

Volume 5 Number 1

# SOUTH ASIAN STUDIES

JANUARY 1988

## SOUTH ASIAN STUDIES

RAFIQ AHMAD

*Editor*

---

*South Asian Studies* seeks to provide a forum for discussion of issues and problems primarily relating to South Asia. We welcome contributions by researchers, administrators, policy makers and all other interested in promoting better understanding of South Asian Affairs.

Published bi-annually by the Centre for South Asian Studies, University of the Punjab, New Campus, Lahore, Pakistan.

Views expressed in the *South Asian Studies* do not necessarily reflect the views of the Centre or the Editors. Responsibility for the accuracy of facts and for the opinions expressed rests solely with the authors.

Copy Right (c)

---

Sarfaraz Hussain Mirza

*Managing Editor*

Mohammad Ismail Bhatti

*Literary Editor*

---

### Subscription Rates

Pakistan : Annual	Rs. 55.00	} By Air Mail
Single Copy	Rs. 35.30	
Foreign : Annual	U.S. \$ 25.00	
Single Copy	U.S. \$ 13.00	
Pakistan : Annual	Rs. 50.00	} By Surface Mail
Single Copy	Rs. 30.00	
Foreign : Annual	U.S. \$ 20.00	
Single Copy	U.S. \$ 10.00	

### Correspondence

All correspondence should be directed to the Managing Editor, *South Asian Studies*, Centre for South Asian Studies, University of the Punjab, New Campus, Lahore, Pakistan.



# SOUTH ASIAN STUDIES

Volume 5 No. 1  
JANUARY 1988



Centre for South Asian Studies  
UNIVERSITY OF THE PUNJAB  
QUAID-I-AZAM CAMPUS, LAHORE  
PAKISTAN

# SOUTH ASIAN STUDIES

Volume 5 No. 1

January 1988

---

## Articles

- |                         |     |   |
|-------------------------|-----|---|
| M. Habibur Rehman       | 1   | The Maritime Jurisdiction—Where is the End ?  |
| Dr. (Mrs.) Shaheen Khan | 38  | Constraints and Problems of Development Policy Makers with Special Reference to Developing Countries      |
| F. A. Fareedy           | 58  | Some Neglected, Long Term, Institutional Determinants of Fertility in South Asia                          |
| Prof. Khan Zaman Mirza  | 80  | Partition of India and the Kashmir Dispute  |
|                         | 121 | <b>Book Review</b>  |
|                         | 124 | <b>Statements</b><br>South Asian Regional Cooperation   |
|                         | 159 | <b>A Select Bibliography of Books and Periodical Literature on South Asia</b><br>July to December 1987    |
|                         | 175 | <b>A Select Bibliography of South Asian Association for Regional Cooperation</b><br>July to December 1987 |
|                         | 179 | <b>Chronology of Important Events of South Asian Region</b><br>July to December 1987                      |



# The Maritime Jurisdiction— Where is the End ?

---

M. HABIBUR-REHMAN

## INTRODUCTION

The Law of the Sea has developed over the years, and is presently codified in the United Nations Convention on the Law of the Sea, 1982<sup>1</sup> (LOS Convention), which was the outcome of the Third United Nations Conference on the Law of the Sea (UNCLOS III). The LOS Convention has enshrined the coastal states to enclose a part of the coastal sea by baselines particularly by straight baselines,<sup>2</sup> deltaic baselines,<sup>3</sup> and archipelagic baselines.<sup>4</sup> The coastal state can prescribe 12 nautical mile (n.m.) territorial sea, 200 n.m. Exclusive Economic Zone (EEZ)<sup>5</sup> and the continental margin.<sup>6</sup> If the continental margin extends beyond 200 (n.m.) EEZ, this state can stretch the margin beyond the Economic Zone.<sup>7</sup> The Convention has formulated the regime of islands<sup>8</sup> and provided provisions for the control of marine pollution.<sup>9</sup> It has adopted provisions for deep seabed mining based on the common heritage principle.<sup>10</sup> The wider sea zones such as the 200 n.m. (EEZ) and the continental margin present the assumption that it will not be required for the coastal states to assert claims to the seas beyond these zones.

Speaking generally, almost all states seem to comply with the LOS Convention. But certain coastal states are taking interest in asserting claims to the seas beyond the scope and extent of the conventional provisions.

---

M. Habibur-Rehman, Associate Professor of Law, Rajshahi University, Rajshahi, Bangladesh.

The present approach is to explore analytically the practices of the coastal states who are asserting claims to internal waters, territorial sea, EEZ, continental margin and the deep seabed mining in excess of the conventional provisions. Efforts will be made to expound the shortcomings and the conflicting aspects of the regime of islands. The paper will centre on the trends of the coastal states in asserting claims to the sea zones wider than the conventional extent. In addition, it will draw some assumptions on the practices of these coastal states and make an assessment for the future practice of the conventional provisions.

### **Internal Waters**

It is a fact that the territorial jurisdiction of a coastal state extends to its internal waters. "Waters on the landward side of the baseline of the territorial sea form part of the internal waters of the State."<sup>11</sup> But the regime of internal waters on the landward side of baselines is not uniform. The territorial jurisdiction of a coastal state had long before been in practice up to the low-water line. There was no doubt as to the state's sovereignty to this line. "Internal waters are, of course, under the absolute sovereignty of the coastal State and, in the absence of treaty commitments to the contrary, may be utilized by it in any way whatsoever."<sup>12</sup>

In some cases the waters on the landward side are treated as internal and in some cases not as such. Whatever be the area of the historic waters, they fall entirely under the jurisdiction of the coastal state. In the case of bays, the regime of internal waters extends to the waters on the landward side of the baselines. That means, it extends up to the 24 nautical miles closing line. Actually, the coastal state can regard a considerable part of the waters areas such as bays, gulfs, etc., as internal waters. To this end, neither the TS & CZ Convention<sup>13</sup> nor the UNCLOS III has imposed any limitations on the coastal states. In other cases the LOS Conferences have provided different provisions. According to Article 8(2) of the LOS Convention :

"Where the establishment of a straight baseline in accordance



with Article 7 has the effect of enclosing as internal waters areas which had not previously been considered as such, a right of innocent passage as provided in this Convention shall exist in these waters."<sup>14</sup>

In general, the waters areas within the baselines are internal. But according to this text the waters areas within straight baselines cannot be treated as internal waters unless the waters areas in question had previously been treated as such.

The article stated above appears to have imposed a limitation on the coastal state so that in the name of baselines this state cannot exercise the regime of internal waters. As a matter of fact, the article can be treated as a limitation imposed on the coastal state which had not treated the waters areas concerned as internal waters. That means, this state appears as lacking in the regime of internal waters. But the question may arise, how far this state would concede to such provisions.

If the coastal state had not treated these waters as internal, then the foreign vessels subject to the innocent passage would be able to navigate upon these waters. It signifies that though the waters areas situate on the landward side of the baselines, practically the regime of territorial sea is applicable. That is to say, though the waters areas on the landward side of the baselines are known as internal waters, conventionally these waters are receiving the status not only of internal waters but also the territorial sea. Though there are a number of provisions for the delimitation of baselines,<sup>15</sup> but it is not easy to conclude that there will exist uniform practice among the states.

As regards the baselines, it may not be surprising that the coastal state will make effort to enclose a larger part of the coastal sea. The purpose of this is to exercise its jurisdiction over such waters areas and to measure different maritime zones from these baselines. According to the LOS Convention, the length of baselines are 24 nautical miles for the bays and 100 and 125 nautical miles for



the archipelagic waters.<sup>16</sup> But practices show that more larger limits of the baselines were existing among the states.

The maximum length for baselines is being exercised by Burma. It adopted a line segment measuring over 222 nautical miles in length. Moreover, by 1973 a larger number of states employed one or more lines in excess of 40 nautical miles. The table can clarify the practices of several states about the baselines.<sup>17</sup>

<i>States</i>	<i>Nautical Miles</i>
Burma	222.3
Dominican Republic	45.3
Ecuador	136.0
Farces	60.0
Guinea	120.0
Haiti	89.0
Iceland	74.0
Indonesia	124.0
Madagascar	123.0
Mauritania	89.0
Mozambique	60.4
Philippines	140.05
Portuguese Guinea	79.0
Thailand	59.15
United Kingdom	40.25
Venezuela	98.9

If the conventional provisions are strictly followed, then it is obvious that the archipelagic state like Philippines requires to cut off the length of the baselines which exceed the conventional limits. It may be questioned how far it would be practicable. There is nothing surprising that the countries which are practicing the baselines exceeding the conventional limits will raise the plea that they should delineate the baselines subject to their geographical, geological, geomorphological and economic considerations. As time passes,

and Kashmir. For the Indian Union, rail and road communication with the State was only possible through the plains of this district that was flanked by high mountains in Indian territory to the east. If Radcliffe had awarded only the non-Muslim tahsil, Pathankot, India would still not have gained access to Jammu and Kashmir, since the Muslim majority tahsils, Batala and Gurdaspur to the South would blocked the way. By assigning these two Muslim majority tahsils also to India, Radcliffe provided India with a link to the State of Jammu and Kashmir and paved the way for the bitterest dispute between India and Pakistan.”<sup>71</sup>

Lord Birdwood writes :

“It was Radcliffe’s Award to India of the Gurdaspur and Batala tahsils with Muslim majorities which rendered possible the maintenance of an Indian force at Jammu based on Pathankot as railhead and which enabled India to consolidate her defences southwards all the way from Uri to the Pakistan border . . . . Had the Gurdaspur district not been awarded to India, India could certainly never have fought a war in Kashmir.”<sup>72</sup>

It would also be interesting to quote Chaudhry Muhammad Ali, who writes :

“Many years later, while attending a Commonwealth Prime Ministers’ Conference in London, Radcliffe was introduced to me at a social function at 10 Downing Street. He happened to ask me what place I came from. I could not help replying, “From that unfortunate Muslim majority area in the angle of the Beas and Sutlej rivers over which you ‘hesitated’ before assigning it to India without any valid reason.”<sup>73</sup>

Commenting upon the Punjab Boundary Award, the Quaid-i-Azam had expressed the following views :

“No doubt, we feel that the carving out of this great



the coastal states are adopting different techniques in fixing baselines. In the words of R.D. Eckert :

“Enthusiasm for enclosure has led few states to draw baselines that ignore land altogether : Bangladesh, for example, has delimited straight baselines according to the criterion of water depth, and the Maldiv Islands have defined their internal waters according to geographical coordinates rather than to points on land. By December 23, 1975, about 50 of the 128 independent coastal states in the United Nations had drawn straight baselines to enclose bays, river mouths, or other coastal areas.”<sup>18</sup>

From these observations, there is no doubt that it is not possible to think of uniformity in the practices for asserting claims to internal waters. Taking into account the variations in the configuration of the coast, the presence of islands and different formations in the coastal sea, the Law of the Sea Conferences have provided different provisions for the delineation of baselines. Except the binding force, if it is desired that the LOS provisions should be applicable, then without the goodwill of the coastal states and without their allegiance to those provisions, it is not possible to make them practicable.

As regards the states exercising extensive claims to the baselines,<sup>19</sup> it is assumed that in the days to come conflicts will arise between these states and the states claiming navigation through waters areas enclosed by the baselines. This may particularly be applicable to the ‘archipelagic waters’. According to Stevenson and Oxman :

“The question of archipelago is a good example of the delicate problem of promoting a widely acceptable treaty. Inclusion of the concept is of overriding concern to a limited number of states. However, unless the definition is carefully circumscribed and adequate navigation and overflight rights are guaranteed, inclusion of the concept would seriously reduce the chance of a widely acceptable treaty.”<sup>20</sup>



UNCLOS III<sup>21</sup> has established certain criteria for archipelagic states, such as the ratio of the area of water to land and the length of straight baselines. The archipelagic states are entitled not only to join the outermost points of the outermost islands by straight archipelagic baselines but also to enclose drying reefs of the archipelago. The heart of the convention to the archipelagic dispute, however, is the provisions relating to sealanes and air routes which traverse the archipelago.

The extreme claims for the archipelagic states are to exercise full control over the 'archipelagic waters' whereas other states, particularly the marine powers, want free navigation and overflight through such waters. From the international point of view, it is clearly advantageous to have freedom of navigation and overflight through 'archipelagic waters'. This proposition is highly acceptable to the marine powers. But "the archipelagic states are in the main to be found among the developing states, and have sympathy of a large part of the Third World—a sympathy which buffers them against the force of protest from the developed maritime powers."<sup>22</sup>

As a matter of fact, an archipelagic state can enclose a large area of water within the archipelagic baselines. From the definition of the 'archipelagic state'<sup>23</sup> a coastal state having a group of islands cannot be regarded as an archipelagic state. As such, the group of islands appears not entitled to prescribe archipelagic baselines. But if the group of islands is an independent state, it would be regarded as an archipelagic state. Ultimately, it will be entitled to prescribed archipelagic baselines. That is to say, if the archipelagic baselines are only applicable to the 'archipelagic states', then it is submitted that the group of islands which is a part of the coastal state, would press for independence. The fact to bear in mind is that the UNCLOS III provisions regarding the 'archipelagic states' will encourage the group of islands to be independent from the coastal state concerned.

