes against India, Article 3 and Article 4 go against India. Then, the Prime Minister of India and the President of Pakistan agreed that the talks will continue to discuss the question of eviction of Muslims. Now here under Article 8 as far as the eviction of Muslims is concerned, are these people evicted from Pakistan into India or these are people who were evicted from India into Pakistan? Here again it is the people of India that are being evicted into Pakistan and not the people of Pakistan who are being evicted into India. Who has to gain from it? Pakistan has to gain from this provision because it is India that has evicted Indian Muslims from Assam, Tripura and West Bengal and from Rajasthan. India is accountable. India is answerable and not Pakistan. Are these Muslims going from East Pakistan to India or are these Muslims coming from India to East. Pakistan?

Then Article 9 talks about the machinery and this is important. On January 9, when we were discussing the machinery I put a direct question to Premier Kosygin. I said that, "In this question of machinery you must know that as far as we are concerned we can only accept it if Jammu and Kashmir is made the main dispute for determination by this machinery", and he said, "Jammu and Kashmir is in dispute and naturally you have a right to bring this up under Article 9." And that is why in the Ministerial Conference we brought up this matter.

Now, it has been said that the Tashkent Declaration is a no-war Pact. The Tashkent Declaration is not a no-war pact. We cannot accept a no-war Pact when the disputes of Jammu and Kashmir, Farakka Barrage, eviction of Muslims, all these problems remain to be solved. The Tashkent Declaration is not a no-war pact. But suppose some individual in his fancy would like to contend it is a no-war pact. Here again, the United Nations Charter is there. What does the Charter say in Article 51? The Charter says, 'Nothing in the present Charter shall impede the inherent right of individual or collective self-defence.' The people of Jammu and Kashmir are the victims of armed aggression by India and nothing in the Charter will preclude our right to come to their support and to help them to secure their right to self-determination. Article 51 is an overriding Article and as such we have the right under the Charter to the defence of our people against India's aggression.

As far as the Tashkent Declaration is concerned, Article 103 says that in the event of a conflict between the obligations of the members of the United Nations under

the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail. So, the United Nations Charter is the supreme document and if there is any inconsistency between the Tashkent Declaration and the United Nations Charter, anything which is inconsistent with our obligations to United Nations, to that extent the Tashkent Declaration is null and void.

Now we come to the Soviet initiative. Who is responsible for the strained relations between Soviet Union and Pakistan? This is a legacy which we carried with us. There was a time when relations between the Soviet Union and Pakistan were non-existent. We are not responsible for that. The previous regimes pursued that policy in their better wisdom. This great neighbor to the north with all its industrial power and one of the genuine great powers was something which did not exist in our consideration. There were no delegations that went to the Soviet Union. There have been no contacts. As a matter of fact, one of my rare privileges is to be the Minister who for the first time went to the Soviet Union to conclude an Oil Agreement in 1960. I know the difficulties I had to go through in arriving at the agreement and that was the first time that we had any direct relationship with the Soviet Union. We talk about the Soviet veto. When we talk of it, we must ask why there was a Soviet veto. What was the consideration that brought it about? What was India's attitude and what was Pakistan's attitude to the Soviet Union. There must be a gradual and a slow and imperceptible change like summer going into autumn and like autumn going into winter.

You cannot expect the great powers to turn turtle: You cannot expect them to turn round by 180 degrees. We require closer contact. We have to exchange views. We have to keep on convincing others through talks and discussions. The Soviet Union regards self-determination as one of its foremost principles which Karl Marx enunciated and which influenced the activities of Lenin. There has to be a gradual and solemn approach in order to focus their attention on the fact that here is a power, small power, which demands self-determination and if the Soviet Union does not support self-determination after her relations with Pakistan have been normalized, it will have no logical basis to claim any advantage on account of its ideological standing. If, on the other hand, the relations between the Soviet Union and Pakistan be such that they cannot possibly support us then they can say that they believe in self-determination but our relations are such that they cannot support us, then no one will criticise them. So first of all we have to establish normal relations with the Soviet Union.

The most important question and the prime factor in the Tashkent Declaration is that the Soviet Union has recognised that there is a dispute between India and Pakistan in respect of Jammu and Kashmir. In the past, I remember, in 1962, the representative of the Soviet Union supported the Indian points of view in the

Security Council and stated that Jammu and Kashmir was an integral part of India. If morality is on our side and if our cause is right and if the Soviet Union is a believer in the ideology of self-determination, in that case it will have to come round to our support with the gradual improvement in our relations.

