Chapter Two

INDIA'S VIEW OF THREATS TO INTERNATIONAL PEACE AND SECURITY
India's interest in the positive objectives of the collective security system acquired significance in the international climate in which the United Nations started functioning. The Charter received wider support than the Covenant. But as the first outbursts of enthusiasm for the new international organization ebbed away, it became apparent that member-states were not fully prepared to rely upon the collective security system. (1) A majority of them found it expedient to pay their formal respects to the system, while making such arrangements for their own security as they considered reliable. This tendency was strengthened by the

(1) The following factors may be considered in this context:

1. Each nation has its own concept of its vital security area - defined in terms of geography and other interests - which it is prepared to fight for. This is more true of smaller states.

2. Once the states have committed themselves to any area, any demand to employ their forces otherwise appears to them as a source of insecurity rather than security.

3. In an age when the capacity to make war on a global scale is practically limited to a few superpowers, the smaller powers tend to consider collective security as a device by which they can be called upon to participate in a great power conflict.

development of the cold war. As the conflict between the Soviet Union and the U.S.A. assumed the form of rival military groupings and a ceaseless search for allies, many member-states got themselves aligned with one of the two blocs. Even those who kept aloof from such entanglements, could not afford to place reliance upon the collective security system. Under the Charter the Security Council alone was competent to determine the existence of a threat to international peace and security and no collective action could be undertaken unless all the permanent members agreed. In view of the cold war, it seemed unlikely that the Security Council would reach a unanimous decision regarding the existence of a threat to peace, much less so regarding the type of collective action envisaged by the Charter.

Against this background, India insisted that the objectives of the collective security system should not be considered as confined to Chapter VII of the Charter. (2) Even if the primary objective was to organize effective collective action for the suppression of acts of aggression, threats to peace and breaches of peace, these situations were not defined by the Charter as identical with the arbitrary use of force. Therefore, even the situations which did not involve the use of force on the part of member-states, could be considered as threats to international

peace and security. (3) And measures to meet such situations could be other than those listed in Chapter VII of the Charter. In fact, the Charter itself made provision for the recommendation of measures for the peaceful adjustment of any situation regardless of its origin which was likely to impair the general welfare or friendly relations among nations. (4) In this respect, a specific responsibility was entrusted to the General Assembly, which did not require a unanimous vote of the permanent members for carrying out its obligations.

This broader view of the collective security system, which emerged from reading the Charter as a whole, enabled India to draw the attention of the United Nations to the vast complex of problems faced by the post-war world. (5) More important still,

(3) The Charter authorized the Security Council to take collective action if the latter determined the existence of a threat to the peace, or a breach of the peace including acts of aggression. Neither "threat to the peace," nor "breach of the peace" had been defined by the Charter. Member states were obliged to refrain from the use of force. Threat or use of force were not defined as identical with threat to or breach of peace. Since it was for the Security Council to interpret the terms "threat to the peace" and "breach of the peace," it might consider certain conduct of a state as constituting threat to the peace or breach of the peace, even if in the opinion of that state, it did not involve a threat of force or the use of force. It meant that the Security Council could take measures even in case no obligation imposed explicitly on the member-states by the Charter had been violated by one of them, provided that the Council considered it necessary for the maintenance of international peace and security. See Hans Kelsen, "Collective Security and Collective Self-defence under the Charter of the United Nations," The American Journal of International Law (Washington), 42 (1948) 783-95.


(5) Nehru, India's Spokesman, 75-6.
India treated these problems as important sources of conflict and related them directly to the objective of the collective security system, i.e., to avoid the outbreak of war by preventing conflicts among nations from becoming major threats to international peace and security. Some problems repeatedly emphasized by India were political subjection, racial inequality, economic backwardness, Asian-African representation, rivalry for spheres of influence and development of nuclear energy.

Political Subjection

India believed that freedom like peace was indivisible and no structure of world peace could be built upon a denial of freedom to countries and large masses of people. (6) The rising tide of nationalism had submerged most of the western empires in Asia; in Africa also the nascent patriotism of people had developed into insurgent nationalism demanding self-determination. Any attempt to suppress with force the national aspirations of politically awakened people would be tantamount to reversing the uncontrollable current of history. (7) The dangerous situation created by the Dutch military action in Indonesia clearly indicated the implications of perpetuating imperialism and India was foremost among those who

(6) Nehru in The Hindu, 18 August 1953.

(7) "That imperialism would die, I have no doubt," said Nehru, "but there is a danger that in the process of fading away it might bring catastrophe on a large scale in its train." Cited in Select Documents on Asian Affairs: India 1947-50: External Affairs. (Ed.) S. L. Poplai (London, 1959), (cited hereafter as Select Documents) 605.
urged upon the United Nations to take a serious view of the matter. (8)

India wanted the United Nations to declare that "all peoples had a right to self-determination." (9) The signatories to the Draft International Covenant on Human Rights should be persuaded to grant that right to those people under their rule who had made a conscious demand for it and power should be transferred to the new states within a period agreed to by the parties. (10) Such of the peoples who were declared to be underdeveloped politically by an impartial UN inquiry should not be granted independence immediately but should be placed under the protection of the Trusteeship Council which would educate them and make them fit for living as sovereign independent states. (11)

India supported the plans for putting the former Italian territories under the UN Trusteeship. (12) She insisted that the League of Nations mandated territories should also be placed under UN Trusteeship. She condemned the refusal of South Africa to place the former mandated territory of South West Africa under


the trusteeship of the United Nations. (13) The administration of mandated territories had been entrusted to certain states as a "sacred trust" and they could not be permitted to treat them as territorial gifts.

In suggesting that all categories of dependent people be brought under trusteeship, India was emphasizing that the transition from colonial rule to self government should be effected speedily and smoothly, and also that the issue should be kept out of great power rivalry. (14) To achieve these ends, India proposed that the United Nations should get regular information from the administering authorities of the trust territories regarding,

a) the measures taken or contemplated which were intended to lead the trust territory, in the shortest possible time, to the objective of self-government or independence; b) the manner in which the wishes of the people concerned in those respects were being taken into account; c) the period of time in which each trust territory would achieve the objective of self-government or independence. (15) Any attempt on the part of administering authorities to exploit their trust territories was viewed by India with concern. Criticizing the incorporation of South West Africa...

(13) The attitude of South Africa that it had no moral or legal obligation to place S.W. Africa under the trusteeship would at one stroke undo the work accomplished so far in the field of trusteeship. Whatever might be the legal position arising out of the extinction of the League and the creation of the United Nations, peoples of the world had always understood that the responsibilities of the League in the field of moral authority had been assumed by the United Nations. Mrs. Pandit, G.A.O.R., 2nd Sess. (1947) 105th Plen. Mtg., 597.

(14) Setalvad, n. 12.

into South Africa, India insisted that the United Nations should make it clear that trusteeship agreements did not involve annexation of trust territories. Measures of customs, administrative or fiscal unions were not to hamper the free evolution of each territory towards self-government or independence. (16) The distinction between discriminatory laws and practices on the one hand and protective measures designed to safeguard the rights of the inhabitants on the other, was never to be lost sight of and public facilities were to be provided to all the inhabitants of a non-self-governing territory without any distinction. (17) India attached great importance to the association of non-self-governing territories with the administering authorities in any manner considered desirable. (18) To ensure the continuing stake of the United Nations in dependent peoples, India suggested that the Committee on Information from non-self-governing territories should work as long as any such territory remained. The defeat of that proposal on narrow grounds merely confirmed the original position taken by India that the Charter should be considered as a whole whenever fundamental problems were concerned. (19)

With the gradual shrinking of the colonial part of the world, India insisted that the United Nations should welcome within its fold all those newly independent countries who wanted

(18) A/C.4/L.221, 3 November 1952.
its membership. (20) The Charter itself provided for the extension of UN membership beyond its original number. (21) Arts. 4 and 5 of the Charter laid down the principle that the UN membership would be open to all those peace-loving states who accepted their obligations and were willing to carry them out.