### **Territorial Sea**

At present the long standing problem of the breadth of the



territorial sea seems to have been solved. The UNCLOS III deserves credit for having established the 12 n.m. limit for the breadth of the territorial sea. Actually, the 12 n.m. limit became popular after the UNCLOS II. With the passage of time, the states began to adopt this limit for the territorial sea.

In the Caracas session, 1974 while the UNCLOS III began formulating the LOS provisions, the 12 n.m. limit was predominantly in practice among the states. Furthermore, while the UNCLOS III<sup>24</sup> prescribed this limit, the limit appeared possibly as acceptable and practicable for the territorial sea. From this point of view, it is fair to say that states should accept the 12 n.m. limit wholeheartedly. In fact, this limit has been spreading among the states. Since the year 1974 forty-four states<sup>25</sup> became new comers to the 12 n.m. territorial sea.

These states may be regarded to have adopted the limit in conformity with the UNCLOS III provisions concerned. Any state which now adopts the 12 n.m. territorial sea may be regarded to be complying with the UNCLOS III provisions. But the states have not only been adopting the 12 n.m. limit. Since 1974 twelve states appear to have joined the group of states claiming a territorial sea in excess of 12 miles.<sup>26</sup>

From this observation, it is difficult to say that the states will comply with the UNCLOS III provisions in their entirety. Until the LOS treaty is ratified by these states, little or no effective action can be taken against the state infringing the LOS provisions. But if the territorial sea exceeding 12 n.m. limit can exist, then it may be assumed that the states exercising such limits may ratify the treaty. If so, then the other states not exceeding 12 n.m. territorial sea may not be content all time with this limit. With the passage of time, they may claim the territorial sea exceeding 12 n.m. limit. The ultimate effect will be that the 12 n.m. limit in practice may exist as a minimum limit for the territorial sea.

It is to be observed that while a state asserts claims for example, to the 200 n.m. sea zone, the neighbours to this state also assert



claims equally. The states which are exercising the 200 n.m. territorial sea are more or less neighbours to each other. If the breadth of the territorial sea of two adjacent states is not uniform, problem may arise as to the delimitation of the zone between them. Problems also may arise out of the navigation of foreign ships through this zone. The phenomenon can be illustrated as regards two adjacent states, one having a 12 n.m. territorial sea and 200 n.m. EEZ but the other, 200 n.m. territorial sea. Beyond the 12 n.m. sea zone, the former will have to delimit the EEZ against the territorial sea of the latter.

Subject to the freedom of navigation, a foreign ship can traverse the sea contiguous to [sic] but outside the 12 n.m. territorial sea and can reach the boundary of their territorial seas. Thereafter, it will have to change the direction of its course. That means, it will have to navigate the 200 n.m. territorial sea. If the two states have uniform territorial sea, this phenomenon will not take place.

At present every state is free to prescribe a 12 n.m. territorial sea and 200 n.m. EEZ measuring from the baselines. There is no doubt that the coastal state can exercise jurisdiction in the territorial sea in a degree greater than in the EEZ. Anyway, from the economic point of view, it is all the same whether the 200 n.m. sea zone is regarded as the territorial sea or the EEZ. In fact, the states exercising the 12 n.m. territorial sea and the 200 n.m. EEZ can be regarded to be promoting the new regime of the sea.

But as a matter of fact, some states are also extending the territorial sea to 200 n.m.<sup>27</sup> It is feared that many states may not be restricted from extending their territorial sea to 200 n.m. As regards states like Ivory Coast, the position can be clarified. Geographically, both Ghana and Liberia are adjacent to Ivory Coast. These two states claim 200 n.m. territorial seas. It is doubted how long Ivory Coast will be satisfied with the 12 n.m. territorial sea. Ultimately, there are no difficulties to speculate that Ivory Coast may take an interest in following the neighbours. In this way other states whose



neighbours are claiming the 200 n.m. territorial sea may come forward to adopt the 200 n.m. territorial sea. Speaking specifically for example, Ethiopia, Guatemala, Honduras, Kenya, Nicaragua and Togo are in this position.

Again, the states who are neighbours to these states, that means, the American and African states may gradually proceed to the 200 n.m. territorial sea. Moreover, it can be pointed out that such practice may enable other states to extend the territorial sea to 200 n.m. The states who have some geographical constraints may only appear not to prescribe the 200 n.m. territorial sea.<sup>28</sup> In other cases, the states may go with the 200 n.m. territorial sea. It signifies that the efforts of the UNCLOS III for 12 n.m. territorial sea and 200 n.m. EEZ will then be in vain.

Nearly 40 states, that is more than 25 per cent out of 136 coastal states, at present have adopted the territorial sea extending to 12 n.m.<sup>29</sup> Though the 12 n.m. territorial sea has been adopted, yet it is required to treat 25 per cent of the coastal states as exception to the UNCLOS III provisions.<sup>30</sup> But nothing is mentioned about exception to the breadth of the territorial sea.<sup>31</sup>

#### **Exclusive Economic Zone (EEZ)**

By now every coastal state is entitled to prescribe the 200 n.m. EEZ. The consequent effect is that where two opposite coastal states situate within a distance less than 400 n.m. neither of them is free to extend the EEZ up to 200 n.m. As a practical consideration, it is not possible to extend the 200 n.m. zone in different coastal seas.<sup>32</sup> A large proportion of the oceans such as 35.86 per cent of their area is closed off by the 200 miles limit.<sup>33</sup> That is to say, in the words of P.C. Irwin, "everyone as a neighbour may now be strictly and universally true with respect to states with sea coasts."<sup>34</sup> The 200 n.m. EEZ has made nearly sixty-six coastal states totally or partially zone locked.<sup>35</sup> That means, these states cannot freely extend the 200 n.m. EEZ from the coast. It seems that these states should not support the 200 n.m. EEZ. But the actual phenomenon

was very peculiar. In spite of geographical constraints, twenty-four<sup>36</sup> out of these sixty-six coastal states were in favour of the EEZ.

Neither the geographical constraints nor the adverse opinion of the maritime states was effective to stop emerging the 200 n.m. EEZ. As time passed, the maritime states such as the United States, United Kingdom, and Soviet Russia conceded to the regime of the EEZ.

Initially, it was assumed that the 200 n.m. EEZ would assure economic development of the developing states. But the zone generally is favourable for the coastal states whose geographical location permits a resultant benefit.<sup>37</sup> That is to say, the 200 n.m. EEZ can assure benefit for the states having long coastlines. The states like the United States, Australia, Indonesia, New Zealand, Canada, Soviet Russia, Japan, Brazil, Mexico, Chile, Norway, India, Philippines, Portugal, and Madagascar can secure a resultant benefit.<sup>38</sup> Actually, a state who is technologically and scientifically developed will be more and more benefited from the 200 n.m. EEZ.<sup>39</sup> With respect to the EEZ concept, it can be said that the emerging new law of the sea will only make the rich richer and the poor poorer.<sup>40</sup>

Furthermore, the 200 n.m. EEZ has the *sui generis* status but not the high seas.<sup>41</sup> Virtually, it has given effect to the *mare clausum* regime. That is to say, the regime of the 200 n.m. EEZ is an assault on the regime of the high seas.

If it is suggested that the seas should be protected from the appropriation by the coastal states, then it would be better to prescribe some smaller zone for these states. It is only possible if the states of the world take steps collectively. But by [sic] said the states have together adopted the 200 n.m. EEZ. At this stage, it would not be wise to stick to the view for some smaller zone.

The enthusiasms among the states know no bounds for recognising the 200 n.m. EEZ. But in most cases while this zone will be a subject of delimitation between the states, the enthusiasms may not



prevail in the same degree. The unquestioned fact is that the regime of the EEZ results in conflict as to its delimitation by the coastal state as well as to its delimitation between opposite and adjacent coastal states.

### **CONTINENTAL SHELF AND EEZ—AN ACQUAINTANCE WITH CONFLICTING CLAIMS**

As regards the continental shelf, the right of the coastal state is concerned with the natural resources. That is to say, the coastal state is entitled to exercise over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.<sup>42</sup> The rights of the coastal state are exclusive "in the sense that if this State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities, or make a claim to the continental shelf, without express consent of the coastal state."<sup>43</sup>

The legal regime of the continental shelf is governed by international customary law and for the practices to it by the Geneva Convention on the Continental Shelf, 1958. Both International Customary Law and the Continental Shelf Convention confer upon the coastal state sovereign and exclusive rights for purposes of exploration and exploitation of the natural resources of the continental shelf.

At the present time the regime of the continental shelf practically deals with the seabed and subsoil beyond the 200 n.m. EEZ, because within the 200 n.m. EEZ the regime of the continental shelf can be treated as a part of the EEZ.<sup>44</sup> That means, within the 200 n.m. EEZ whether there exists or does not exist the continental shelf, the coastal state is entitled to explore the seabed and subsoil and exploit its resources—both living and non-living.

As a matter of fact, the coastal state can exercise sovereign rights over all the resources of the EEZ. Neither the Continental Shelf Convention nor the LOS Convention can specify whether the coastal state is entitled to assert claims to the continental shelf or the EEZ



as belonging to its territory. But by implication,<sup>45</sup> it seems that the coastal state is entitled to exercise sovereign rights over the resources only. In other words, neither the Continental Shelf Convention nor the LOS Convention has given authority to the coastal state to regard the continental shelf or the EEZ as sovereign part of its territory. But in several cases the principle is not observed in practice.

The situation can be illustrated. In the year 1950 Pakistan declared the continental shelf extending to one hundred fathom contour into the open sea to be included in its territory.<sup>46</sup> The Korean proclamation specified the continental shelf to be treated as a part of its territory.<sup>47</sup>

Full sovereignty over the continental shelf is claimed explicitly in some proclamations, such as those of Argentina, Chile, Peru, Costa Rica, Nicaragua, Honduras and El Salvador. The same applies to the Brazilian Decree of 1950, which declares the incorporation in the national territory of that part of the seabed which corresponds to the territory. Apart from this, Argentina, Brazil, El Salvador and Peru are exercising 200 n.m. territorial sea.

So far it is known, fourteen states are claiming a 200 n.m. territorial sea.<sup>48</sup> The states such as Chile, Costa Rica, Honduras, Korea and Pakistan are not claiming a 200 n.m. territorial sea but are claiming the continental shelf as a sovereign part of the land territory. From this observation, it is feared, how long the 200 n.m. EEZ will be in practice in its entirety? It will not be surprising if, with the passage of time, coastal states come to regard the 200 n.m. EEZ as territorial sea.

Speaking generally, the continental shelf within the 200 n.m. EEZ cannot be regarded as belonging to the territory of the coastal state. But while the 200 n.m. sea zone is treated as the territorial sea, it is then immaterial to bear in mind that the continental shelf lying in this zone is a part of the coastal state. In fact, the regime of the continental shelf for the states who are claiming a 200 n.m.

territorial sea can be applicable if there exists either the shelf, slope or the rise beyond this zone.

In this regard if the LOS Convention is applicable, then the coastal state will have to determine the outer limit of the continental margin subject to Article 76 of this Convention. But as a practical consideration, the fixation of baselines for measuring the outer limit of the continental margin, practically, will not be an easy task. This will result in an excessive claim for the coastal state to the continental margin.

According to the LOS Convention the continental shelf is to be considered as the 'natural prolongation' of the coastal state. This criterion has resulted in conflicts among the states as to the delimitation of the continental shelf lying in the coastal sea concerned. While in the *North Sea Continental Shelf Cases*, 1969 the continental shelf was regarded as 'natural prolongation', the United States began to assert claims to the shelf lying in the Gulf of Maine as its 'natural prolongation'.<sup>49</sup> In the Aegean Sea the *Greek - Turkey* conflict appears to be centred upon the assumption of claiming the continental shelf as 'natural prolongation' one against another.<sup>50</sup> Iceland and Norway seem to have passed through conflict equally. In order to settle the conflict, the two countries referred it to the Conciliation Commission. It has been revealed by the Conciliation Commission that "geologically Jan Mayen Ridge is a microcontinent that predates both Jan Mayen and Iceland which is composed of volcanics"; therefore, the ridge is not considered a "natural geological prolongation of either Jan Mayen or Iceland."<sup>51</sup>

Anyway, it is not possible to come to the point that in the application of 'natural prolongation' criterion for the continental shelf, there will arise no conflict between the states. Irrespective of any circumstances, the important point as to the tendency of the coastal state is that it wants to exercise jurisdiction over a wider extent of the coastal sea.



## NEW-BORN ISLANDS—A DOMAIN OF PROBLEMS

With the development of the law of the sea, the regime of islands is also developing. The LOS Conference have provided certain provisions for the regime of islands.<sup>52</sup> The LOS Conferences can deal with different maritime zones of islands.