Sir, the main point in the Tashkent Declaration is that the Soviet Union has accepted for the first time that there is a dispute relating to Jammu and Kashmir. This is a sufficient moral support to our assertion. We have to tell the Soviet Union that they have got to support us if they believe in the principles enunciated by Karl Marx regarding self-determination. If they abandon that principle, then every other people will say that the Soviet Union is abandoning the principle of self-determination. At the present moment, they have supported the fact that there is a dispute. This is going a hundred miles from its previous position. That is a breakthrough from its original stand that Kashmir and Jammu is an integral part of India. On the 9th of January last, when I put this question to Mr. Kosygin, he said that certainly we can take this up in the Ministerial meeting. Now, Sir, I come to Pakistan's relation with the United States of America. Pakistan always maintained "cordial and friendly relations and it was only after the China-India conflict that a new strategy developed and our relations with the United States were influenced by it. It is not natural nor is it desirable for a small state to have conflict with the great powers, and undoubtedly the United States is a great power. On the other hand, it would have been opposed to the very basis of Pakistan's ideology, if we had not taken exception to certain changes in the United States position in the subcontinent. As a matter of fact, it is only because we expressed our apprehension; and if we had not shown our concern, then the United States might have been misguided. However, strains developed in the relationship between our two countries, but since the visit of our President to the United States, these difficulties and misunderstanding have been explained and at the moment our relations have improved.

An honorable Member of this House made the most uncharitable allegation and said that Pakistan has arrived at some invidious arrangement with Soviet Russia and the United States in Washington. The question here is that if Pakistan or the President of Pakistan was to arrive at some invidious arrangement, then why should we have strained relations and why should we have faced one crisis after another in our relations with the United States of America? It is a contradiction and a basic and fundamental contradiction if we were to succumb to the pressure of the great powers. It is impossible for Pakistan to compromise on its fundamental interests. This nation is an Islamic nation and is backed by ideology. This Muslim nation cannot be purchased with 400 or 500 million dollars. We are Muslims. We are committed to the traditions of Islam. We shall never sell Pakistan and refrain from the right struggle of the people; Please, therefore, do not think that there was any consideration of economic development or any

other motive that could have led to an agreement in Washington, prejudicial to the interests of Pakistan. I can return to my constituency and say to my people that you rather stop development work but do not undermine the ideology of Pakistan, and I am sure that they will accept the position. I think that the whole of the population of Pakistan will accept this position. It is for this House to judge such a situation. I say that we have no strained relations with America. If we have, it is for the legitimate protection of our interests. I would say that the President's visit to the United States of America was very beneficial, because we were able to explain our difficulties and our points of view and motivations and also other factors that constitute the affairs of a nation and the affairs of a community.

I would like to say here that the United States has not been a classical imperial power, it has not dominated any part of Asia; perhaps the Philippines and some other places are exceptions. So they are not cognizant of the aroma of Asia and of the forces at work among Asian nations. They are not like the British or the French. The British ruled the subcontinent for 200 years, so they know a little about the subcontinent, the French also held sway over parts of this region, so they are familiar with the problems. But the United States of America has not been in power in Asia and is not, therefore, acquainted with the problems of Asia. It is unfamiliar with the motivations or the nature of Asian forces: Even the British are not entirely familiar, because theirs was a master and servant relationship. The master knows little about those he rules, those who are ruled know the weakness of the masters.

Even an imperial power was not familiar with the motivations and feelings and aspirations of the people of Asia and Africa. How do you expect the United States to be familiar with the aspirations of Asia and Africa, merely because they are a great power? Mr. Humphrey, Vice-President of the United States, yesterday urged for the friendship of the people of China. He said, "The people of China must not be isolated. We must take an opportunity to show our friendship to the Chinese people. We respect and value their contribution to civilization." He said, "We know too little about Asia. We need to do our level best to widen American interest in Asia including Communist China."

Here is a statement of the Vice-President of the United States who says, "We know too little about Asia," and I am giving the reasons why? They have not been a classical imperial power and their contact has been an alien contact. It is an association of comradeship which develops feeling of acquaintance. Who is Vice-President of the United States? Theodore Roosevelt was Vice-President, he then became a great American President; Harry Truman was Vice-President, he became President and responsible for great decisions like the 4-points, for dropping bombs on Hiroshima and Nagasaki; Lyndon B. Johnson himself was

Vice-President, and here the present Vice-President of the U.S A. admits that the American people know too little about Asia and this is the difficulty. It is because the American people know too little about Asia, that the Asian problems and difficulties cannot be met by computer control. You must know the aroma of Asia, you must know the dust and love it, and you must know how to live with the people. The affairs and factors at work in Asia cannot be presented in terms of communism and anti-communism. There is a new nationalism in Asia, we want to develop our own society, we want to develop our own political institutions, we want to -develop our own economy, our own -objectives. This should not be judged in terms of communism and capitalism.