India wanted that in considering the applications for membership, the United Nations should be guided solely by the specific obligations enjoined by the Charter in this respect. (22) To the extent that the United Nations restricted its membership by considerations irrelevant to the eligibility of the state seeking admission, it closed the door of co-operation and added to the irresponsible behaviour of states. (23) A state had to be accepted as a state because it existed and was capable of performing its functions and obligations under the Charter. If the United Nations were to include only those states who were approved by others and if admission were to require the approval of each of the governments already in the Organization, very few who were there, could have been there. (24) In this context India expressed strong


(21) "The United Nations was founded while war was raging by those who could see farther than the events of that time in order that peace might reign in this world and that this comity of nations might not be a holy alliance of good nations and of bad nations, but a universal society where the differences between sovereign countries with their different historical backgrounds and civilizations might be expressed in such a way that their diversities would make for a common richness." Menon, G.A.O.R., 12th Sess. (1957) 703rd Plen. Mtg., 323.


(23) Ibid.

disapproval of the tendency on the part of the great powers to treat the admission of new members as a part of the cold war. Since the applications for membership were to be considered by the Security Council — on the recommendation of the General Assembly — the great powers were inclined to use their authority for blocking the presence of potential antagonists in the United Nations.

As a practical way of bringing within the United Nations, those states which had been kept out under pressure from the one or the other bloc, India suggested that they should be admitted en bloc. A non-permanent member or a group of them should in one resolution or in a group of resolutions, on the same day, submit proposals for the admission of a group of states on the understanding that they would not be objected by anybody. If it was right to exclude someone because someone else was excluded, it could not be less right to include someone because someone else had been included. (25) India's efforts helped sixteen of the eighteen states, which had been refused admission to the United Nations at various occasions, to get admitted en bloc. (26)

Racial Inequality

India believed that conflicts arising out of racial inequality presented a serious threat to world peace and


security. (27) The progress of some races in scientific knowledge or their inventive skill and their success in war and conquest had led them to believe that they were racially superior. As a result, their attitude towards people whom they considered inferior was saturated with contempt. But the so-called inferior races had thrown aside their mental torpor and in their attempt to remedy the long standing injustice against themselves, the world might face a conflagration of which no one could see the range of consequences.

Urging upon the United Nations to treat racial injustice as a threat to world peace and security, the Government of India expressed bitter opposition to the doctrine of racial inequality. "Whenever there is any question of racial indiscrimination, we shall do everything, in our power, short of war, to oppose it," said Nehru. (28) The attitude of those countries who were indifferent to the issue on some legal quibble of domestic jurisdiction, was always regretted by India. (29) "The plea of domestic jurisdiction will not excuse it any more than the sanctity of home can justify the storing of dynamite," said Sir B. N. Rau. (30) India had no desire to see the United Nations interfere in the affairs of others, but there were certain issues

(27) Nehru, n. 5.


which transcended national boundaries and had to be taken note of. (31) Two such issues persistently pinpointed by India were the denial of political freedom and the practice of racial discrimination. Both the situations existed in South Africa more than anywhere else. Apartheid, which was the proclaimed objective of the Government of South Africa, meant a strict segregation of races. It was expressed through a permanent white superiority over non-whites and the complete denial of basic human freedoms to 80 per cent of the population of the Union of South Africa. (32)

India emphasized three aspects of the racial problem in South Africa. (33) Firstly, it was against the declared purposes of the Charter and the obligations assumed by the members therein. The Preamble of the Charter as well as Art. 1 para 3 and Art. 55 had proclaimed universal respect for, and due observance of, human rights and fundamental freedoms without any distinction as to race, sex, language or religion. All member-states had pledged themselves to take joint and separate action in co-operation with the United Nations for the achievement of those purposes \(\text{Art. 56}_7\). Secondly, it was in direct opposition to the trend of world public opinion. All the peoples of the world, including some liberal South African Europeans, realized that such a policy would lead to inter-continental race conflicts and that the only solution to the problem was to be found in a partnership of races based upon

(31) Nehru, Parliamentary Debates, 6 (1953) col. 901.


(33) A/2183. Letter dated 12 September 1952 to the Secretary-General by the Permanent Representative of India and eleven other Asian-African members.
equality and freedom. India considered it arbitrary that a single member should bar the United Nations from taking any action by relying upon Art. 2(7) as a kind of veto. Such a tendency contained more dangerous potentialities than the unanimity rule in the Security Council because it could prevent even the discussion of the issue by the General Assembly. Thirdly, South Africa had deliberately adopted a policy of ruthless suppression of a completely non-violent movement of non-whites against the unjust policy of the Government, despite the fact that the movement had been launched only after all the constitutional methods for redress had been denied by the Government. The flagrant violation of human justice involved in the policy of racial segregation in South Africa could be inferred from simple numericals: 193 million peoples being pitched against 5 millions. (34)

When all the recommendations made by the United Nations to provide a just solution to the problem were completely ignored by the Government of South Africa, India appealed to freedom-loving countries of the world to come forward and decide what policy could be adopted towards South Africa, if it continued to persist in its attitude. (35) It was proposed by India that a UN Commission should be set up to study and examine the international aspects and implications of the racial situation in South Africa. (36) India contended that the Charter did not lack authority to deal

(34) Menon, n. 32.
(35) Nehru, n. 29.
with the matter and in view of the dangers inherent in the situation, the United Nations should deal with the issue as firmly and as rapidly as possible. (37)

**Economic Backwardness**

From the Indian viewpoint, a serious invitation to conflict and revolution in the world was provided by the want and misery of millions of people, particularly in Asia and Africa. (38) The basic problems of newly emerging states in these regions were concerned with the supplying of primary human necessities. It was true that similar problems were being faced all over the world, but the situation created in Asia and Africa was more delicate. Whereas in most of the European countries, economic revolution had preceded political revolution, the Asian-African states were expected to make their political freedom real by giving it sound economic foundations. (39) More than ever before, their people wanted quick solutions to their economic and social problems. The endeavour

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(37) Quoting the view of Prof. Lauterpacht on Art. 2(7) Setalvad argued that if the Charter did not authorize intervention, it only meant that the Charter did not authorize compulsive legal processes on the part of the Organization in case of non-compliance. It did not prevent the General Assembly from focussing and investigating situations arising from complaints of violation of human rights. It did not preclude either a general recommendation or a specific recommendation addressed to the state directly concerned and drawing its attention to the propriety of bringing about a situation in conformity with the obligations of the Charter. Arts. 55 and 56 covered the issues under controversy. *United Nations Bulletin*, 6 (1949)579-80.

(38) Nehru, n. 5.

(39) "Freedom has no meaning whatsoever without the content of higher standards of living." Nehru in *The Times of India* (Delhi), 13 July 1957.
to raise the standards of living and forge new and free institutions
for people would have been a challenge to national statesmanship
everywhere even in a period of assured peace and general prosperity,
it had been rendered more so in view of the precarious peace and
the conditions of hunger, fear and uncertainty that stalked through
these regions. (40) Till recently they were parts of colonial
empires and their only role in world economy was to provide labour
and raw materials for metropolitan countries. The ruling authorities
had taken little interest to modernize their colonies. Consequently,
the newly emerged states had little surplus capital available for
development just when they required it most. They could not
normally put greater burdens on their own people who were already
living at subsistence level. And yet if there was no capital
formation, what would be their future? (41) There were only two
possibilities: either their development would be hampered and they
might become frustrated, or the disgust of their people against
their government might bring about constitutional breakdowns in
some states. In either case, the cold war was likely to carry
the consequences of economic misery, in some parts of the world,
to places farther than the scene of their happening. The problem
of economic under-development in Asia and Africa, therefore, was
primarily a commonsense question of establishing a new equilibrium
in the world. (42) India felt that the enlightened self-interest

Mtg., 207.