Islands may emerge near and off the coastal state. They may emerge in any part of the sea. The LOS Conferences cannot deal with the ownership of the islands even they rise in different maritime zones. In this regard, the regime of islands is subject to the international customary law.

If any formations rise in rivers, lakes, or within the territorial sea, they are, according to the Law of Nations, considered accretions to the neighbouring land. No other state can overlap its claims. Islands may be formed in the coastal sea out of the alluvial deposits brought down by the rivers flowing through the territory of the neighbouring coastal state. The coastal state may have some consistency in such formations.<sup>53</sup>

The basis of claims over the islands in the territorial sea is subject to its sovereignty in this sea. But if the islands rise on the high seas outside the territorial sea, they belong to no state and may be acquired through occupation on the part of any state.<sup>54</sup>

As regards the acquisition of an island formed in the coastal sea, an instructive example is the case of the *Anna*.<sup>55</sup> In 1805 during War between Great Britain and Spain, the British privateer *Minerva* captured the Spanish vessel the *Anna*, which was brought before the British Prize Court. The United States claimed her on the ground that she was captured within the American territorial waters. Lord Stowell gave judgment in favour of this claim, because, although it appeared that the capture did actually take place more than three miles off the coast of the continent, the place of capture being within three miles of some small mud islands composed of earth and trees which had drifted down into the sea.

It is not clear from the judgment whether the mud island areas within the territorial waters, nor does it seem to have considered relevant by Lord Stowell. The point was that "they are the natural appendages of the coast on which they border, and from which, indeed, they are formed." Lord Stowell in his judgment stated :

"If they do not belong to the United States of America, any other power might occupy them ; they might be embanked and fortified. What a thorn would this be in the side of America ! It is physically possible at least that they might be so occupied by European nations, and then the command of the river would be no longer in America, but in such settlements. The possibility of such a consequence is enough to expose the fallacy of any arguments that are addressed to show that these islands are not to be considered as part of the territory of America. Whether they are composed of earth or solid rock will not vary the right of dominion, for the right of dominion does not depend upon the texture of the soil."<sup>56</sup>

The impact of the judgment appears to have given priority to the adjoining United States for its dominion over the island formed in the coastal sea. But whose is the island if formed in the EEZ or in the continental shelf ? Neither the regime of the EEZ nor the continental shelf nor the island can solve it. If the coastal state is only entitled to the ownership of the islands emerged in the territorial sea, then the islands rising in the EEZ or in the continental shelf would be as if rising in the high seas. No state then can claim the islands so emerged unless it can occupy them effectively. It signifies that the position of the coastal state concerned is equal to any other state.

The rights of the coastal state over the continental shelf do not depend on occupation, effective or notional.<sup>57</sup> But if an island surfaced in the continental shelf is occupied by an alien state, this state would have sovereign rights under the regime of the continental



shelf. The coastal state cannot claim such rights unless the island is effected by occupation. As regards these islands, it seems that the occupation criterion is practicable for the regime of the continental shelf.

Before the emergence of the continental shelf doctrine, the coastal state was entitled to safeguard its interests in the territorial sea. But from the economic point of view, the coastal state at present can safeguard interest in the EEZ and the continental shelf more than in the territorial sea. According to the LOS Conferences the coastal state is entitled to exercise sovereign rights over the resources in the EEZ and the continental shelf. In the context, no state can overlap the coastal state.

Then, it would not be rational to substantiate the claims of an alien state over the islands formed in the EEZ or the continental shelf of a coastal state. If occupation criterion is the deciding factor, then the ownership of the islands would be subject to the physical force. Therefore, it is easy for the big and strong state to assert claims to the islands by physical force against its small and weak neighbour.

As regards the definition of islands and the regime of the territorial sea and the continental shelf, the LOS Convention (Article 121) has complied with the Territorial Sea and the Contiguous Zone Convention, 1958 (Article 10) and the Continental Shelf Convention, 1958 (Article 1(b)) as well. Accordingly, an island is regarded as "a naturally formed area of land, surrounded by water, which is above water at high tide." Furthermore, the LOS Convention has provided the regime of the EEZ for an island. That is to say, there is no restriction for an island to extend the EEZ and the continental shelf.<sup>58</sup>

The restriction has been imposed on 'rocks'. In order to extend the EEZ and the continental shelf the 'rocks' require to "sustain human habitation or economic life of their own."<sup>59</sup> But in different

regions of the oceans there are many islands which still are not habitable.<sup>60</sup> A state can assert claims to such islands. If so, then this state cannot be obstructed to claim the EEZ and the continental shelf in relation to these islands.

As a practical consideration, the area of an island may be negligible. But it can have a considerable area of the EEZ and the continental shelf. A circle shaped island, for example, having a 7-mile radius will have 154 square miles as area. But it can claim 133535 square miles as the EEZ, and more seabed and subsoil if the continental shelf extends beyond 200 miles.<sup>61</sup>

As far as the development of science and technology is concerned, it would not be difficult for a state, particularly for a developed state, to make any 'island' or 'rocks' habitable. If the resources of the EEZ and the continental shelf are attractive, it may not be surprising that such a state would be serious to assert claims to the unclaimed or emerging islands and rocks. The purpose of such attempts will be to obtain the resources. The regime of islands as provided in Article 121 appears as a recipe of confusion and conflict.

There is no doubt that the regime of islands given rise to the states particularly to the developed states to assert claims to an extended area of the coastal sea concerned. That is to say, the limit of maritime jurisdiction is more or less open-ended.

#### **ATTRIBUTES OF EXCESSIVE JURISDICTION CLAIMED BY CERTAIN STATES**

The traditional division of the oceans between the territorial sea and the high seas has now been amplified. By now, considerations have been given to inland waters, internal waters, the territorial sea, the contiguous zone, fishing zone, pollution zones, the continental shelf, the exclusive economic zone, the high seas and the international seabed area as well as international straits and archipelagic waters. Related to these categories are claims which have been advanced by various states to 'special bodies of water', 'historic waters', and the



'patrimonial sea'. All these zones are governed by the international law of the sea.

Regarding international measures of control, it is apparent that two international instruments have provided general statements of obligation requiring states not to cause pollution while exploiting marine mineral resources. The first one in Article 5 of the Geneva Convention on the Continental Shelf, provides that "the exploitation of the continental shelf and the exploitation of its natural resources must not result in any unjustifiable interference with navigation, fishing or conservation of the living resources of the sea . . .," and that in the safety zones established around installations, the coastal state is obliged to take "all appropriate measures for the protection of the living resources of the sea from harmful agents." The precise extent of the measures was not defined, presumably because the Convention conferred on the coastal state "sovereign rights for purposes of exploring and exploiting"<sup>62</sup> the natural resources of the shelf, and therefore left the task of promulgation of precise protective standards and their enforcement to the coastal state.

The second instrument is the 1958 Geneva Convention on the High Seas, which, in Article 24, provides that "every State shall draw up regulations to prevent pollution of the seas by the discharge . . . resulting from the exploitation and exploration of the seabed and its subsoil, taking account of existing treaty provisions on the subject." That provision reflected an era when it was clearly understood that any state would be free to exploit the seabed resources without any interference from an international regime, provided that such activities did not derogate from the general rules of freedom of the seas.

A decade later, the international view had changed: the United Nations General Assembly adopted a resolution to the effect that a more rational exploitation of the seabed resources should "be carried out under an international regime including appropriate international machinery", and declared that, pending the established

aforementioned regime :

- (a) States and persons, physical or juridical are bound to refrain from all activities of exploitation of the resources of the seabed and ocean floor, and subsoil, thereof, beyond limits of national jurisdiction ;
- (b) No claim to any part of that area or its measures shall be recognised.<sup>63</sup>

On 17 December 1970, the General Assembly adopted Resolution 2750 (XXV), by which it decided to convene in 1973 the Third United Nations Conference on the Law of the Sea, to negotiate a comprehensive treaty on the international regime for the seabed, to regulate, among other things, "the preservation of the marine environment including, *inter alia*, the prevention of pollution." The same day, the Assembly adopted a Declaration of Principles, providing guidelines for the negotiations of the treaty, Paragraph II of the Declaration says :

"With respect to activities in the area and acting in conformity with the international regime to be established, states shall take appropriate measures and shall cooperate in the adoption and implementation of international rules, standards and procedures for, *inter alia* :

- (a) The prevention of pollution and contamination and other hazards to the marine environment, including coastline, and interference with the ecological balance of the marine environment ;
- (b) The protection and conservation of the natural resources of the area and the prevention of damage to the flora and fauna of the marine environment."<sup>64</sup>

Since this period the Latin American, Caribbean and the African States began to assert claims to 200 n.m. sea zone as the patrimonial sea or the economic zone.<sup>65</sup> During this period for instance, 1970 Canada adopted 100-mile pollution prevention zone in the Arctic



accompanied by the stringent measures on ship design and safety as well as civil liability for pollution in the zone. The main object of the act is, in the words of the preamble, to preserve "the peculiar ecological balance that now exists in the water, ice and the land areas of the Canadian Arctic."<sup>66</sup>

Questions arise as to the validity of the act in international law.<sup>67</sup> Such questions were relevant in the period while the act came into being. Whatever may be, after the emergence of the 200 n.m. EEZ any question relating to the 100-mile pollution zone is immaterial. Because the regime of the EEZ has enabled the coastal state to take measures for the prevention of pollution within 200 n.m. limit reckoned from the baselines.<sup>68</sup> It may be noted that when the *Torrey Canyon*<sup>69</sup> 1969 went around in the high seas off the coast of Cornwall, the oil drifted to the shore of France, about 225 miles away, which indicates that even the 200 n.m. EEZ does not provide the surest protective distance.

Speaking generally, coastal states are not entitled to take pollution measures beyond the 200 n.m. EEZ. But where the continental margin extends beyond 200 n.m., the coastal state is entitled to adopt laws and regulations to prevent, reduce and control pollution of the marine environment.

As regards the power of the coastal state in the sea zone exceeding 200 n.m. some assumption can be drawn out of Article 63(2) of the LOS Convention. According to this Article :

Where the same stock or stocks of associated species occur both within the exclusive economic zone and in an area beyond and adjacent to the zone, the coastal State and the States fishing for such stocks in the adjacent area shall seek, either directly or through appropriate subregional or regional organizations, to agree upon the measures necessary for the conservation of these stocks in the adjacent area.

This is, of course, tantamount to creating a new type of zone.

Whether or not such a power is concurrent or exclusive of other zonal jurisdiction, it is a very dangerous power indeed. The opportunities for creating an international incident are quite frightening, and the risk of this is totally unjustified when such less dangerous and more effective enforcement methods are available. How far then it can be relied upon the assumption that the coastal states will not proceed with the jurisdiction of preventing pollution beyond the economic zone? According to Qdidi Okidi it can rightly be pointed out that :

"... if there is no regime to control pollution beyond the economic zone, then coastal states may eventually decide to exert measures beyond that zone in order to prevent any pollution there which may affect the resources the coastal State is entitled to protect. So the distance which a coastal State may claim under the model of unilateralism is open ended."<sup>70</sup>

The claims of the coastal states to exercise jurisdiction over an extended sea zone are also concerned with the control of aircraft. It is noticeable that since 1950 the United States and Canada have established and maintained certain Air Defence Identification Zones (ADIZ) in the airspace over the Atlantic and Pacific coasts, 250-300 miles from the North America continent. The designated airspaces require that aircraft entering them be readily identified, located, and controlled. Flight plan must be filed for both domestic and foreign flights entering the zone and position reports must be made periodically while within them. Violations of the regulations pertaining to flight operations within ADIZ are a misdemeanor, subject to fines and imprisonment upon conviction. In case of the high aircraft jurisdiction may be assumed at one hour's cruising distance, potentially 1000 miles or more.<sup>71</sup> If this practice spreads among other states, we can imagine how much area of the oceans will be governed by the freedom of the seas doctrine.

Besides this, it is also possible to be acquainted with the states who are exercising excessive jurisdiction over the seas. As to the



National Parks and Wildlife Conservation Act of Australia, it can be pointed out that the object of the act is to make provisions for the establishment and management of national parks or reserves for a number of purposes, for example, (a) the establishment of such parks in the Australian coastal sea, (b) the enforcement of the continental shelf of Australia obligations under, or the exercise by Australia of rights under agreements between Australia and other countries.<sup>72</sup> If the marine park<sup>73</sup> is concerned with the Great Barrier Reef, then it is possible for Australia to extend jurisdiction up to a distance of 1250 miles.<sup>74</sup>

The Great Barrier Reef constitutes a continuous chain of cays and live corals. In consideration of the unique and scientific and ecological importance,<sup>75</sup> the region of the sea enclosing the Great Barrier Reef is required to be free from pollution.

Furthermore, like situation arises from Iran and Oman. The two countries expressed that they would take protective measures to prevent the environmental injuries which may result from a pollution incident in the high seas.<sup>76</sup> Questions arise how far distance of the sea will be subject to such measures ?