There is an Asian way, and we all are developing our own society. We have the oldest society of the world. This continent has produced great religions and great civilizations. Our direction should be an Asian direction. If we say that it is communist direction or capitalist direction, it is not true. This is the fundamental problem between the Eastern and Western world that the urge of Asia is the urge of self-assertion; it is an urge of the personality of Asia. The sooner they realize it, the better it is for them and the sooner they stop dubbing us as belonging to any bloc, it is better for us and for their. We want to achieve dignity and self-respect, we want to end poverty, we do not want those things which are the product of foreign association because those factors cannot answer our problems, those factors are alien factors, they cannot be grafted on to the body politic of Asia, they cannot just harmonize with the Asian factors, we cannot have injection of foreign elements and we cannot say that we are communists or capitalists, we are not a people who can be categorized by 'isms'. We have our own self-assertion, we have our own feeling of confidence, we have our own feeling of self-respect and I say these things in order to let them know a little more about Asia. They must realize this so that we can be friends; we must be friends and well-wishers of other countries. Our revolution is like the French Revolution against oppression and tyranny; that does not mean that we are for one 'ism' or the other. It does not mean that we belong to another social order. We want an Asian way as our own way without any domination. The Western world must understand the problems of Asia. Do not reject and disregard-the true leadership of Asia. The Asian leadership must first of all be faithful and must serve the Asian people. The people of Pakistan must be served first. There is no question of 'ism' or ideology involved here. Why is there misunderstanding, preconceived-prejudices? There should be a totally different environment. Don't be unfair to the Western civilization. We may have a red tie, but our heart is Pakistani. We cannot wean our soul away from our own civilization. With foreign education, we will not be able to answer the problems of an Asian society, they will never be able to harmonize themselves with the music of Asia, and the music of Asia is a revolution of greatness and of justice.

Now, Sir, here again Mr. Humphrey has said:

“The people of China must not be isolated. We must take every opportunity to show our friendship to Chinese people. We respect and value their many contributions to civilization.” And then Senator Fulbright, who is a very distinguished and honorable Member of Foreign Relations Committee, said on 13 March as the Chairman of that Committee:

“That US objections to the admission of China to the United Nation may be softened or withdrawn as a result of hearings on China in the Senate.”

Speaking in a 90-minute televised panel discussion on China, Fulbright said:

“Administration officials had told me privately they thought the hearings which have just begun would have a beneficial effect.” He said, “I think they feel it will give them greater freedom of action when it comes up again, as it undoubtedly will, in the United Nations.”

Now Vice-President Humphrey says, “We must have relationship with China. We cannot ignore Chinese contribution to world civilization.” And Senator Fulbright says, “We must soften our attitude towards China and we must see that China becomes Member of the United Nations.” Now, if you say that Senator Fulbright is a communist that is another thing. He comes from the deep South. He comes from the conservative South. Now, here you have Senator Fulbright saying that attitude towards China must be softened and China must be admitted to the United Nations. This has been our position regarding China. We have said, China is a neighbor of Pakistan and we have to develop friendly and cordial relations with all our neighbours first. We have said that China is a nation of 700 million people, that cannot be ignored and Vice-President Humphrey says that China cannot be ignored. This has been our position. We have said that China should take its rightful place in the United Nations; Senator Fulbright now says China should be admitted to the United Nations. We have said, no problems of Asia can be truly settled without the participation of China. Sooner or later, sooner than later you will have to accept this position.

Now the leaders of the United States say the same thing. Having said this much, having spoken the truth, having said something which is self-evident, why are we misunderstood? It is because great powers with their vagaries can change their positions and they can change their attitudes and we are caught in the vortex of great power rivalries. So, we have to determine the problems on their merits. We believe that we will have to solve our problems on their objective merits. Then, sooner or later, others will also agree with that situation. This is what is happening. This is an irresistible force, an uncontrollable force of history.

You cannot ignore 700 million people. You cannot forget the fact that China is a great power. You cannot forget that Chinese participation in the Disarmament Conference is necessary. Senators Kennedy—Robert Kennedy and Edward Kennedy say this,—Walter Lippman may be a Sinophile—but all these people are saying the same thing. How are we at variance? We, who know the aroma, the scent and the perfume of Asia, must be in a better position to know what these difficulties are. -

When we propound these things all sorts of sinister interpretations are given, collusion, agreements, these are not relevant points; what is relevant is to determine issues on their merits, not to treat them to subjective interpretation. So, gradually, slowly, this position is being realized everywhere and Pakistan having articulated it, has made a contribution. We have made a contribution, without being presumptuous, to the development of these relations. Therefore, sometimes strains and difficulties are inherent in situations. You cannot have goodwill all the time; you cannot have tranquility, normalcy and peace all the time. You have to accept challenges. You have to race the odds. So, I think that by facing these consequences by holding our head upright, by saying that this is a situation, which has to be reckoned with, we have not really caused misunderstanding with the United States. We have, on the other hand, caused better appreciation in the United States of the factors and the forces that are at work.