(41) Nehru, Address at the Inaugural Meeting of the 12th

(42) Menon, n. 21, 324.
the prosperous nations should make them assist in the development of their less fortunate companions in the United Nations. (43) Of course, ultimately the underdeveloped countries themselves had to work for their prosperity because just as there can be no export of revolution, so can there be no export of prosperity. Nevertheless, India contended that co-operative effort would quicken the process of development in the backward regions. (44) It was repeatedly emphasized by India that there should not be any political strings attached to the aid given to the underdeveloped nations. In the cold war techniques economic aid was likely to be employed as a trojan horse for political infiltration and India was convinced that there could be no lasting peace if there remained a tendency for domination of one country by another. (45) The only way to tackle the problem of underdeveloped countries was to make co-operative efforts through an international agency. The Charter had enjoined a specific responsibility on the United Nations in this matter. The Economic and Social Council had been entrusted with the task of raising the standards of living for people in underdeveloped countries and bringing


(44) India considered it essential that during the period of general shortage of goods, all members of the United Nations should take special measures to bring about adequate production and equitable international distribution of capital goods, essential consumer goods and raw materials. E/AC.6/L.40, 15 March 1951. Also A/C.2/L.124, 3 January 1952.

(45) Nehru, n. 43.
about a general world economic and social equilibrium. (46) In so far as a positive contribution to world peace was the objective of collective security system, India considered the task assigned to the Economic and Social Council as more fruitful than the one entrusted to the Security Council. The former was there to see that the latter would never be confronted with the actual task of suppressing aggression. (47)

India suggested that the United Nations should create a special fund for the economic development of underdeveloped countries. (48) There were three pressing considerations in this respect: firstly, there was no institutional framework within the United Nations to promote adequate flow of technical and financial assistance from advanced to underdeveloped countries; secondly, there was no provision in the Charter for grants-in-aid organized through the United Nations for promoting the growth of a proper framework for social and economic overheads in underdeveloped countries; thirdly, the grants-in-aid available, were on a bilateral basis, or country to country basis and, were neither satisfactory nor free from strings. Also there were many small countries who were willing to offer assistance but could not do so in the absence of some institutional set-up. (49)

(46) Mudaliar, n. 2,213.

(47) Ibid.


(49) Comments of the Government of India on the establishment, role, structure and operations of a UN Special Fund for Economic Development in accordance with General Assembly Resolution 923 (X), A/AC.83/L.1., 3 April 1956.
The Special United Nations Fund for Economic Development (SUNFED) was to be created out of voluntary contributions from governments and others. India appealed to the powerful nations of the world to contribute towards the establishment of a fund against human misery, at least a fraction of the sum which they were spending on armaments for war against each other. (50)

Although India considered the problem of economic development as closely interlinked with the problem of disarmament, she insisted that the establishment of the SUNFED should not be postponed till sufficient progress is disarmament was achieved.

India suggested that the assistance given by the SUNFED should be directed towards overall programmes of development rather than specific projects. (51) In order to see that the Fund was disbursed without any political considerations, India proposed that the executive body should consist of equal number of members from each of the two groups: one consisting mainly of the contributing countries and the other consisting mainly of the less developed countries each having equal votes. (52) Such an arrangement would help to establish economic unity based on justice and would remove one of the major causes of friction in the world.

(50) A/C.1/598.
(51) See n. 49.
(52) Ibid.
Asian-African Representation at the United Nations

In insisting upon the United Nations to treat political subjection, racial inequality and economic backwardness, as threats to international peace and security, India realized that in the existing structure of the United Nations these problems might not receive adequate attention. In spite of the steady increase in the number of Asian-African members, who were directly interested in these problems, the constitutional position of the great powers was such that they could ignore them if they decided to do so. On many occasions the great powers had disposed of such problems without any reference to the wishes of those concerned. Expressing regret at the handling of the Tunisian issue at the United Nations, Nehru said that if the whole of Asia and Africa combined could not get a subject discussed simply because two or three great powers objected to it, then a time might come when these countries would think that they were happier in their own continents and not in the United Nations. (53) Such a development would be disastrous for the United Nations and would mean the repetition of the League tragedy where all those who disagreed went out one by one. (54)

(53) Nehru, Parliamentary Debates, 2 (1952) col. 1671.

(54) The anomaly of Asian-African representation at the United Nations was brought about by the political conference over Korea also. The proposal for India's participation in that conference fell through in the General Assembly because it could not get the two-third majority of votes. Although the proposal was supported by 27 states representing 550 million people, it could not be adopted because the United States and its allies decided not to vote for it. Out of the twenty-one countries which voted against India's participation, eighteen were from the Americas—the U.S.A. plus seventeen Latin American countries. The implication of voting on that issue was that the will of nearly the whole of Asia and almost the whole of Europe could be flouted simply because the Americans did not feel that way. What disgusted India more than anything else was that the issue involved, concerned the Asians more intimately than it concerned the Americans. See Nehru, Parliamentary Debates, 8(1953) cols. 3986-7.
India considered it the duty of the United Nations to see that the resurgent nationalism in Asian-African countries did not at the outset suffer from a feeling of frustration because their role in the councils of the world was not commensurate with their size and population. (55) Since the Charter had entrusted the Security Council with primary responsibility in the promotion of peace through collective security, India insisted that the Security Council should reflect the changing nature of world problems. In doing so, India was not in the least quarrelling with the position accorded to the great powers. (56) It was self-evident that no great power could be made to exercise security functions or accept security decisions, simply because a majority of member-states wanted them to act that way. (57) However, the Charter represented the understanding of threats to world peace at the end of the Second World War and it was not formulated on the assumption that the last word had been said. It was not meant to be a steel frame from which there would be no escape when it was necessary to respond to the changing needs. (58) The needs had changed and the absence of Asian-African continents from the Security Council reflected a political vacuum which had no connection with political realities. (59) Therefore, India suggested that the membership of the Security Council should

(55) Menon, n. 20.
(57) Ibid.
(58) Ibid.
be enlarged so as to include the Asian-African states. (60) Practical steps in that direction could be taken along the following lines: the number of members in the Security Council should be raised to fifteen including Asia and Africa. The veto would continue to be vested in the five permanent members that already possessed it, but to give additional protection to the powers without veto, the concurring votes of a majority of them should be required for enforcement action. (61)

In repeatedly emphasizing the need for better representation of Asia and Africa at the United Nations, India did not overlook the presence of one Asian power among the permanent members, i.e., Nationalist China represented by Formosa. But the Formosan seat in the Security Council could not be regarded as an evidence of Asian representation. India held that Formosa did not represent any part of Asia except its own island and whether it really represented even that island or not, India was not sure. (62)

India was convinced that the Chinese seat in the Security Council should be occupied by People's Republic of China. (63)


(61) See A. Appadorai, The Use of Force in International Relations (New Delhi, 1958) 98-100.

(62) Nehru, n. 59, col. 3342.