Anyway, from these observations, it is relevant to say that the coastal states take interests in exercising jurisdiction depending on the specific local environmental exigencies. It is feared how far the 200 n.m. EEZ will be in practice. In effect, the 200 n.m. EEZ appears not as the end of the maritime jurisdiction.

### **DEEP SEA MINING PRACTICE**

The fact that neither the 1958 Convention on the High Seas nor general international law includes among freedoms of the high seas<sup>77</sup> the exploration and exploitation of the mineral resources of the seabed and the ocean floor beyond the limits of national jurisdiction. Apart from the recognition of the traditional freedoms of the high seas, which are subsumed under the general title of 'freedom of the seas' and the exact scope of which cannot precisely be determined,



no nation has a *priori* rights in any part of the seabed or its resources.<sup>78</sup>

As regards the seabed beyond the continental shelf, question arises : whose is it ? In quest of an answer, some writers have called it *res communis*, arguing that the seabed is not subject to national appropriation or sovereignty. Others have argued that the seabed is *res nullius* and available for the taking.<sup>79</sup> But there is little authority or precedent for either view, and *res communis* and *res nullius* are here only labels to describe the result which its proponents like to see.

There are two general approaches to the regime for the deep seabed. One school argues that the most important objective should be to encourage exploitation of the resources, making them available for the needs of mankind. To most proponents of this view, that requires *laissez faire*, a regime which places as few limitations as possible upon exploitation by those who have skills and the capital to do it.

The second point of view begins with a very different guiding principle and objective. The wealth of the seas belong to all, and individual nations should not be allowed to grab it for themselves. It should be used to help finance development and international organisations.

It is now agreed on the general proposition that as undefined area of the seabed is beyond national jurisdiction and that international cooperation is desirable in the development of marine resources. The regime of the seabed beyond national jurisdiction has attracted wider attention recently and particularly since 1967, when Ambassador Pardo of Malta appealed at the United Nations General Assembly that the seabed area beyond national jurisdiction be under a certain type of international regime.

In accordance with Malta's proposal, 1967 envisaging a declaration and a treaty designed to reserve exclusively for peaceful purposes



the seabed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction and the use of their resources to the benefit of mankind, the United Nations General Assembly by its resolution 2749 (XXV)<sup>80</sup> 17 December 1970 declared this area and its resources as the "common heritage of mankind." The General Assembly resolution incorporated the majority principles which basically regulate activities in the area.

The resolutions of the General Assembly, except in the constitutional or the internal matters relating to the United Nations Organisations are merely recommendatory and formally not binding. However, on account of the support received by them either by an overwhelming majority of unanimous vote, they do provide probative evidence of the belief of states concerning the existence or otherwise of certain rules of law. They thus become expressions of the political and judicial conscience of nations, or at least their majority, and wield a force which is much more than recommendatory.<sup>81</sup>

But so far as different views are concerned, it is difficult to conclude whether the resolution of the General Assembly can have the force of law. According to Rosalyn Higgins :

"In so far as an organ is interpreting the provisions of the Charter to establish its jurisdiction or internal functioning, it has a clear authority so to do, and individual states would dissent may not reserve their position. But where the organ is passing on matters concerning the substantive rights and duties of states, it has initial authority to interpret the Charter but the states may, in the non-regulatory area (that is, outside of Chapter 7 and Article 9) reserve its position, but only after considering the recommendation in good faith."<sup>82</sup>

Expressing, as a resolution does, the *opinio juris communis* of states, the vital element of a custom, unanimously adopted creates, according to some jurists, 'instant' international customary law.<sup>83</sup> Professor Bin Cheng suggests that the resolution of the General

Assembly "serve as midwives for the delivery of nascent rules of international customary law which form within the United Nations. Although the resolutions do not in themselves create binding legal obligations, says Professor Cheng, "Member-States voting in favour of these resolutions of either law-finding or a fact-finding character, on the principles of good faith, be prevented from denying the veracity of what is stated in the resolutions."<sup>84</sup>

Samuel A. Bletcher observes that even the states that abstain from the vote on a resolution declaring a customary international law are bound by the resolution.<sup>85</sup>

From this observation, it is not easy to arrive at a decisive conclusion over the 'common heritage' resolution. Anyway, in the view of Kronmiller,<sup>86</sup> the principles set out in the resolution were legally binding principles which were proclaimed in this declaration and upheld by the affirmative votes of 108 states. It may be of interest to note that 14 states only abstained on that occasion, although without formulating any objection, subsequently expressed, either explicitly or implicitly, their support for these principles, as did other state members of the international community, thus recognising by their attitude the force of international custom as expressed in the resolution.

As for substance of the "common heritage resolution,"<sup>87</sup> it would not be illogical to purport the view that the resolution should be treated as morally binding upon the states. Be that as it may, since this resolution, it was clear that the seabed and the ocean floor, and the subsoil thereof were not subject to the individual authority.

Different instruments of the UNCLOS III such as the Informal Single Negotiating Text,<sup>88</sup> Revised Single Negotiating Text,<sup>89</sup> Informal Composite Negotiating Text,<sup>90</sup> Draft Convention<sup>91</sup> and the LOS Convention<sup>92</sup> have formulated provisions for the regime of the "common heritage of mankind."<sup>93</sup> Article 137(1) of the LOS Convention says :

"No State shall claim or exercise sovereignty or sovereign



rights over any part of the Area or its resources, nor shall any State or person, natural or juridical, appropriate any part thereof. No such claim or exercise of sovereignty or sovereign rights, nor such appropriation shall be recognized."<sup>94</sup>

Besides this, the states like the United States, Belgium, the United Kingdom, France, the Federal Republic of Germany and Japan believe that no legal obligations spring from the 'common heritage of mankind.' That means, those states have maintained the position that, in their views, the 'common heritage of mankind' will have legal definition and legal effect only as established by an acceptable law of the sea treaty.<sup>95</sup>

But the United States, Federal Republic of Germany and the United Kingdom appear not having confidence in the principles formulated by the UNCLOS III concerning the 'common heritage of mankind'. Because, while the informal text<sup>96</sup> of the Draft Convention was in progress, the United States provided provisions for exercising :

"... its control over the United States citizens and vessels and foreign persons and vessels otherwise subject to its jurisdiction, in the exercise of the high seas freedom to engage in exploration for, and commercial recovery of, hard mineral resources of the deep seabed in accordance with generally accepted principles of international law recognized by the United States."<sup>97</sup>

The Federal Republic of Germany enacted provisions for conducting exploration activities and for acquiring title to the 'mineral resources' of the seabed and subsoil thereof.<sup>98</sup>

Following the seabed mining laws enacted by the United States and the Federal Republic of Germany, 1980, the United Kingdom equally enacted the Deep Sea Mining Bill, 1981. Other states, for example, Belgium, France, Italy and the Netherlands are also known

to be considering national legislation.<sup>99</sup>

Before these states have enacted the legislations, the 'Authority' was constituted to be empowered is dealing with the 'common heritage of mankind'.<sup>100</sup> The LOS Convention has provided provisions equally. That is to say :

"All rights in the resources of the area are vested in mankind as a whole, on whose behalf the Authority shall act. These resources are not subject to alienation. The minerals recovered from the Area, however, may only be alienated in accordance with this Part and the regulations and procedures of the Authority."<sup>101</sup>

As regards these legislations, the group of 77 raised protested saying that "national legislation on deep sea mining is contrary to international law."<sup>102</sup> As a practical consideration, the national legislation on deep sea mining appears to be infringing the aims and objectives of the 'common heritage' resolution.

Both as to timing and as to the scope of work of the UNCLOS III it enables to draw some assumptions about the states who are in favour of national legislation on deep sea mining. First, these states will proceed to establish the principle that deep sea mining under national legislation is not contrary to international law. Subject to this, they may sign and ratify the LOS Convention. Secondly, they, without signing the LOS Convention, will defend the measures taken and to be taken for deep sea mining. Thirdly, they may sign if licence system for the deep sea mining is recognised. But this system is not feasible, because, in the world community there is overwhelming majority of the developing states who want a strong 'authority'. Fourthly, if the measures taken by those states continue, other states will continue raising protests individually and collectively. Fifthly, otherwise, other states will proceed to adopt similar measures for deep sea mining. If this takes place, there will certainly arise competition and conflicts over the delimitation of the 'Area' among the states.



From a practical point of view, it is favourable for the developed states to carry deep sea mining at the cost of their technology and capital. Carried to its logical conclusion, it should be borne in mind that the developed states such as the United States, Federal Republic of Germany and the United Kingdom who have already adopted and who are going to adopt deep sea mining laws want to achieve monopoly over the resources of the 'Area'. If there is any reservation to agree with this proposition, then it may be added that these states will give due regard to the rights of other states. If so, then, there is no doubt that the states like the poor developing, will have to depend on the favour of the developed states.

As a matter of fact, the developing states are organised particularly with the issue against the developed states. It becomes relevant, in so far as the deep sea mining is concerned, to assume that the developing states will not fall back in asserting claims to the resource of the 'Area' as the 'common heritage of mankind'.

Consequently, it is not fair to come to the point that there is the possibility of the deep sea mining laws as passed by those states to be established by acquiescence. Because, by this time, the group of 77, and some voices among the industrialised nations as well, have criticised the action taken by the governments (the United States, Federal Republic of Germany, United Kingdom) in passing national legislations which would give their mining companies the go-ahead to mine without waiting for the Convention to come into force.<sup>103</sup>

More important from the practical standpoint is the fact that the trend of the developed nations is to adopt deep sea mining laws. In effect, the practices as regards the deep sea mining give rise to perpetuate an excessive maritime jurisdiction for the coastal state. There seems to be no end for the coastal state to exercise maritime jurisdiction.

### REFLECTING THOUGHTS

Speaking generally, the tendency of the coastal states is to



exercise jurisdiction in the coastal sea. Apart from the conventional extent of the sea zones, this proposition is applicable to the coastal states. The more extent is provided the more tendency of these states is to extend the sea zones. Till now, there is no end of extending the sea zones by the coastal states beyond the scope of the conventional provisions. There arises a question as to how uniformity would be effective to the coastal states for exercising maritime jurisdiction.

As regards the practices of the coastal states for the exercise of maritime jurisdiction, contracts are significant. The maritime powers for example, the United States, United Kingdom and the like were in favour of a narrow territorial sea. It signifies that these states want to exercise jurisdiction over a narrow part of the coastal sea. But has been acquainted that these states want a *laissez faire* regime for deep sea mining. The impact of this is to achieve monopoly in the exploration of the resources in the sea zones beyond national jurisdiction. The significant point here is that every state practically wants its own interests secured. In order to exercise a common maritime jurisdiction, every state must be conscious about the interests of other states equally applicable. It should also be careful of the interests for common purposes.

The practice centred upon self-interest of the coastal states is observed almost in every phase of the law of the sea. Where the states appear propagating in favour of their interests regionally or in group, it would be seen that there are some interests which are common to each of these states. In this way, there arises claims and counter claims among the states over the interests in sea matters.

The land-locked states express their grievances for not having claims to the territorial sea and the continental shelf. The land-locked, shelf-locked and the zone-locked states are not content with the regime of the EEZ. They want some extra privileges in sea matters. The land-locked states have been provided with some special interests in the common heritage of mankind. Because of



having no sea coast these states cannot enact deep sea mining provisions as have been enacted for example by the United States, the Federal Republic of Germany and the United Kingdom. If the ratio of the interests in sea matters are taken into account, then it may be rational for the land-locked states to assert claims to the resources in the seabed beyond national jurisdiction.

The archipelagic states actually can enclose a considerable part of the sea as archipelagic waters. Furthermore, they are entitled to exercise jurisdiction in sea matters like other coastal states. This is a privilege because of their geographical situation. If the interests in sea matters between the land-locked states and the archipelagic states are compared, there will be a gulf of difference. That is to say, the land-locked states are the worst sufferer whereas the archipelagic states become the most beneficiary.

It goes without saying that the new law of the sea is an outcome of the developing states who usually prefer a wider sea zone such as the 200 n.m. EEZ within the limit of national jurisdiction. Though the developing states practically cannot be benefited from the 200 n.m. EEZ in a degree similar to the developed states, those states prefer to secure their interests in this zone. Their standpoint is that no state should be entitled to legally overlap their rights in the EEZ.

Now-a-days the most crucial problem for the overburdened world is to feed its people. The people have been compelled for access to the resources of the sea. But the access to the resources is possible for the technologically and scientifically developed nations. The more they have, the more they want. The lack in technology and scientific development of the developing nations may not encourage them to enact deep sea mining laws. On the contrary, it is submitted that these nations will not keep themselves aloof from asserting claims to an extended part of the sea. That means, these states will take steps to formulate some techniques mingled with their interests. The impact of this is to justify their claims to the extended sea zone.

It is clear that the extent of maritime jurisdiction cannot be treated as limited. If the law of the Sea Convention, 1982 cannot be enforced as binding, then there may grow different techniques among the states to extend the maritime jurisdiction. It leads us to raise the question : "Where is the end of maritime jurisdiction ?"