Taking all things into account, Sir, what is a great power? A great power is not just territory; it is not just vastness of territory. If that were a great power, India would be a great power, India is not a great power although it is a vast country. A great power is not merely one that acquires technological know-how and excellence. Because, if that were the case. Switzerland and Sweden would be great powers. A great power is not a country which merely has atomic weapons. If that were the case, sooner or later, Israel would become a great power. A great power, Sir, is an amalgam of all these things—vastness of territory, resources, economic wealth technological progress, and, above all, in the modern context a great power is a power with an ideology. A great power without an ideology cannot remain a great power in the context of the modern world. That is why I said the United States and the Soviet Union will have to take into account whether to support self-determination or not in Jammu and Kashmir because in supporting or not supporting the people of Jammu and Kashmir on self-determination it places its ideology at stake.

The United States of America is a great power not merely because of its resources, not merely because of its technological ability; it is a great power because it is wedded to the ideals of Jefferson; it is wedded to the ideals of Abraham Lincoln, of Hamilton, of Wilson, and that is how its basic attributes of a great power are

preserved. Therefore, the Witsonian concept of self-determination is at stake in the final position that the United States takes on Jammu and Kashmir. Now, China, which is another ideological power, has taken the correct position on Jammu and Kashmir in accordance with its ideology and supported the people's right to self-determination in Jammu and Kashmir. and although quantitatively and qualitatively in terms of material resources, in terms of atomic arsenal, in terms of technological know-how, China is not equal to the Soviet Union and the United States, China is today regarded as one of the great factors, because ideologically it has not compromised its position. If any great power ideologically compromises that position, it will have to contend with a great dilemma which may strike at the roots of its being a great power.

Nov, Sir, as I have said at the very beginning, Pakistan is the product of self-determination; Pakistan is the most magnificent product of self-determination because with the establishment of Pakistan other people, other communities also derived a sense of protection and it is for us to uphold the people's cause in Jammu and Kashmir, because in so doing we would be helping the completion of the process of self-determination. But let me sound a note of warning that self-determination cannot come without the support of the majority; the majority must support the cause of self-determination. The majority in our country here are the people of East Pakistan. So it is not for the people of West Pakistan to determine whether we should pursue the right of self-determination for the people of Jammu and Kashmir; it is for the people of East Pakistan to determine and be the harbingers of the struggle, because they are in a majority.

If the people of East Pakistan think that Jammu and Kashmir is too far away and that these are problems which do not directly affect them, then let them come here and say so; because, without their support, there could have been no Pakistan, no matter how great might have been the struggle of the Punjab, Sindh, Baluchistan and North-West Frontier Province. There could have been no Pakistan if the people of East Pakistan did not support Pakistan. This is a historical fact.

So, to take it to its logical conclusion, it is the majority of the people of our country whose will must prevail. I can boldly and clearly say that even if every individual in West Pakistan is prepared to be destroyed, we cannot espouse the cause of the people of Jammu and Kashmir because the majority is here in East Pakistan. The determining factor is in East Pakistan, and they should guide us and they should tell us whether we should continue the process of self-determination or not, because it is for them to decide.

Sometimes, we are told that Kashmir is far away, that there are other problems—you must attend to them. I tell you, Sir, this is a negation not of Jammu and

Kashmir; this is a negation of Pakistan, because the difficulty we face either in East or West Pakistan is inherent. So it is no use saying that by abandoning the cause of Jammu and Kashmir we will be removing our difficulties. You will not be removing your difficulties; on the contrary, you will be whetting the appetite of an aggressor who launched his final attack on Pakistan. The struggle of Jammu and Kashmir will determine the final destiny of India itself and I know that the people of East Pakistan are prepared to face those consequences. The people of East Pakistan are foremost in the struggle for the people of Jammu and Kashmir. I feel this with all my heart—with all my soul, because with them and with us rests a great truth. I tell you we are true. There can be no force, no strength greater than truth. Truth is on our side. I say this to you, because history has shown that truth is on our side. Colonization must be removed from Jammu and Kashmir because it is the order of the day. Jammu and Kashmir cannot be an exception to the process of decolonization. India will have to abandon its colony in Jammu and Kashmir. You must not get Asia fatigued. Asia is not ripe for fatigue. Asia is too vibrant. She is fully alive. Asia has to stay, but those who want to abandon honest rule for vested interests feel that the cause is lost. Sir, our cause can only succeed if we pursue our struggle because ours is an honorable struggle sanctified by law and protected by Allah.