(63) Formosa could only be miscalled as China because the patent fact of geography had made it only a rocky island within a cannon shot of the Chinese Mainland. The intermittent attempts at the absorption of Formosa into the Mainland could develop into a major threat to the security of Far East, as was revealed during the shelling of Quemoy and Matsu by the Mainland. "It is certain as anything can be certain, that these islands will go to China, by logic, by reason, by anything, unless you have great wars," said Nehru. Lok Sabha Debates, 2 (1955) col. 3894.
Firstly, People's China alone was capable of performing the obligations imposed by the Charter on the member-states. (64) It was the considered view of India that there could be no stability and peace in Asia without the co-operation of People's China. (65) If People's China came in the United Nations, apart from the fact that it could be talked face to face, it would assume certain obligations and responsibilities in the United Nations. The situation was ridiculous when the United Nations passed certain resolutions giving certain directions to a state which did not enjoy its membership. (66)

Secondly, India was apprehensive that having become an important cause of disagreement between the two major powers, the issue of Chinese representation might threaten the effective working of the United Nations. Failing to get China a seat in the Security Council, the Soviet Union had staged a walk out from the United Nations and its associated organs. If the Korean crisis had not compelled the Soviet Union to stage a come-back, the world might have been faced with the dangerous prospects of the two foremost communist countries remaining out of the United Nations and the United Nations becoming a sort of anti-communist bloc, without a facade to make it even look like a world

(64) A/3851. Letter dated 14 July 1958 from the Permanent Representative of India to the United Nations Secretary-General.


(66) Nehru, Lok Sabha Debates, 7 (1954) cols. 3689-93.
organization. (67) Above all, India considered the policy of excluding People's China as one of doubtful value, even for those who were perpetuating it. The Western policy was tending to push China increasingly into the Soviet arms. (68) Both the nations, the Soviet Union and the Communist China, were almost under compulsion to come together, whatever natural differences of interest might tend to divide them. A common faith in communism by itself would not have produced that effect, and Yugoslavia had proved it.

(Rivalry for Spheres of Influence)

India was of the view that by enabling the Asian-African countries to play a role corresponding to their needs the United Nations would foster the growth of an international comity of satisfied nations. They should be allowed to live in complete freedom and develop in accordance with their own genius and traditions. (69) But if the great powers started treating the formerly dependent countries as areas of political vacuum, they would be converted into theatres of cold war. (70) Any attempt by either of the blocs to extend its political, military or

(67) See n. 65.

(68) Nehru in The Hindu, 10 July 1953.

(69) Joint statement by the President of Syria and the Prime Minister of India, 22 January 1957, cited in Foreign Policy of India, Texts of Documents 1947-59 (New Delhi, 1959), (cited hereafter as Texts of Documents) 275.

economic influence in these areas was certain to be countered by similar advances by the rival party. The dangers of such a situation had been revealed by the conflict in Indo-China, for instance, (71)

Besides political interference, the great powers had developed a tendency to have places dotted all over the world with armed forces and strategic bases. India considered the presence of foreign troops on a country's soil as a perennial source of conflict. In the event of any serious rift between the two blocs, the strategic bases were likely to become the fuse-wires along which the flames of a world war would run. (72) In

(71) India regarded the conflict in Indo-China basically as a movement of resistance against colonialism which assumed its ominous aspect only when intervention followed intervention and the rival blocs got themselves involved more than the people of Indo-China itself were. The material aid and equipment given to France by the U.S.A. became available to the French for the war in Indo-China. The Viet Minh, on the other hand, was reported to have received supplies from the People's China whose government continued the recognition accorded to the Democratic Republic of Viet Nam. There were indications of impending direct intervention in Indo-China leading to the internationalization of war, its extension and intensification.

India expressed deep concern over these developments and suggested a solution to the tangle in Indo-China along these lines: a) A solemn agreement of non-intervention on the part of great powers, denying aid, direct or indirect, with troops or war material, to the combatants and for the purposes of war. The principal parties to such an agreement should be, the U.S.A., the U.S.S.R., the U.K. and People's China. b) The United Nations to which the decisions of the Conference would be reported, was to be requested to formulate a convention of non-intervention in Indo-China embodying the aforesaid agreement under the UN auspices. c) The most important feature of the agreement, according to India, was to be the complete independence of Indo-China and the termination of French sovereignty.


(72) See Nehru, Lok Sabha Debates, 2 (1955) cols. 3892-3.
this respect, India regarded the stationing of the Seventh Fleet in the Pacific as a standing invitation to trouble. (73)

More than the search for strategic bases the great powers were also competing for a free distribution of arms to less powerful countries. (74) India regarded this practice as one of the major causes of friction. Firstly, the supply of arms to backward countries could help the true development of its recipients as much as a rope supports a hanged man. (75) Thus, economically hard-hit Iran, Turkey and Pakistan had been made to spend more and more money on building strategic airfields, launching sites, barracks, military equipment and the maintenance of armies, so that they could "remain armed but stark naked." (76) Secondly, an arms agreement between two countries always had repercussions on the third country. Thus Indonesia and other countries affected by the Marshall Plan to some of the European colonial powers were clearly justified in requesting the U.S.A. to see whether she should continue to provide resources for a country which utilized them for reviving imperialism in South East Asia. (77) On her own part, India also regarded the


(74) In the old days, particularly in the inter-war years, people who were in public affairs used to refer to those dealings in 'arms traffic,' as 'merchants of death.' But in those days at least countries that wanted arms had to pay for them. Menon, n. 21, 325.

(75) Ibid.

(76) The announcement of abandoning the plans to build a number of national industrial establishments by Karachi after the conclusion of the American-Pak agreement could not be treated as a mere accident. The Hindu, 26 March 1959.

(77) B. Rama Rau, cited in Select Documents, 607.
U.S. military aid to Pakistan as a new kind of intervention in the Indo-Pakistan problems. (78) In this context, the recrudescence of border incidents which had increased in their frequency and dispersion over a wider area assumed special significance. (79)

India's belief that foreign interference in any form represented a serious threat to world peace and security was also expressed in her attitude towards military alliances. (80) India did not agree that military alliances aimed at supplementing the purposes of collective security system as envisaged by the Charter. (81) Neither Art. 51 nor Chapter Eight permitted the

(78) "The grant of U.S. military aid to Pakistan ... creates a grave situation for us in India, and for Asia, it adds to our tensions, it makes it much more difficult to solve the problems which have confronted India and Pakistan." Nehru, Parliamentary Debates, 1 (1954) cols. 964-74.

(79) India's doubts were not dispelled by the U.S. assurance that the aid was not going to be used for aggression against India. "If conditions are created for such aggression to take place, it may well follow in spite of the desire of the United States to prevent it and later long arguments will be carried on as to whether it was aggression or not." Ibid.

(80) India refused to join any military grouping. As early as 1953, the Government of India declined to enter into a joint defence pact with Pakistan. The invitation to join the SEATO was also turned down by India. The intensity of India's dislike for military alliances, may be judged from the fact that at the Commonwealth Premiers Conferences in London, whenever defence strategy was discussed, India abstained from the meeting.

(81) The meaning attached to collective security by the sponsors of military alliances may be judged from this statement by the U.S. Secretary of State: "I have a feeling," said Dulles, "that after you get all these regional arrangements made ... all of them interlocking, and you finally put them together, you may end up with just about what is contemplated by the U.N. Charter." Address before the American Association for the United Nations, Department of State Press Release No. 116, 2 March 1953.
type of alliances that were coming up. (82) But more than that, India viewed the military groupings as a new form of interference in the affairs of less powerful countries.

Firstly, almost without exception, the initiative for the formation of military alliances had been taken by the great powers. India could understand the formation of the NATO and the Warsaw alliance as the outcome of mutual fears among the states of Europe. (83) But there seemed to be no justification for the

(82) Art. 51 gave the states the inherent right of individual and collective self-defence in case an armed attack was directed against them. But it did not imply advance military preparations to counter-check the aggressive intentions of a suspected enemy. Even if it were admitted that atomic warfare had made the requirement of the occurrence of armed attack obsolete, the danger of slipping from mere defence to preventive action was certainly present. In order to prevent the other party from becoming an aggressor the chances of committing aggression were many. See Nehru, n. 72.


Supposed to cover the North Atlantic community NATO had spread to the Mediterranean, to the coasts of Africa and to distant countries which were nowhere near the Atlantic. Nehru, n. 66.