#### REFERENCES

1. United Nations Convention on the Law of the Sea, UNDoc. A/CONF. 62/122, 7 October, 1982. M. Habibur Rahman, "Delimitation of Maritime Boundaries—A Survey of Problems in the Bangladesh Case", 24/12 (1984), *Asian Survey*, 1302.
2. Article 7.
3. Ibid., para 2.
4. Article 47.
5. Article 57.
6. Article 76.
7. Ibid., paras 4-6.
8. Article 121.
9. Part XII.
10. Part XI.
11. Article 8.
12. E. D. Brown, "The Legal Regime of Inner Space : Military Aspects", 22 (1969), *Current Legal Problems*, 184.
13. Convention on the Territorial Sea and the Contiguous Zone, UNDoc. A/CONF. 13/L. 52, 28 April, 1958.
14. Ibid., Article 5(2).
15. LOS Convention, Articles 5-14.
16. Article 47(2).
17. Barry Hart Dubner, *The Law of Territorial Waters of Mid-Ocean Archipelagos and Archipelagic States* (1976), Martinus Nijhoff 11.
18. Ross D. Eckert, *The Enclosure of Ocean Resources : Economics and the Law of the Sea*, (1979), Hoover Institution Press, Stanford University, p. 28.
19. Barry Hart Dubner, op. cit.



20. John R. Stevenson and Bernard H. Oxman, "The Third United Nations Conference on the Law of the Sea: The 1975 Geneva Session", 69(1975), *American Journal of International Law*, 785.

21. LOS Convention, Article 47(1).

22. E. D. Brown, *Passage Through the Territorial Sea, Straits used for International Navigation and Archipelagos*, 1974. The David Davis Memorial Institute of International Studies, London, 109.

23. According to the LOS Convention (Article 46) (a) An 'Archipelagic State' means a State constituted wholly by one or more archipelagic and may include other islands; (b) 'Archipelago' means a group of islands, including parts of islands, interconnecting waters and other natural features which are so closely interrelated that such islands, waters and other natural features form an intrinsic geographical, economic and political entity, or which historically have been regarded as such.

24. See 4 (1975), *Third United Nations Conference on the Law of the Sea, Official Records* (UNCLOS III OR) 153.

25. Bahamas (1977), Bangladesh (1977), Barbados (1978), Bermuda (1977), Burma (1977), Canada (1977), Comoro Island (1976), Cook Islands (1977), Costa Rica (1977), Cuba (1977) Democratic Kampuchea (1977), Dominican Republic (1977), Fiji (1978), France (1976), Grenada (1978), Guatemala (1976), Guyana (1976), Haiti, India (1976), Italy (1974), Ivory Coast (1977), Japan (1977), Korea Democratic Republic (1977), Korea Republic of (1977), Mauritania (1977), Mexico (1976), New Zealand (1977), Oman (1977), Pakistan (1977), Papua New Guinea (1977), Poland (1977), Portugal (1977), Seychelles Island (1978), Spain (1978), Sri Lanka (1976), Surinam (1978), Togo (1977), Tokelau (N.Z. 1977), United Kingdom (1976), Vietnam (1977), USSR (1977), Western Samoa (1977), Yemen (Aden, 1977), Zaire (1977). Robert B. Krueger, Myron H. Nordquist, "The Evolution of the 200-Mile Exclusive Economic Zone: State Practice in the Pacific Basin", 19 (1978-79), *Virginia Journal of International Law*, 321-400.

26. Angola (20 : 1975), Argentina (200 : 1977), Benin (200 : 1976), Cameroon (200 : 1974), Cape Verde (100 : 1977), Congo (200 : 1977), Ghana (200 : 1977), Guinea Bissau (150 : 1974), Liberia (200 : 1977), Senegal (150 : 1976), Colombia (200 : 1975), El Salvador (200 : 1976).

27. Ibid.

28. This proposition is effective to the zone/shelf-locked coastal states. Totally zone-locked coastal States : Albania, Algeria, Bahrain, Belgium, Bulgaria, Cambodia, Cameroon, Congo, Cuba, Cyprus, Denmark, East Germany, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, Gambia, Greece, Honduras,



Iran, Iraq, Israel, Italy, Jamaica, Jordan, Kuwait, Lebanon, Libya, Malta, Malayasia, Mauritania, Mauritius, Monaco, Nauru, Netherlands, Nicaragua, North Korea, North Vietnam, Norway, Panama, Poland, Qatar, Rumania, Saudi Arabia, Singapore, South Korea, South Vietnam, Sudan, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, West Germany, Western Samoa, Yemen, Yugoslavia and Zaire. Partially zone-locked coastal States : Colombia, Costa Rica, Guatemala and Mexico. Charles Finchem and William Van Rensburg, *Bread Upon the Waters* (1980), Turtleder Publishing, Jerusalem, 226.

29. Robert B. Krueger, Myron H. Nordquist, *op. cit.*

30. LOS Convention, Article 3.

31. *Ibid.*

32. Lewis M. Alexander and Robert D. Hodgson, "The Impact of the 200-Mile Economic Zone on the Law of the Sea", 12/3 (1975), *San Diego Law Review*, pp. 572, 573.

33. *Ibid.*, p. 573.

34. Paul C. Irwin, "Settlement of Maritime Boundary Disputes : An Analysis of the Law of the Sea Negotiations", 8/2 (1980), *Ocean Development and International Law*, p. 107.

35. Charles Finchem, *op. cit.*

36. Algeria, Colombia, Congo, Costa Rica, Denmark, Egypt, Equatorial Guinea, Ethiopia, Fiji, Guatemala, Honduras, Malayasia, Malta, Mauritania, Mexico, Nicaragua, Panama, Sudan, Togo, Trinidad and Tobago, Tunisia, West Germany, Yugoslavia, and Zaire. Charles Finchem and William Van Rensburg, *op. cit.*

37. Carolyn Hudson, "Fishery and Economic Zones as Customary International Law", 17/3 (1980), *San Diego Law Review*, p. 573.

38. Lewis M. Alexander and Robert D. Hodgson, *op. cit.*

39. Wolfgang Graf Vitzthum, "The Search for Sectoral World Orders Parallels between Attempts to build Maritime and Economic World Orders", 3 (1980), *Aspekte der Seerechtsentwicklung*, (Munich), 284.

40. Wolfgang Graf Vitzthum, "Peaceful Change through International Law-making", 23 (1981), *Law and State*, 8-30, n. 19.

41. E.D. Brown, "The Exclusive Economic Zone : Criteria and Machinery for the Resolution of International Conflicts between different Users of the EEZ", 4 (1977), *Maritime Policy and Management*, p. 339.



42. Convention on the Continental Shelf, UNDoc. A/CONF. 13/L. 55 (1958), Article 2 ; LOS Convention, Article 77.
43. Ibid.
44. LOS Convention, Article 56.
45. Convention on the Continental Shelf, 1958, Articles 2, 3 ; LOS Convention, Articles 77, 78.
46. Declaration of the Governor-General, 9 March 1950. *United Nations Legislative Series*, ST/LEG/SER. B/6 (1957), 30.
47. Presidential Proclamation of Sovereignty over Adjacent Seas, 8 January 1952, para 1, Ibid., p. 30.
48. Argentina, Benin, Brazil, Cameroon, Colombia, Congo, Ecuador, El Salvador, Ghana, Guinea, Liberia, Peru, Sierra Leone, Somalia. Robert B. Krueger, Myron H. Nordquist, op. cit.
49. Hal Mills, "Georges Bank and the National Interest", 1/2 (1981), *New Direction in Ocean Law, Policy and Management—Dalhousie Ocean Studies Programme*, 4. Also D.M. McRae, "Adjudication of the Maritime Boundaries in the Gulf of Maine", 17 (1979), *Canadian Yearbook of International Law*, p. 292-303.
50. *Keesing's Contemporary Archives - Records of World Events*, (KCA) (1976, 1979), 27987, 29936.
51. "Conciliation Commission on the Continental Shelf Area between Iceland and Jan Mayen : Report and Recommendations to the Government of Iceland and Norway," *International Legal Materials*, 20 (1981), pp. 797-842.
52. LOS Convention, Article 121.
53. A. Pearce Higgins (ed.), *Hall's International Law*, (1924), (Eighth Edition), Clarendon Press, Oxford, p. 146.
54. Lauterpacht (ed.), *Oppenheim's International Law - A Treatise*, 1 (1963), (Seventh Impression), Longmans, 563.
55. *The Anna* (1805) 5C. Rob. 373. *The Secretary of State of India v. Sri Raja Chellikani Rama Rao*, (1916), 32 T.L.R., p. 652.
56. L.C. Green, *International Law Through the Cases*, (1959), (Second Edition), Stevens & Sons, p. 398.
57. Convention on the Continental Shelf, 1958, Article 2 (3) ; LOS Convention, Article 77(3).
58. LOS Convention, Article 121(2).

59. Article 121 (3).

60. E.D. Brown, "The Continental Shelf and the Exclusive Economic Zone : The Problem of Delimitation at UNCLOS III", 4(1977), *Maritime Policy and Management*, p. 391.

61. Mathematically, it is known that the area of a circle is  $\pi r^2$  where  $\pi$  stands for 22/7 and r, radius of the circle concerned. Therefore, the area of the island with 7 miles radius will be  $22/7 \times 7^2 = 154$  square miles. The area of the circle with 12-mile territorial sea will be  $22/7 \times 19^2 = 1135$  square miles. The area of the territorial sea will be  $1135 - 154 = 981$  square miles. The area of the circle with 200-mile EEZ will be  $22/7 \times 207^2 = 134668$  square miles. The area of the EEZ will be  $134668 - 1135 = 133533$  square miles.

62. Article 2(1).

63. So-called 'Moratorium' Resolution adopted by the United Nations General Assembly 2574 (XXIV) on 15 December, 1969.

64. UN General Assembly Resolution 2749 (XXV) "Declaration of Principles Governing Seabed and the Ocean Floor, and the National Jurisdiction" adopted on 17 December, 1970.

65. Santiago Declaration, 1952, ST/LEGSER. B/6 (1957) 725 ; the Lima Declaration, 1970, 10 (1971) *ILM* 207-211 ; the Declaration of Santo Domingo, 1972, 11(1972) *ILM* 892 ; the Regional Seminar of the African States on the Law of the Sea held at Yaounde, 1972, 19 (1975), *Scandinavian Studies*, p. 115.

66. Robert S. Reid, "The Canadian Claim over the Waters of the Arctic", 11 (1973) *CYIL*, 111-136 ; Gerald R. Ottenheimer, "Patterns of Development in International Fishery Laws", 11(1973) *CYIL*, pp. 37-47.

67. D. Pharand, *The Law of the Sea of the Arctic with Special Reference to Canada*, (1973), University of Ottawa Press ; G. Sutton, "Pollution Prevention in the Arctic—National and International Approaches Compared", 5 (1971), *Ottawa Law Review*, 32 ; R.B. Bilder, "The Canadian Arctic Waters Pollution Act : New Stress on the Law of the Sea", 69 (1970-71), *Michigan Law Review*, p. 1.

68. LOS Convention, Articles 208 (1), 211 (5)(6), 216(a).

69. Liberian Board of Investigation Report on Standing of Torrey Canyon, 10 March, 1967. 6(1967) *ILM*, pp. 480-487.

70. C. Odidi Okidi, *Regional Control of Ocean Pollution : Legal and International Problems* (1978), Sijthoff & Noordhoff, p. 143.

71. M. M. Whiteman, 4(1965), *Digest of International Law*, Department of State Publication, Washington, 496. No. 12 (1975), Act of the Parliament



of the Commonwealth 101 ; 6(1971), *Australian Yearbook of International Law*, pp. 289-294.

72. R.D. Lumb, "Australian and the Law of the Sea: Recent Developments", 29(1980), *International and Comparative Law Quarterly*, p. 159.

73. Ibid., 160.

74. C. Odidi Okidi, op. cit., p. 142.

75. IMCO Doc. A. VII/RES. 232 of November, 1971 and the 1971. Amendment to the International Convention on the Prevention of Pollution of the Sea by Oil.

76. (1975) *KCA*, 27483.

77. Article 2 refers to the freedom of the high seas. It complies *inter alia*, both for coastal and non-coastal States : (1) Freedom of navigation ; (2) Freedom of fishing ; (3) Freedom to lay submarine cables and pipelines ; (4) Freedom to fly over the high seas.

78. In order to be acquainted with different views on the subject like deep sea mining sea, *The International Law Association*, (1968). *Report of the Fifty-Third Conference* (1969), pp. 191-247.

79. For a detailed discussion on the theories of *res communis* and *res nullius*, Theodore G. Kronmiller, *The Lawfulness of the Deep Seabed Mining* 1(1980), Oceana Publications, pp. 131-201.