The principal participants in the SEATO were countries which had nothing to do with the region culturally, geographically and racially. Nehru in The Hindu, 10 September 1954.

(83) The powers who had formed the NATO were afraid that the Soviet Union aimed at weakening and disrupting the free world; its instruments were military, political and economic and its objectives were world-wide. So long as the Soviet Union persisted in that attitude the Western powers had no alternative but to remain vigilant and look to their defences. Declaration and Communiqué issued by the NATO Council, 19 December 1957. Department of State Publication 6606 (Washington, 1958) 102-11. )

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establishment of the SEATO and the Baghdad Pact. The Asian
countries whose security requirements the SEATO and the Baghdad
Pact were designed to meet had made little spontaneous efforts
towards their formation. The major sponsors of these alliances
were non-Asian powers who admitted that what they were preparing
against was not aggression across the borders but aggression which
went beneath and attempted to subvert the freely chosen govern-
ments. (84) To India it appeared that military groupings wherein
the principal participants were countries whose interests—in the
areas covered by those alliances—in the past had been of an
imperialistic character could not be regarded as partnerships among
equals and they could serve only to promote friction in the cold
war. (85)

Secondly, apart from defending their member states the
modern military groupings aimed at protecting the integrity of
those countries also who refused to join such formations. There
was a constant reference in military alliances to defend a treaty
area, i.e., an area outside the territory of the signatories and

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The Soviet Union, on the other hand, held that the Western
powers had rejected a Soviet proposal to create a system of
collective security in Europe in which all the European states
as well as the U.S.A. would participate. Also, a Soviet request
to be allowed to participate in the NATO had been ridiculed.
These circumstances and the Paris Agreements which involved the
German Federal Republic in the NATO had compelled the Soviet
Government and other Eastern European states to undertake security
measures and form the Warsaw alliance. Marshall Bulganin's
Address to the Indian Parliament. The Statesman (Delhi),
22 November 1955.

(84) See Nehru, Lok Sabha Debates, 18 (1955) col. 368.

(85) Ibid.
what was more, one which the parties had a right to extend. In other words, military alliances hoped to work as 'roving commissions' to go round and protect people against dangers which they themselves were not aware of and through assistance which was not asked for. (86) India was fully convinced that the practice of defending 'treaty areas' had introduced an element of instability into the otherwise peaceful regions of the world. (87) The SEATO had come as a challenge to the peace-loving spirit of Asia. (88) The Baghdad Pact had scored still worse. (89) In this context, India wondered as to whether military alliances served the purpose of even those who sponsored them, leaving aside those for whom they were sponsored so generously. (90) It was yet to be discovered as to what additional guarantee for security had been reaped by those powers who had broken up the homogeneity of Asia. (91) If

(88) At a time when Asia should have been bending all its energies to the task of development the SEATO had imported a new factor creating tensions. It had directly impinged upon the foreign policies and military development expenditures of countries like India who had refused to join it. Nehru, Lok Sabha Debates, 2 (1956) col. 3043.
(89) It had injected instability, disruption and insecurity in West Asia. The foremost effect of the Pact had been to divide the Arab League and create bitterness throughout the region. Egypt was unequivocally opposed to the Pact. In Syria it had caused a civil war. Saudi Arabia had expressed extreme dislike for it. Yemen too was against that alliance. Nehru, Address at the Congress Session, Indore, The Hindustan Times (Delhi), 7 January 1957.
(90) Nehru, n. 66.
(91) Ibid.
those measures were designed to meet the threat of communism they had not only missed the mark but reached the other end of the alley; the Soviet Union had become more interested in that region than it was before the formation of such alliances.

Thirdly, it was India's fear that even the military alliances formed for purely defensive purposes were likely to promote friction because of their interlocking character. States entered such alliances with different motives, but could not help getting interlocked with one another. Each pulled it in a different direction and in a crisis they were all pulled away in a direction which they had never thought of going. (92) Thus the NATO which had been envisaged as a defensive organization had become the defender of colonial possessions under the influence of those powers who were its members and had colonies. (93) In the SEATO also there were some colonial powers, there were others who were not colonial in themselves but were interested in colonialism and there were certain associated countries all of whom aimed at deciding and controlling the fate of the entire South East Asia. (94) India felt that the Baghdad Pact too had potentialities of being used as a tool for imperialistic ambitions. The ostensible object of that Pact was to act as the northern tier of defence against aggression from the Soviet Union but surely none could imagine that countries like Pakistan had entered

(92) Nehru, Lok Sabha Debates, 3 (1956) col. 3635.
(93) Nehru, n. 66.
(94) Ibid.
it because they expected some imminent or even distant invasion from the Soviet Union. (95)

Fourthly, from the Indian viewpoint it may be argued that the dangers of military alliances were enhanced by the fact that the United Nations enjoyed no control over their functioning. The obligations of regional agencies inherent in Arts. 52-54 of the Charter could not be applied to them because there was no statutory provision to declare that military alliances fall under Chapter VIII of the Charter which dealt with regional arrangements. Also since the Charter made it clear that individual and collective defence measures had to be reported to the Security Council and terminated as soon as the latter took action the framers of military alliances had scrupulously avoided commitment on that issue. The NATO treaty which was based explicitly on Art. 51 of the Charter made no reference to the responsibility of its signatories to inform the United Nations of their action and subordinating such an action to the decision of the Security Council. (96) The ANZUS and the SEATO implicitly based their relation with the United Nations on self-defence under Art. 51 without any reference thereto. (97) Both the treaties recognized the

(95) To India it appeared that Pakistan had joined the Baghdad Pact mainly on account of India. Either the Government of Pakistan was apprehensive of India or they wanted to speak from a position of strength in the settlement of their outstanding problems with India. The other members of the Baghdad Pact had no apprehensions from India but they were interlocked with Pakistan in a common alliance and could not remain comfortably immune to her pressure for an indefinite period. Ibid.

(96) NATO Treaty. Art. 5, para 1.

commitment to inform the Security Council immediately of their defence action; but regarding the termination of that action they were not at all clear. Nearly all the bilateral treaties concluded between the Soviet Union and its satellites made faithful references to the Charter, but none of them attempted to invoke its specific provisions. Almost without exception these treaties were directed against Germany, thus implicitly referring to Art. 107 of the Charter. (99) The exception given in Art. 107 applied only to the former enemy states, but the Soviet treaties had been so formulated as to be applicable not only against Germany but against any other state allying herself with Germany directly or in any other way in her potential aggressive policy. (100) Art. 107 had been so interpreted as to exempt the signatories from any degree of control by the United Nations. In other words, these alliances could not and were not meant to work under the control of the United Nations.

(98) The ANZUS retained its right to terminate action only when the Security Council had taken measures necessary to restore and maintain international peace and security. The SEATO treaty contained no similar provision and its silence on the termination of defensive measures might be considered symptomatic of the intention to keep the treaty as much aloof from the U.N. as was politically feasible. Gerhard Bebr, "Regional Organizations: A United Nations Problem," American Journal of International Law (Washington), 49 (1955) 156-84.

(99) Art. 107 of the Charter says: Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

To conclude the analysis of India's attitude towards military alliances in relation to collective security it must be mentioned that India did not question the right of member-states to make arrangements under Art. 51 of Chapter VIII of the Charter. What India tried to emphasize was that in order to be in consonance with the collective security system these arrangements should be based upon two considerations: firstly, there should be no external pressure upon nations and secondly, such arrangements should not be made to serve the interests of some particular power. (101)

**Development of Nuclear Energy**

India attached great importance to nuclear energy and its implications in terms of world peace and authority. In view of the developments mentioned below.

The Soviet Union and the United States had utilized their atomic knowledge to compete in a race for armaments. In their attempts to outbid each other, they had piled up armaments and armed forces much beyond what was necessary for their individual or collective security needs in accordance with the Charter. (102) They had reached a point where each one of them was sufficiently powerful to destroy the whole world.