80. Declaration of Principles Governing the Seabed and the Ocean Floor, and the Subsoil thereof beyond the Limits of National Jurisdiction. GAOR Twenty-Fifth Session Supplement No. 28 (A/8028), 15 September,—17 December, 1970, (1971), pp. 24-25.

81. F. Blaine Sloan, "The Binding Force of a 'Recommendation' of the General Assembly of the United Nations", 25 (1948), *British Year Book of International Law*, pp. 1-33 ; D.H.N. Johnson, "The Effect of Resolutions of the General Assembly of the United Nations", 32(1955-56), *British Year Book of International Law*, pp. 97-122.

82. Rosalyn Higgins, "The United Nations and Lawmaking : The Political Organs", 61/4 (1970), *AJIL*, p. 45.

83. Bin Cheng, "United Nations Resolutions on Outer Space : 'Instant' International Customary Law", 5 (1975), *Indian Journal of International Law*, pp. 36-37.

84. Ibid., 38-39.

85. Samuel A. Bletcher, "The Legal Significance of Recitation of General Assembly Resolution", 63(1969), *AJIL*, pp. 449-451.

86. Theodore G. Kronmiller, *The Lawfulness of Deep Seated Mining* 2(1980), Oceana Publications, p. 62.

87. Because, on the same day 17 December 1970 subsequent to the 'common heritage' resolution, the General Assembly adopted by the resolution 2750 (XXV): "Resolution Exclusively for Peaceful Purposes of the Seabed and the Ocean Floor, and the Subsoil thereof, underlying the High Seas beyond the limits Present National Jurisdiction, and use of the Resources in the Interest of Mankind, and Concerning a Conference on the Law of the Sea." It may be mentioned that the regime of the seabed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction has been adopted in the law of the sea treaty, 1982.

88. UNDoc. A/CONF. 62/WP. 8/Parts I, II, III, 7 May, 1975. Articles 1-63.

89. UNDoc. A/CONF. 62/WP. 8/REV. 1/Parts I, II, III, 6 May, 1976. Articles 1-63, Annexes I-II.

90. UNDoc. A/CONF. 62/WP. 9, 10 and Add/1, 15 July, 1977. Articles 133-192.

91. UNDoc. A/CONF. 62/L. 78, 28 August, 1981. Articles 133-191.

92. Articles 133-191.

93. Ibid.

94. The Informal Single Negotiating Text (Article 4), the Revised Single Negotiating Text (Article 4), the Informal Composite Negotiating Text (Article 137), and the Draft Convention (Article 137).

95. Theodore G. Kronmiller, *op. cit.*, p. 343.

96. UNDoc. A/CONF. 62/WP. 10/REV. 3/Corr. 1 (1980).

97. Public Law—96-283-96th Congress: Deep Seabed Mineral Resources Act, 28 June, 1980 (Section 3(a)(1)). 19 (1980) *ILM*, pp. 1003-1020.

98. Act of Interim Regulation of Deep Seabed Mining - Bundesgesetzblatt, Part 1, 9080, No. 5, 22 August 1980, p. 1457. 20(1981), *ILM*, pp. 393-398.

99. Parliamentary Debates—House of Common Official Report Special Standing Committee - Deep Sea Mining (Temporary Provisions) Bill (Lords) 1981, 3, 57. 18 (1984), *Bulletin of Legal Developments*, p. 191.

100. Informal Single Negotiating Text, Article 6.

101. Informal Composite Negotiating Text, Draft Convention, Article 137(2)

102. *The Times*, London, 3 June 1981, p. 3.

103. Ibid., 3 August 1981, p. 4.



# Constraints and Problems of Development Policy Makers with Special Reference to Developing Countries

---

Dr. (Mrs.) SHAHEEN KHAN

## Abstract

*The primary function of this paper is to analyse and assess the problems being faced by the development policy makers in the Third World. Both theoretical and empirical factors identifying the constraints of development planners have been analysed in-depth. It is concluded that a multi-disciplinary approach is required for solving the development problems of developing countries.*

## I. INTRODUCTION

The development policy makers have often been accused of creating more problems for the developing countries than solving them, while the problems/constraints they face have been least appreciated. In developing societies with their complex social and economic institutions, the planners/policy makers face an immense task as the standard growth theory is not un-ambiguously clear and

---

Dr. (Mrs.) Shaheen Khan, Joint Chief Economist, Planning and Development Department, Government of the Punjab.

does not provide adequate analytical tools for dealing with the emerging problems. The theory of development policy has in recent years posed a challenge and requires fresh thinking for developing countries. Until recently, most of those who began theorizing about under-developed countries were thinkers of the developed countries.<sup>1</sup> To determine the sources of growth and delineate strategies of development, the researchers of developing countries need to conceptualise, deduce principles, build models, and establish empirical relationships according to the respective/restrictive conditions of their countries.<sup>2</sup> The theory of development policy requires fresh thinking and evaluation for the planners in developing countries, as the development economists of developed countries have advocated varying blends of conflicting/contradictory measures, making the task of policy makers even more difficult and challenging.

Some of the development economists of developed countries choose to advocate non-intervention by the government and freedom in trade, while others supported import substitution and protectionist policies.<sup>3</sup> Another group of development economists emphasised planned investment in new physical capital, utilizing reserves of surplus labour, adopting import substitution for industrialization, embracing central planning and relying on foreign aid.<sup>4</sup> The history of development thinking has been characterised by vigorous debate over many of these issues. Consequently, the attempts by development planners to reconcile economic growth with a socially and politically acceptable distribution of income have been constrained and in this paper an effort has been made to throw some light on the problems being faced by the development policy makers/planners in the Third World.<sup>5</sup>

This Introduction is followed by Section on the problems relating to conflicting thinking on development solutions for developing countries. The Third Section deals with the problems relating to government policy and policy gaps while the Fourth Section presents the problems in management/implementation of development programmes in developing countries. And the Final Section



concludes the discussion by suggesting changes in the development policy making process, which can help to improve the existing strategies.

## **II. REVIEW OF DEVELOPMENT THINKING AND NEGLECTED TOPICS IN DEVELOPMENT ECONOMICS**

### **Availability of Varied Solutions for Developing Countries**

Even a casual glance at the development literature reveals not only the absence of a satisfactory theory but also the absence of agreement as to which of the many problems apparent to the observers are important for study. The policy maker seeking pathways to adequate theory finds himself in a vertical jungle of vicious circles, obstacles to change and necessary (but never sufficient) pre-conditions for economic growth. Review of the thinking on development shows that the marginalist analysis of neo-classical economists introduced a static frame of thinking and shifted interests to the narrower problems of resource allocation and the theory of exchange, which was replaced by the Keynesian analysis of short period business cycles and the possible threat of secular stagnation for mature capitalist nations during the depressed condition of the interwar period. A return to growth and development as the theme of economics was evidenced after the 2nd World War and the late 1940 and 1950 focussed on the new development economics particularly for Asian, African and Latin American Countries.

Unlike the neoclassical economists who assumed a smoothly working market price system, some of the early development economists adopted a more structuralist approach to development problems. Structuralist analysis attempted to identify specific rigidities, lags, shortages and surpluses, low elasticities of supply and demand and other characteristics of the structure of developing countries that affect economic adjustment and the choice of development policy. The famous development economists who introduced element of structural analysis in place of the flexibility and substitutability of neoclassical economics include Lewis, Myrdal, Prebisch and Singer.<sup>6</sup>



Ragnar Nurkse's argument that the developing countries could no longer rely on economic growth being induced from the outside through an expansion of world demand for their export of primary commodities and that the less developed countries must pursue balanced growth conforming to the income elasticities of external demand was also prominent during the late fifties.<sup>7</sup> Recently, the notable controversy has been around industrialization versus agriculture, import substitution versus export promotion, planning versus reliance on the market system, etc. The debates on some of these issues are still unresolved which places the policy maker in a difficult situation.

As illustrated in the preceding paragraphs the history of development strategy for under-developed countries has been subject to an intensive learning process and the policy making has been characterised by attempts to shift emphasis from one theory to other in order to avoid repeating previous mistakes and to fight negative forces working against economic prosperity. Ample evidence of shifting from less to more satisfactory approaches is available in the planning history of the under-developed countries. For example, the shifts from less to more satisfactory approaches have led the policy makers to change the emphasis from the creation and transfer of physical capital to that of human capital ; from foreign capital intensive technologies to appropriate, or adapted, less capital-intensive technologies, which in many cases implies a shift from large to small projects ; and from employment creation in cities to its creation in villages or small towns.

### **Neglected Topics in Development Economics**

Apart from the conceptual and theoretical controversies involved, the policy makers have also been facing the problems of ignorance in many forms, short sightedness, polarization and cynicism which have led to wastages and inconsistencies in planning. The main constraint faced by the policy makers in recent years has been that a variety of topics most important for developing countries have not typically been dealt with in development economics.<sup>8</sup> Some of



these topics relate to the theoretical frame-work of planning under basic needs ideology. The subjects like unemployment, the educated unemployment, the elimination of poverty and provision of basic needs do not readily lend themselves to economic modelling. Moreover, theorizing about the existing rigidities in the social and economic systems of the developing countries pose many problems particularly when the economic and political objectives can go in divergent directions. An example can be cited of the policy maker's dilemma regarding the education of planning in Pakistan. It is not unknown that our economy has been generating a surplus of people with general education while the labour market exhibits shortages of technically trained manpower and accordingly the Sixth Five-Year Plan emphasised the need for restricting general education and increasing the technical training opportunities in the country (i.e., no addition to the existing number of Intermediate/Degree Colleges was recommended). With the political transition in December, 1985 and the prominent role of public representatives in planning, it became evident that instead of training institutions new Intermediate/Degree Colleges are being opened through out the country.

Similarly planning for raising the status of economically and socially disadvantaged groups in the society typically take the form of minimum wage legislation, employment quotas, regional subsidies and special development expenditure and it is a matter of debate as to whether these policies succeed in accomplishing the desired objectives or not. In other words, the question is whether a particular employment quota increases the employment and welfare of the target group or not. For complete analysis of the economic repercussion the relevant parameters would relate to the members of each ethnic group, the unemployed pool, the wage differential for each group and the international prices and factor endowments. Additionally, for consistency the employment quota policy needs to be looked at in the macro and micro frame-work under specific alternative assumptions. Obviously, a game theoretic aspect would need to be considered as a particular group's attitude and lobbying activities are conditioned by the other group activities. The absence



of theoretical frame-work for these particular questions in accordance with the specific conditions of the country concerned, makes the task of planners most formidable. Apart from the fact that development economics does not easily lend itself for ready application to these questions in the complex social and economic setting of under-developed countries, the problems also arise because the policy makers sometime lack the gift for using/choosing appropriately from the existing theory.

The study of development economics and its application in developing countries brings out the importance of combining sound economic theory with empirical conditions for obtaining realistically the objective of development planning and policy making. The re-evaluation of development economics indicates the need to extend the theory from a special case to a new global economics of shared problems by appropriate modifications in the different approaches and analysis according to the specific conditions of the country under consideration. In this connection, it is important to realise the need for multi-disciplinary approach by incorporating non-conventional but relevant variables in the economic analysis. The precise way of modifying the discipline is much more difficult and even the Pioneers in development economics have no ready solution of unsettled questions in the subject.<sup>9</sup>

### **III. PROBLEMS RELATED TO GOVERNMENT POLICY AND POLICY GAPS**

#### **Government Policies and High Cost of Business**

Analysis of government intervention in developing countries usually concentrates on resource allocation and efficiency in production, but extensive intervention also adds to the costs of doing business because of regulation and bureaucratic inefficiencies. The argument of high costs of doing business due to government intervention is difficult to substantiate due to measurement problems of transaction costs which also include cost relating to illegal activities or lobbying efforts by interest groups.



When a government chooses an active role in economic development, their weak capacity to make and enforce economic policy can result in high costs and inefficiencies. Ideal policy making system would mean that laws are clear, enforcement is effective and disputes are readily resolved. Problems are faced due to poor information and lower levels of education. Besides, as investment in communication is less, the investigative capacity is lower, response poor and reporting inconsistent and erroneous.

In developing countries problems in planning also arise because of the way individuals cope with risk. Risks arise from the increasing number and complexity of transactions in a developing economy (often between people who do not know or who do not trust each other), where legal and economic rights are uncertain. Consequently, individuals stay clear of any impersonal transaction in favour of the more familiar relationship of kinship, friendship or client and patron. Because of the risk avoidance, an informal policy making system often operates behind the formal structure. Additionally, in developing countries the legislative and judicial system are weak and leave wide discretion for administrative decision-making. For instance, the tax rates paid often do not correspond to those set by the law. Unauthorised and ad hoc concessions are common and non-compliance is wide spread. Even if the legal system is well developed, the abundance of confusing and inflexible regulations produces a cumbersome bureaucratic process which becomes problematic for effective implementation.<sup>10</sup>

#### **Administrative Procedures and Policy Making Process**

The cumbersome bureaucratic controls and abundance of inflexible regulations in the developing countries have an important effect on economic policy making. The result is uncertainty for the private sector : the rules of the game are unclear, decision making is fragmented and many economic decisions are made on a case to case basis. Policy making becomes subject to pressure from private interests. This help to explain why import quotas, which are usually subject to administrative discretion, are more popular than high tariffs,



which usually require legislation. Interest groups infiltrate the policy making process because risk avoidance by government servants and lack of information undermine the capacity of governments to centralize and scrutinize decisions. Besides, policies are often designed keeping in mind the feasibility of implementation as the upper most consideration. Thus, because of the problem of increasing public revenues, governments in under-developed countries often prefer import protection to direct subsidies for the promotion of selected industries. Similarly preference to import duty for collection of revenues rather than direct and indirect taxes (where opportunities for avoidance are much greater) is prevalent in the Third World. Additionally, instead of regulating the private firms, governments sometime choose to produce through public enterprises, which can become quite inefficient over a period of time.