Developments in the field of nuclear and thermo-nuclear weapons had surpassed all the previous limits in their

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(102) A/C.1/L.74. Rev. 4.
destructiveness. (103) There was not a shadow of doubt that once a war was started, the full panoply of atomic weapons would reveal itself. To India it appeared that the world had never been better equipped before for total annihilation.

Competition in the field of nuclear armaments was feeding and perpetuating the cold war. The great powers could not escape the consequences of the "fearful frightfulness" they had imposed upon themselves; the paradox about them now was that the more they were armed, the more they were afraid. (104)

Atomic knowledge was spreading fast and it was no longer possible to speak of a nuclear club of only three powers, the U.S.S.R., the U.S.A. and the U.K. There had been also a steady increase in the number of Nth powers, i.e., those who did not have nuclear weapons but were capable of producing them in a short period. As a scientist told Nehru - of course, with gross exaggeration - that a time was coming soon when hydrogen bomb would be produced in somebody's back garden. (105) That state of affairs or something akin to it would be more dangerous than if

(103) Referring to the hydrogen bomb, Menon said, "It is suicide for the states that use them, it is genocide for the rest of the world and infanticide for posterity." G.A.O.R., 9th Sess. (1954) 1st Cttee, 700th Mtg., 215-25.

(104) "That was a strange way of security by adding to every conceivable danger. In the name of security, atomic tests should go on, in the name of security hydrogen bombs should be flown all over the place, in the name of security all kinds of terrible weapons should be evolved, in the name of security each party slangs the other and thereby creates an atmosphere where the danger becomes more acute." Nehru, Lok Sabha Debates, 10 (1957) cols. 5888-9.

(105) Nehru, n. 72, col. 3900.
all the nuclear weapons and atomic knowledge had been retained by
two or three countries who could be reasonably expected to behave
responsibly. (106)

Possession of nuclear weapons had encouraged the great
powers to supply their conventional weapons, for which they did
not have much use now, to their satellites and allies. The
smaller powers who received such aid were likely to use them
indiscriminately. (107)

Fabulous amounts of money and valuable human resources were
being wasted on producing armaments while a large portion of the
world had to live below subsistence level because they did not
have enough. (108) "This world in arms is not spending money
alone," said Menon, quoting the words of a U.S. President. "It
is spending the sweat of its labourers, the genius of its
scientists, the hopes of its children." (109)

(106) Menon, G.A.O.R., 13th Sess. (1958) 1st Cttee,
952nd Mtg., 48.

(107) Menon, G.A.O.R., 8th Sess. (1953) 1st Cttee,
665th Mtg., 220.

(108) The U.S.A. whose military budget had been £64 million
in 1913 had spent £5,113 in 1947 and its military budget in 1958
was £15,750 million. For the Soviet Union, the corresponding
figures were £92 million in 1913 and £8,594 million in 1958.
Keeping in view the nature of the Soviet economy it was difficult
to assess the real significance of those figures. As for the
U.K. its military budget before the First World War had been
£77 million a year and at that time it had a vast colonial empire.
In 1947, its military expenditure had been £1,653 million. For
1957 the figure was £1,525 million. Since they were an economical
and frugal nation they might have obtained with that sum a
destructive power not less than that acquired by the other two.
Menon, n. 106.

(109) Menon, n. 20, 200.
India regarded it obligatory on the part of the United Nations to consider the situation created by the developments in the field of nuclear power. The Charter itself had entrusted the United Nations with specific responsibility to establish and maintain international peace and security with the least diversion for armaments of the world's human and economic resources. (110) But the United Nations had not achieved anything in that sphere except a bunch of high-sounding resolutions. (111) Nothing else could be expected in the climate of cold war wherein negotiations relating to the control of nuclear power were also used as instruments of propaganda by the rival blocs. (112)

Although the Indian delegation at the United Nations persistently maintained the position that agreement between the great powers, in particular between the Soviet Union and the U.S.A., was essential for any progress in the control of nuclear power, it was not acceptable to India that the great powers should

(110) Art. 11 and Art. 26 of the Charter.

(111) "Speeches and words have flowed year after year. All kinds of words - friendly words, warning words, angry words - have flowed. To no avail. The production of armaments has flowed also - incessantly and ever-increasingly, all kinds of armaments, from small ammunition to the most destructive weapons - those intended for individual killing, for mass murder, for wholesale slaughter, to the point of complete destruction and extinction of the huge areas of land and human life. And who wants this? The U.N. was founded to save the succeeding generations from the scourge of war." Menon, n. 20, 200.

(112) Each side offered proposals calculated to have wide popular appeal but they also took care to include within each set of proposals, some point which the other party would find unacceptable. The objectionable feature might be called the "joker" in every series of proposals. Joseph Noger, The Diplomacy of Disarmament (New York, 1960) 281, cited by Menon, G.A.O.R., 15th Sess. (1960) 1st Cttee, 1094th Mtg., 63.
be given a blank cheque. (113) Since in any future war, the non-participants would be destroyed as much as the combatants themselves, in the interest of its own security, no country could afford to stand aside while the great powers became deadlocked time and again and the arms race continued. (114) Nor could the United Nations be absolved of the responsibility simply because the great powers did not want to take it seriously. India wanted that the United Nations should try to deal with all aspects of the problems created by the developments in the field of nuclear power: (i) disarmament, (ii) control of nuclear energy for peaceful purposes, (iii) problem of the outer space.

(Disarmament)

India stood for general and complete disarmament within the framework of the United Nations. By general and complete disarmament India understood an arrangement that would include both the nuclear as well as conventional armaments, providing for total prohibition of the use and manufacture of atomic weapons together with the conversion of existing stocks for peaceful purposes, as also the establishment of an effective control organ to facilitate and control such arrangements. (115) Balanced reduction of armaments might be undertaken as a step towards total disarmament, but that was not to be considered as an end by itself.


India's insistence on general and complete disarmament was based on certain observations: a) the only available choice was between general and complete disarmament which would free the world from the fear of war and limited armament reduction which would inevitably lead to the kind of rearmament which the world had experienced after the two wars; (116) b) abolishing some kinds of weapons or only a limited quantity of them did not make any sense. It was absolutely pointless to ask a human being whether he preferred to be destroyed by this or that weapon, whether he had some taste regarding the size or make of the gun to be used on him. He would be in no better position than the fish that is asked, "would you like to be fried in margarine or in butter?"; (117) c) it was not essential that some atomic weapons should be retained as deterrents to war for the simple reason that people could not be frightened into peace. (118) It was equally absurd to argue that the use of atomic weapons should be permitted only to resist aggression. Aggression remained undefined and the degree of aggression had not been stated anywhere. Therefore, the limitation implied in the words "only in case of aggression" had no value whatsoever; (119) India strongly repudiated the claims of those who asserted that it was the sovereign right of states to make bombs; it was certainly "not among the prerogatives


(117) Menon, n. 20.


of sovereignty to destroy the world." No state had a right to set into motion forces over which it had no control; (120) d) so far as the economic consequences of complete and final disarmament were concerned, it did not appear to India that switching over to peaceful activities of the labour force employed in armaments manufacturing should present any greater difficulty than had demobilization after the Second World War. The reduction of the military strength of the U.S.S.R., the U.S.A., the U.K. and France between 1945 and 1950 had a significant bearing on the question, (121)

The basic unresolved differences between the great powers, according to India, on the issue of disarmament could be considered in two groups.

The first concerned quantums, i.e., limits of armaments and armed forces. The governing factor in that problem should be an equitable level. The limits on the quantums as well as the qualities of armaments and armed forces should conform to the purposes of the Charter, to the international obligations of states and to the national necessities, political and otherwise. (122)

The second stumbling bloc in the way of agreement on disarmament was the problem of the so-called control and India believed that both these issues should be tackled simultaneously. (123)

(121) Menon, n. 116, 86.
Already there was agreement on the matter that there ought to be control, that it ought to be international and that it ought to be effective. The differences appeared to be in regard to the timing of the various controls or control positions and the procedures to be adopted. It was India's contention that one aspect of the control issue which should have been emphasized and which had been ignored so far was the composition of the control body. Only a control body which enjoyed the confidence of all the parties concerned could hope to function. (124) Such a body should be composed of people who would be selected in equal numbers from those holding different views and they should then invite the views of other countries which were not nearly so committed on the matter. (125)

India insisted that the control organ had to be subordinate to, and within the framework of, the United Nations. (126) It was also essential that the control machinery should be effective; otherwise it would leave so many loopholes for evasions and was likely to create a false sense of security. India suggested that control should be translated into statutes which, in their turn, should be immediately enacted into national law within each state. Then a breach of convention would automatically become a breach of national law. That was the best solution to the problem of enforcement and sanctions. There was in it a commitment both for the individual and for the state: a breach of that commitment

(124) Menon, n. 122.


(126) Ibid.
by the individual would be tantamount to disregard and disobedience of national law, while a breach by the state would be a breach of the international convention. (127) India hoped that as disarmament measures were implemented, there would be an international force within the United Nations for the maintenance of international peace and security. (128) But before that ultimate ideal of collective security was reached it was essential that maximum public opinion should be crystallized behind disarmament measures and the machinery for their control. Since no control organ was likely to work without public opinion, India suggested that the convention embodying agreement on quantums and control should be made as broad-based as possible. (129)

It was fully realized by India that general and complete disarmament could not be achieved at one stroke, it had to be carried out in agreed stages and as rapidly as possible. (130) Pending the progress towards some solution, full or partial, in the field of disarmament, India recommended some intermediary steps: (i) an armament truce on nuclear explosions, (ii) full publicity regarding the production of atomic weapons and their dangerous potentialities, (iii) efforts to halt competitive rearmament, and (iv) some changes in the field of negotiations on disarmament.

(128) Menon, n. 56, 754.
(129) Menon, n. 122.
(130) Menon, n. 128.
An Armament Truce

There should be some sort of a standstill agreement or an armament truce in respect, at least, of the nuclear explosions even if the discontinuance of production and stockpiles had to await more substantial agreement among those principally concerned. (131) A ban on nuclear tests was necessary because: firstly, the disastrous effects of radiation were long-lasting, uncontrollable and tended to spread even to areas remote from the scene of nuclear explosion. Not only international morality but international law also was being violated by the pollution of oceans. (132) Secondly, the cessation of nuclear tests would relax international tensions in some measure and serve as an important step towards nuclear disarmament by making the subsequent steps less difficult. In particular, it would have profound political impact on the people in Asia and the Pacific area where the inhabitants found themselves always near the field of occurrence of nuclear experiments. (133) Thirdly, through a ban on nuclear explosions other countries would be prevented from acquiring the facilities for establishing by tests the production of nuclear weapons. Fourthly, since the existing stockpiles of weapons for mass destruction were sufficient to destroy the world many times over there would seem to be no utility even from the military point of view to continue nuclear tests. (134)


(132) DC/98, 31 July 1956. Note verbale dated 25 July 1956 from the Permanent Representative of India to the Chairman of the Disarmament Commission.

(133) Ibid.

(134) Ibid.
India did not agree that limiting the tests would serve the same purpose as a ban on them. All the weapons of mass destruction were undiluted evil. Regulating them would mean giving the seal of United Nations to something which ought to be eliminated. (135) Also, if the attitude was merely "limit them," then the immediate compulsion of the moment was gone. The explosions went on and since the world remained exactly in the same position as regards their knowledge and control, any country or a group of them might misbehave and imperil the security of others. (136) India remained thoroughly unconvinced by the argument that a moratorium on tests should not be sought since testing would be automatically discontinued as soon as nuclear weapons were outlawed. (137) Nor did India accept the position that the cessation of atomic tests was not the same thing as disarmament. The fact that a race was not begun by arriving at the end did not mean that no race should be run. (138) Above all, India did not share the comparison between nuclear explosions and earthquakes. Earthquakes and cyclones were not man-made, but explosions were. (139)

(139) Menon, n. 137.
Full Publicity

India suggested that there should be full publicity — by those principally concerned in the production of atomic weapons and by the United Nations — of the extent, the destructive power and the known effects of those weapons, as also adequate indication of their unknown but probable effects. (140) Informed public opinion was in India's view the most effective factor in bringing about the desired end. (141)

Steps to Stop Competitive Rearmament

India considered it necessary that steps should be taken to halt competitive rearmament. Military budgets of all countries should be reduced even if the reduction was initially small. There should be voluntary submission to the United Nations of the details of armaments expenditure so that such opinion could be internationally held. (142) In that context, account had to be taken not only of the funds spent on manufacturing arms in a given country but also of the expenses incurred by providing arms to other countries through the establishment of military bases or under defence arrangements. (143) In this connection the Ghanaian proposal that Africa should be treated as a zone free from the employment of atomic weapons was supported by India. Likewise

(140) DC/44 & Corr. 1. Letter dated 8 April 1954 from the representative of India to the Secretary-General.


(142) See n. 132.

(143) Menon, n. 138, 50.
India welcomed the suggestion made by the Cambodian representative to the United Nations that part of Asia should be treated as a zone free from the military operations of the cold war. The Polish proposal for the establishment of an atom-free-zone in Europe was also supported enthusiastically by India because she felt that the creation of zones of that kind would help to produce a climate in which progress towards disarmament would be possible. (144)

Change in Negotiations

It was the contention of India that better results in the field of disarmament could be achieved if the negotiations on the issue underwent changes in a few directions. Firstly, the main parties to disarmament, i.e., the Soviet Union and the U.S.A. should have direct negotiations without prejudice to their membership either of the United Nations or of the Disarmament Commission. Secondly, the Committee entrusted with disarmament should be reconstituted so as to be more representative of the world both geographically and politically. (145) India put special emphasis on the inclusion of People's China in such discussions. (146) Also India regarded the presence of uncommitted nations as a

(144) Menon, n. 112, 65.
(145) Menon, n. 132.
(146) Commonsense demanded that in any kind of scheme that might be put forward it would be necessary to take into account the fact that there was a part of the world with vast armies and vast potential, regardless of the character of its government and whether it was recognized by some countries and not by others. Menon, G.A.O.R., 8th Sess. (1953) 1st Cttee, 665th Mtg., 220.
useful factor in promoting understanding between the great powers. Instead of supporting either of the two camps the small powers might act as catalytic agents. (147)

**Control of Nuclear Energy for Peaceful Purposes**

India regarded the problem of disarmament as closely interlinked with the control of nuclear energy for peaceful purposes. Humanity had to make a vital choice as to how that great power with which it had been entrusted would be utilized. (148) If the control of nuclear energy was essential to put a stop to the crazy race for armaments its diversion into peaceful purposes was still more essential as a positive contribution towards the security and economic development of the underdeveloped areas. The issue was vitally important for power-starved countries like India and others in Asia and Africa. To have an additional source of power like atomic energy did not mean much for countries like the U.S.A. who had vast power resources of other kinds. But it would be to the disadvantage of underdeveloped countries if their limited power resources — available as atomic energy — were restricted or stopped. (149)

India appreciated the work done by the Atomic Energy Commission in this respect. (150) The AEC had recommended:

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(150) Ibid., Recommendations (Part III) 17-19.
a) An effective system of control for peaceful uses of atomic energy would depend upon its ratification by those members of the United Nations whose participation was absolutely necessary as well as those outside the United Nations who were likely to use atomic power. b) The status of the control body should be defined clearly in relation to the several organs of the United Nations. Its powers should be sufficiently broad and flexible so as to cover all the prospective developments in the field of atomic energy. 

c) The unanimity rule of the permanent members of the Security Council should have no connection with the International Control Agency. d) The Agency should promote among all nations the exchange of basic scientific information on peaceful uses of atomic energy. It should have positive research and developmental responsibilities to remain in step with atomic knowledge. e) In carrying out its functions, the Agency should interfere as little as necessary with the operation of national agencies for atomic energy, their economic plans and the private, corporate, state responsibilities in several countries.