#### **Government Intervention and Dualism**

The administrative set up and the policy making process in under-developed countries create dualism in business. Intervention often allows two prices to co-exist for the same product because some firms may be getting concessions on imports while others don't. Privileged firms enjoy excess to import quota, subsidies, investment licences, subsidised loans, etc., whereas the unprivileged firms have to operate in informal market. The privileged firms generally have the case in avoiding taxes and ignoring minimum wage and security legislation. The informal sector has a precarious legal existence in most developing countries. Consequently the economic rights for them are insecure adding a risk premium to their cost of doing business [sic]. The unprivileged firms usually remain small and labour intensive.

The dual markets created by government intervention express themselves in price differential and scarcities, creating opportunities for arbitrage in the form of queuing, illegal operations and lobbying activities to seek or create rents. Rent seeking is the devotion of resources to the pursuit of excess profits that become available when goods, services and privileges are in short supply. All of these add further to the costs of doing business in developing countries. Such



activities are unproductive profit seeking activities and obvious examples are tax evasion and smuggling. Other examples of directly unproductive activities are the large price differential in parallel markets, black market premiums on exchange rates, interest rate differentials between formal and informal capital markets and wage differentials in the labour market.<sup>11</sup>

Economic analysis has traditionally focussed on productive activity and the term 'rent seeking' and 'directly unproductive profit seeking' have been coined to explain the conditions which have become pronounced in the developing countries. The rent seeking costs have been estimated by assuming that license premium would lead to equivalent resource costs by lobbyists (lobbying effort can be directed on creating or sustaining concession through policy intervention). For India, the rent seeking cost estimates for 1964 were roughly 7.3 per cent of GNP, while for Turkey they were 15 per cent of GNP in 1968.<sup>12</sup> There is also unsystematic evidence on the way corruption imposes high costs on doing business. The great demand of professionals adept at cutting through the knot of bureaucracy partially confirms the prevalence of corruption in developing countries.

#### **IV. PROBLEMS IN MANAGEMENT/IMPLEMENTATION OF DEVELOPMENT PLANS**

##### **The Scarcity of Data**

One of the characteristics of the under-developed countries is their under-developed data sets. Most of the time the policy makers and the planners are faced with the problems of incomplete and inconsistent information. Accuracy of the available information is not confirmed as the analysts are also in short supply. The policy makers have to give decisions on qualitative as well as quantitative matters and while considering quantifiable programmes, the non-availability of accurate and consistent information poses a great problem. The policy makers facing problems of having no bench mark situation or irrelevant bench mark situation, find it very



difficult to significantly and emphatically propose/support the targets for development.

Investment in information has been a feature of almost all development plans, yet mainly it has been confined to collection of information relating to public sector activities. And for most of the activities in the private sectors very little or no information is usually available. Apart from the problems/difficulties involved in collecting information from the private sector, the lack of incentive for doing so also contributes to the situation. As the government policy is usually focussed on the increased/decreased involvement through public sector programmes while the private sector is regulated through a package of incentives, the collection of information relating to private sector is not given due importance. Yet the policy makers in developing countries can no longer ignore the growing private sector investments in many fields, and most of them recognise the need for incorporating the information on private sector in the planning process. In Pakistan, for example, the private sector contribution in health and education sector is enormous, specially in the urban areas and meaningful plans for the provision of health and education facilities in towns should not ignore the private sector facilities. In the absence of information the planners have to rely on logical guess work and the proposals can usually be challenged as baseless or ad hoc/arbitrary in nature.

In the context of available information it is important to discuss the information which is collected/used in the monitoring and evaluation process. During the implementation of a development programme the policy makers explicitly define the importance of vigilant monitoring for the purpose of making spot corrections and necessary revisions. Monitoring is an area where developing countries have not placed enough emphasis and most of the time the monitoring gets limited to the financial utilization without proper regard to physical achievements. In addition as the implementation agencies are responsible for providing the monitoring report to the governing bodies, they are keen to push under the carpet the



irregularities involved in order to ensure constant flow of the funds towards them.

Another problem originates from the difference of opinion among policy makers on the interpretation of data sets. Different interpretations are usually due to different assumptions about objectives originating from the fact that social welfare function is seldom explicitly given or even consistently felt. If both data and objectives were given, there would be a large consensus as to how to apply economic techniques and few differences of opinion among planners would remain. Ideally data should cover not only available material and human resources, technological possibilities and psychological preferences but should also include attitudes of mind the ability to change them. A good part of the last-named factors (social attitudes) are unknown rather than given quantities, so that the data are never available. And the objectives are largely subconscious—neither quite given nor quite unknown.

### **Implementation of the Development Programme**

(a) *Institutional Rigidities* : The experience of under-developed countries in formulating/implementing development programmes goes back to early fifties, and most of them have gone through the phase of trying one development plan after another in the hope of accelerating the growth process by changing their development proposals in pursuit of finding better and more efficient development programmes. During their experience most of them have developed an institutional set up which is responsible for the implementation of the development programmes. These institutions alongwith some of their staff have been operating for quite sometime and unless they are convinced of the need of changing the development effort, it would become very difficult to implement a new development strategy through them. Even if the experts, the policy makers and the planners agree on the need of changing the development strategy for the country and they formulate a new programme, yet unless and until they are successful in communicating the need/urgency and importance of their views to



the people who are responsible for implementing those ideas, they cannot accomplish the desired objectives. It has been experienced that the policy makers and planners announce new strategies for development to be followed without advocating any change in the existing institutions. Consequently the same old administration is found implementing the newly stated revolutionary plans with the same old methodology and lack of zeal and the result is that the new plan becomes a slightly changed version of the old plan. It may be added here that as the people working in the old institutions become indifferent to the plan strategy being followed, the translation of the new development ideology for achieving the laid down objectives becomes almost impossible. For example, the population welfare programme has been a part of the development effort undertaken in Pakistan yet the institutions responsible for implementing the programme have not carried it out with strong convictions and full-fledged effort and the programme has had a limited success.

A review of institutional development from time to time is of prime importance because it is responsible for implementation of the development effort in the field. Here it may be mentioned that institutional set-up becomes very rigid over a period of time. In the effort to accelerate the development process many new institutions are created for various important tasks. Their creation is justified in the hope of cutting down on usual delays connected with red tapism and bureaucratic complexity but over a period of time the newly created institutions become as inflexible as the old government departments and the need is felt to eliminate them but the pressure created through lobbying by the interest groups makes it difficult to get rid of them. Resultantly many under-developed countries are stuck up with institutions which have become quite un-productive over a period of time.

(b) *Foreign Assistance* : The paucity of resources for development makes foreign assistance attractive for the developing countries. In the absence of high rates of domestic savings, developing countries can benefit through foreign assistance programmes if they are capable



of using the assistance productively and efficiently. The question of aid effectiveness has been debated at length and its advantages have been compared to its adverse repercussions without conclusion. With all its advantages/disadvantages, foreign assistance is there to stay as the developing countries would be facing real resources deficit for a long time to come which they cannot cover with the combination of their unassisted export capacities, saving capacities and human capital building capabilities.

Foreign Assistance has helped to improve policy making and implementation of development programmes for many Third World Countries. Rostow believes that aid brought about a certain concentration of talents, and the efforts of aid giving agencies (bilateral or multi-lateral) did promote better economic management in a number of countries by raising the caliber of economic policy makers.<sup>13</sup> Foreign assistance also helped to accelerate the emergence/efforts of an entrepreneurial class in the developing countries. Yet the economic, political and bureaucratic milieu that was nurtured by foreign assistance created its own problems. The emergent bureaucratic and entrepreneurial elites of considerable talent, who are identified with aid givers, become dis-associated from their own people and are seen by them as aliens.

Another problem of foreign assistance relates to its efficient management by the recipients. Inefficient management of funds obtained through foreign assistance can create the problem of debt servicing and debt repayment. The foreign debt problems of Chile, Mexico and Brazil are some of the famous examples.<sup>14</sup> The sheer magnitude of the debt servicing/payment burden facing several countries in the next few decades has also been highlighted by sociologists, politicians and journalists. And even common man in the Third World is to some extent aware of this problem. Additionally, the availability of foreign assistance in increasing amounts as alternative to increase in domestic savings in developing countries, can get reflected in unsound budgetary policies and unsustainable growth programmes.



(c) *Politics* : Colin Clark has expressed himself most forcefully on the potential of politics to interfere with the smooth regulation of economic affairs.<sup>15</sup> Invariably politicians are the decision makers and their views/convictions on the solution of development problems get reflected in the policy prevalent during their regimes. Some politicians hold that markets are self-regulatory and can solve many problems without intervention by public authorities. Others are in favour of regulation of markets with the aid of buffer stocks, minimum and maximum prices and quotas. Changes in the political set up can lead to shifts in approaches to economic development.

Another problem relates to the difference in the tenure of the politicians and the need for prospective development approach. In this respect, for consistent and sustained growth of developing countries, it may be stated that they are in desperate need of politicians who think of the next generation and not only of the next election. The sudden shocks/changes in the development policies due to change in the political leadership can lead to severe ups and downs in the economic growth. Moreover, development priorities, frequently determined by the whims and moods of the political authority in power on the notions of national pride can result in a large scale waste of national resources on some prestigious but useless projects, while substantial proportion of population is without the bare necessities of life.

(d) *Centralization* : Another major problem in the management of development effort of developing countries relates to the highly centralised process, i.e., from the top down wards. All crucial planning decisions are taken at the national level and the bulk of the development resources are utilized for federal budgets. The provincial/local governments who have a better appreciation of the local needs than the central/federal governments are left with small balances for catering to the local needs. Moreover, even at the provincial level the planning process usually stops, i.e., the views of the people at the lower administrative levels (districts, tehsils, villages, etc.) are not incorporated.



Decentralized planning coupled with decentralization of power can ensure that the backward regions and people at the grass root level are given due attention. The local development plans would have a prior claim on national resources in contrast to centralized approach. In this context, it is also important to add that decentralized development effort would help to throw up new leadership dedicated to the service of the people and would lead to the promotion of new political groupings based on the provision of economic and social services to the local population. The decentralization would ensure the formulation and implementation of national economic and social policies in accordance with the desires and requirements of the common man.

## V. CONCLUSION

Despite their long experience of nearly three decades of planned development in one form or the other, most of the developing countries still need to further evolve their development planning processes by redefining their national objectives and searching for alternative strategies, programmes and projects. Consequently increasing attention is being devoted to most systematic processes of planning, decision making and implementation as a means of achieving the desired objectives. It has also been accepted that development policy making is a broader concept involving a range of inter-related actions and the achievements desired need an integrated approach. In other words, the importance of evaluating progress in achieving major objectives ; need for systematic follow-up to explore and explain policy results ; and the reformulation or redesigning of objectives, policies, programmes or projects coupled with strengthening and upgrading of institutional and management support at various levels, has been realized. Moreover, the recognition of global dimensions and their importance for developing countries, i.e., the direction of national policies and international system, alliances of interests across national boundary and appropriate institutional responses to global problems, can help to improve the policy-making process.



The policy makers for the under-developed countries need to look at the neglected dimensions through encouraging more empirical research in accordance with their particular socio-economic structures and by their own scholars who are in a better position to visualize the implications of various policy packages. Theoretical research may also be encouraged to bring into lime-light the new strategies for achieving the goals of increased employment, equality in income distribution and provision of basic needs.

It is important to note that population explosion has constrained the development process in the Third World. Population planning needs to be integrated into the overall development programmes. It is necessary that the implications of the various sectoral programmes on population growth and implications of the population programmes on other sectors of the economy are fully taken into account. Additionally, there is need for population planning content in the other sectoral programmes. For example, educational development programmes should, amongst other things, focus at creating an awareness of population problems.