India suggested that the results of the work accomplished by the AEC should be embodied in a declaration to be adopted by the General Assembly and proclaimed in the Universal Declaration on Human Rights. (151) The International Law Commission would be competent to undertake that task. (152) By combining the various


(152) India's proposal to refer the matter to the International Law Commission was criticized as a legal approach to a political problem to which India's answer was that she had suggested only that the International Law Commission should prepare a declaration on the basis of the recommendations of the Atomic Energy Commission and the General Assembly itself should deal with it as it thought fit. The members of that body would be free to deal with the issue as politically as desired. Rau, G.A.O.R., 4th Sess. (1949) Ad hoc Committee, 35th Mtg., 2
proposals submitted by the U.S.S.R., the U.K., the U.S.A., Canada and France, the general content of the declaration might be stated as follows: (153)

1) The use of atomic energy for peaceful purposes and the elimination of atomic weapons from national armaments as well as protection for complying states against hazards of violations and evasions.

2) Ban on the use and manufacture of atomic weapons by individuals and states.

Since there was nothing in the above propositions to which the majority and minority of states had not already agreed, it could be assumed that the General Assembly might adopt such a declaration and the member-states might ratify it. Some states which were not producing atomic weapons and did not intend to produce them, might be expected to ratify that convention unreservedly. A small number of states would probably attach reservations to their ratifications to ensure that the prohibition of atomic weapons should not come into operation until the establishment of international control system. India found no reason why a declaration on the peaceful uses of atomic energy should not be made irrespective of the question of banning atomic weapons; the latter was an absolute necessity but was not to be confused with the former. (154)

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(154) Ibid.
The fear expressed in certain quarters that a declaration on peaceful uses of atomic energy would serve merely to create a false sense of security in the world was not shared by India. The Charter had formally condemned war in paras 3 and 4 of Art. 2, yet no one attempted to assert that the Charter gave the people the dangerous illusion that war and aggression were impossible. Everyone realized that such solemn declarations did not remove any danger of war but they reduced the risk of conflict and in the existing system of nation-states where no international police force existed they gave the only possible guarantee. (155)

India strongly favoured the idea that the declaration on the peaceful uses of atomic energy should be translated into an International Control Agency. Suggestions on three aspects of this problem were made by India: the composition of the Agency, its functioning and its relation with the United Nations after it was set up.

India held the view that the exclusion of any one or any idea from the composition of the Agency would be dangerous. The Agency would have no control over those parts of the world which were not included in its membership and those very parts might make all the mischief. (156) A relatively small body was inevitably doomed to be lorded over by the great powers. (157) India suggested that adequate consideration should be given to geographical distribution and the capacity of countries to

(155) Rau, n. 152.
(157) Ibid.
contribute towards the Agency. Above all the constitution of the Control Agency should not be of such a character as to lead other states to regard it as a fait accompli. (158)

Regarding the powers and functioning of the Agency India emphasized the distinction between control and ownership. India refused to accept the proposition that some materials of atomic energy should not only be controlled by an international agency but also owned and distributed to the different countries of the world according to their requirements. (159) The difficulty arose in isolating the economic aspects of atomic energy from the economic aspects of other raw materials which were of value to man. India made it clear that she could not agree to the international ownership and distribution of only those materials capable of generating atomic energy while other materials such as oil, coal etc. remained under private ownership. (160) Any state could be reasonably expected to give to others what it did not use in exchange for raw materials which it lacked and that stand could be taken without any prejudice to the security of the world. What world security required was that all nations should agree to a full and free inspection of their territories coupled with control and possibly international ownership of plants separating or producing the actual fissionable material. (161)


(160) Ibid., 422-3.

(161) Ibid.
In respect of the nature of control to be exercised by the Agency, due recognition was to be given to the fact that the primary function of the Agency was not to be a police body but a positive creative force for good. "We should not make the mistake of putting a new-born infant into chains, in order to ensure that it will never grow into a criminal." (162) Human nature resented interference and would tolerate only the minimum it considered necessary, provided that minimum was not such as to arouse fears concerning a loss of economic independence. India wanted that there should be some relation between the amount of aid received from and the degree of control exercised by the Agency. (163)

An integral relation between the Agency and the United Nations was necessary. (164) India proposed that this should be governed by Art. 7, para 2 of the Charter. (165) The Agency's responsibility to the General Assembly, the Security Council and any other organ would be governed by the general law of the United Nations regarding its Specialized Agencies. The question of veto, therefore, would not arise. If, however, in connection with the Agency a situation arose which might lead to friction in the world or which was likely to endanger the maintenance of international peace and security or if a matter came up which the


(163) Ibid., 56-65.

(164) Menon, n. 24, 238.

(165) Art. 7, para 2 of the Charter authorized the United Nations to establish "such subsidiary organs as may be found necessary. ..."
General Assembly under its overall powers of discussion should debate, the appropriate organs of the United Nations should normally consider the issue. (166)

The Problem of Outer Space

It was essentially in the interests of world peace that the United Nations should concern itself with the problem of outer space. Mankind was threatened not by the outer space but by the objects which could be sent through it. (167) Any attempt on the part of the great powers to use outer space in a manner that accentuated the existing tensions had to be discouraged. (168) India wanted the General Assembly to call upon all the states to agree that outer space would be used solely for peaceful purposes. (169) It was not only desirable but absolutely necessary that international scientific co-operation in outer space should be encouraged by and under the


(167) "The time is fast coming when there will be the reverse of what I am told is the theological doctrine that the ills of this world are solved in heaven. Nay, soon the time will come when the troubles of heaven will have to be solved in this world, because the quarrels between the different countries using space for one thing or the other have to be settled terrestrially." Menon, G.A.O.R., 14th Sess. (1959) 823rd Plen. Mtg., 426.


(169) A happy development in a similar field was indicated by the Antarctica Treaty signed on 1 December 1959 by twelve nations including the Soviet Union and the U.S.A. The signatories to the Treaty had pledged to use Antarctica for peaceful purposes only and agreed that any measure of a military nature such as the establishment of military bases and fortifications, the carrying out of military manoeuvres as well as testing of any weapons should be prohibited. Ibid.
suspices of the United Nations. (170) As such India appreciated the United Nations for having realized immediately, upon the placing of the first man-made satellite in the orbit, the importance of that event and its incalculable consequences for the future. (171)

In conclusion, one thing may be mentioned: India's attempts - to get the United Nations interested in the problems discussed above - were strengthened by the increasing number of Asian-African members. India relied heavily upon their co-operation and to a certain extent enabled them to get directly associated with the implementation of the system wherein the great powers alone were given a dominant role. In doing so, however, India never overlooked the fact that for the realization of the stated objectives of collective security system the United Nations could not rule out the possibility of encountering the type of situations envisaged by Chapter Seven and in dealing with them it could not afford to ignore any one of the two great powers who were capable of giving a lie to its entire functioning. In other words, India's insistence on those aspects of collective security system wherein the smaller powers could also play a role was meant to supplement and not to supplant the responsibility given to the great powers. This basic approach of India was brought out in her reaction to the various situations designated by the United Nations as threat to international peace and security.

(170) A/C.1/L.247.
(171) Resolution 1348 (XIII).