For industrial advance, it is important to comprehend the fact that industrialization process relates to ever-increasing division of labour to reap the reward of specialization, but at the cost of increasing number of transactions between economic agents. Governments may not be in a position to predict the direction or form of the changing transactions but they still can have a vital role by facilitating the transactions involved in the process. The capacity of the government for playing this role has been limited in developing countries due to often deficient level of information and fragmented and ad hoc policy making process. Here it is important to note that although the economic principle play a useful role in indicating the general conditions under which government action will be most productive, yet identification of the specific cases in which these principles can be applied and devising effective measures are often difficult. Nonetheless, government can ensure an efficient and adequate supply of infrastructure services such as transport,



communications, power and education for facilitating modern industries. In this respect, it is important to realize that the planner should ensure that these needs are effectively provided but not necessarily through the public sector. In some cases, it may be more appropriate to regulate monopolies, while in others open competition among providers may be advisable.

The intervention of government to change the way market works, for instance, to prevent abuses, to improve welfare and to improve the pattern of investment or production, needs to be thoroughly scrutinized. In this respect, the task is most difficult as the dividing line between measures that improve and those that worsen the conditions under which the private sector operates is often a very fine one.

Development of large scale and small scale activities should also be undertaken very carefully, i.e., these should not be regarded as alternatives but should be made mutually supportive and complimentary. In other words, small scale informal sector should compliment the large scale formal sector in the provision of goods and services. The difficulty is to design policies which would enable the small scale sector to grow while ensuring sufficient resources for formal sector where productivity is higher.

Finally, it is concluded that a comprehensive approach to development policy making is called for. What is required is a combination of careful attention to detail with visions for alternative ways of arranging and managing development affairs. The implication is exploration of institutional options and their dependence on certain technological processes and economic objectives. Additionally, for Pakistan it calls for constitutional and administrative reforms for improving the performance of development programmes. The power structure and planning function needs to be decentralized to ensure balance in the development.

## REFERENCES

1. G. Meier, 1984.
2. Gunnar Myrdal, 1957, called upon the under-developed countries to produce a new generation of economists who might create a body of thought more realistic and relevant for the problems of their countries.
3. Bauer, P.T. and Yamey, B.S., 1957.
4. Viner, J., 1953 and Little, M.D., 1982.
5. No attempt has been made to indicate or justify the errors/omissions of the policy makers in the developing countries.
6. For structuralist approach, Chenery, 1965.
7. Nurkse R., 1959.
8. Khan, 1985.
9. The re-evaluation in development thinking is apparent from the views of ten great economists on the subject who were invited by the World Bank to recapitulate their views. The World Bank Publication 1984 presents the new ideas in development.
10. A case was reported in Brazil many years ago, stating that acquisition of an export licence required 1470 separate legal actions and involved 13 Government Ministries and 50 Agencies, *World Bank Report, 1987*. Recently, simplification of bureaucratic procedure has become commonly advocated policy for developing countries.
11. Some evidence of unproductive activities and price distortions was reviewed in, *World Development Report, 1983*.
12. *World Development Report, 1987*.
13. Rostow, 1984.
14. The papers presented at the World Bank Symposium, April, 1984 elaborate on the international debt problems of the developing countries.
15. Clark, 1984.



## BIBLIOGRAPHY

1. Bauer, P.T. and Yamey B.S., *The Economics of under-developed countries*. University of Chicago Press, 1957.
2. Chenery, H.B., "The Structuralist Approach to Economic Development," *American Economic Review*, May, 1965.
3. Clark, C., "Development Economics ; The early years," *Pioneers in Development*, A World Bank Publication, edited by GERALD M. MEIER and DUDLEY SEERS, 1984.
4. Government of Pakistan, *The Sixth Five-Year Plan, 1983-88*, Planning Commission.
5. Khan, M.A., "Some Neglected Topics in Development Economics," *The Pakistan Development Review*, Autumn-Winter, 1985.
6. Little, Ian. M.D., *Economic Development*, New York : Basic Books, 1982.
7. Meier, G.M., *Leading Issues in Economic Development*, (Fourth Edition), Oxford University Press, London, 1984.
8. Myrdal G., *Rich Lands and Poor*, New York, Harper, 1957.
9. Nurkse, R., "The conflicts between 'Balanced Growth' and International Specialization," *Lectures on Economic Development*, 1958.
10. Nurkse, R., *Problems of Capital Formation in under-developed countries*, Wicksell Lectures, Stockholm, 1959.
11. Ranis, G., "Development Theory at Three Quarter Century," *Essays on Economic Development and Cultural Change in Honor of Bert F. Hoselitz* edited by Manning Nash, University of Chicago Press, 1977.
12. Rostow, W.W., "Development : The Political Economy of the Marshallian Long Period," *Pioneers in Development*, A World Bank Publication, edited by G.M. Meier and D. Seers, 1984.

13. Streeten, P., "Balance Versus Unbalanced Growth," *The Economic Weekly*, April, 1963.
14. Viner, J., *International Trade and Economic Development*, Oxford Clarendon Press, 1953.
15. World Bank, *Pioneers in Development*, edited by Gerald M. Meier and Dudley Seers, 1984.
16. World Bank, *World Development Report*, Oxford University Press, 1984.
17. World Bank Symposium, *International Debt and the Developing Countries*, edited by Gordon W. Smith and John T. Cuddington, 1985.
18. World Bank, *World Development Report*, Oxford University Press, 1987.



# Some Neglected, Long Term, Institutional Determinants of Fertility in South Asia

F. A. FAREEDY

## INTRODUCTION

There is little argument concerning the importance of population control programmes for the developing economies of the South Asian region. Pakistan is maintaining, one of the fastest annual growth rate of 3 per cent and exhibiting no notable trends in declining fertility. Bangladesh averaged 2.6 per cent growth for the last decade and is projected to increase population at a higher rate of 2.9 per cent annually as shown in Table below :

TABLE I  
Population Growth Projection

Country	Population in Millions Mid - 1982	Standard Projection Millions		Average Annual Growth of Population (Percentage)	
		2000	2050	1970-1980	1980-2000
Bangladesh	93	157	357	2.6	2.9
India	717	994	1513	2.3	1.9
Sri Lanka	15	21	31	1.7	1.8
Pakistan	87	140	302	3.0	2.7

Source : *World Bank Development Report 1984*, World Bank.

Pakistan Fertility Survey (PFS) noted a 12 per cent decline in

F. A. Fareedy, Assistant Professor, Department of Economics, University of the Punjab, Lahore.

fertility during the 1970-75 period.<sup>1</sup> The optimism, that population control programmes were effective and the hope that Pakistan was entering into an era of declining fertility, were short lived. The data collected for studies in Population, Labour Force and Migration (PLM) in 1979 by PIDE/ILO directly refuted the early findings.<sup>2</sup> PLM Survey suggested a net increase in fertility rates for the same period. Since then, several demographic and empirical investigations have taken place to analyse the data from these surveys. Similar empirical studies were completed in the neighbouring India and Bangladesh, but it is difficult to find substantively significant or consistent relationship between fertility and its determinants. Fertility, which is accepted to be based upon interrelationship between the individual decision process and his institutional frame of reference, seems to be floating upon a flux of many parameters, variables and unknowns. The preponderance of literature suggests that, at best, fertility seems to be theoretically indeterminate. At least, for different countries, the variables are different, and further, these variables seem to influence fertility with varying degree in different stages of development of a country.

The purpose of this paper is to discuss some facts that influence fertility in South Asia, but are not directly included in the empirical studies and investigations. This paper argues that the institutional frame of reference, not covered in standard supply and demand investigations, is the major factor, influencing fertility behaviour in our region especially in Pakistan. The paper is organised to provide a theoretical glimpse into the fertility delima and then propose some neglected determinants that impact reproductive behaviour of people in South Asia in the long run. This is followed by a review and analysis of the empirical investigations and data issues that may seem to be related to the neglected institutional determinants. Some policy implications are also suggested in the concluding remarks.

### THEORETICAL PERSPECTIVE

Fundamentally, there are two types of theories that explain



fertility. The first type, vigorously practiced in the fifties and the sixties are called the supply theories which approach the population problem from supplying the fertility regulating devices and clinical and related services to population at large. More so, the supply theories are directly related to dispersion of knowledge and use of fertility regulating methods. This theory states that variations in fertility in non-contracepting population are due to factors not directly related to couples desire for children, but are, rather the unintended consequences of decisions made in other areas of family behaviour.<sup>3</sup> The policies resulting from supply theories can be divided into two categories. First, those aimed at educating couples, both about the benefits of small families, and about the means of limiting the number of children. Second, those aimed at providing the clinical services and contraceptives to general population and further providing inducement and incentives, financial and material, to use the clinical services and contraceptives. Some of the variables that contribute towards the explanation of supply theory are, official policy of a country, public opinion, political support, family planning programmes, supply of clinical services, availability of contraceptives, attitude of society towards abortions, natural fecundity, desired family size, etc.

However, as more and more demographers/researchers investigated the reproductive behaviour of people in developing regions, it was realized that fertility level could not be significantly reduced, by ensuring an abundant supply of contraceptives<sup>4</sup> and other clinical services to population at large. It was observed that couples' desire for children must also change for the success of any family planning and population control programme. This realization developed into, a demand for children, a second type of theory, to explain fertility. This is not to suggest that this is necessarily, the way the two theories were developed, but rather to argue the 'rationality' of the two approaches.

*Demand Theory* : The demand for children theory is set in a micro framework, and draws its basic principles from the theory of



household and consumer behaviour. This theory, based on conventional theory of consumer behaviour explains that children are a special kind of consumption good (investments, in LDCs) so that fertility becomes a rational economic response to the consumer's (family's) demand for children relative to other goods. The usual income and substitution effects are assumed to apply. Mathematically this demand for children relationship<sup>5</sup> (Neoclassical) is expressed as :

$$D_c = f(Y_d, C_c, P_x, R_x) \text{ where } x = 1 \dots n$$

$D_c$  = Demand for surviving children

$Y_d$  = Real household income

$C_c$  = Net cost of children

$P_x$  = Price of other goods

$R_x$  = Tastes for other goods relative to children

Under normal conditions of this model, we would expect that :

$\sigma D_c / \sigma Y_d$  and  $\sigma D_c / \sigma P_x$  are greater than zero and positive, i.e., that demand for children will be greater with higher household income and higher prices of other goods, and :

$\sigma D_c / \sigma C_c$  and  $\sigma D_c / \sigma R_x$  to be less than zero and negative, i.e., that demand for children will be fewer with greater cost or raising children or greater taste for relative goods. This is the fundamental demand for children theory, which can be alternatively stated, that cost of having and raising children, benefits anticipated from children to parents and resources available to parents, etc., are significant in explaining number of children desired by families.

The demand for surviving children  $D_c$  is an important consideration as in developing countries, infant mortality rates are still very high. The cost component  $C_c$  in the above model is the net (cost or benefit to parents) between the anticipated costs and opportunity costs of rearing the child and 'benefits' to parents in form of anticipated income through work and support and comfort received in old age. It is generally postulated that in the developing



regions, children are seen as economic investment goods, which are anticipated to have 'expected return'. In a monumental study in 1974, Professor Kuznets noted, "The Population (in LDC's) see their economic and social interests in more children as a supply of family labour, as a pool for genetic lottery, and as a matter of economic and social security in a non-protecting society."<sup>6</sup> The demand theory, thus received certain credence over a very short span of time. Several statistical studies in countries like Philippines, Taiwan, Thailand, Brazil, India, Bangladesh and Pakistan were undertaken which provided additional support to the economic theory of fertility. Further, a large number of empirical studies have been able to decompose this simple demand model which provided closer insight into the fertility behaviour of population and its micro variables. A detailed and thought provoking literature exists on this subject. The list of variables that impact fertility have grown into a sizeable proportion. Some of the variables such as literacy rate, adult education, school enrollment, education of women, status of women in society, family background, social class, life expectancy, infant mortality, urbanization, per cent of population in non-agriculture labour force, availability of insurance, old-age and retirement benefits, industrialization, composition of employment, land holding size, nuptiality, age structure, marriage age, income, family's real wealth, income distribution, etc., have been used in empirical studies in one country or another. Decomposing, the effect of these variables gives conflicting results for different countries, or even different data sets of the same country. However, there are three universally accepted determinants which have proven to reduce demand for children.<sup>7</sup> These are :

1. *Mortality Rate* : Fertility responds to falling mortality and adjust downwards, eventually producing the slower rate of population growth.

2. *Raising Income* : It is now a well established fact, that in the long run, people with more income will want fewer children. The rise in income may result from the economic growth, which can

be narrowly stated to be industrialization, urbanization and shift from family to factory production.

3. *Education, Employment, Status of Women*: Several studies have shown that fertility is highly correlated to education and employment of women. Perhaps the most important reason is that they represent half of the country's human resource which is critically needed for development and further their non-domestic employment tend to reduce fertility and population growth.<sup>8</sup> Also female education, employment and her status in society tend to rise together. Thus female education, additional opportunities for employment and raising her social status decreases fertility. Education of women in Pakistan and Bangladesh is known to decisively decrease fertility, which is shown in Table 2.

TABLE 2  
Factors Influencing Fertility

Country	Year	Mean number of living Children	Desired family size	Percentage of women aged 15-19 ever married	Mean duration of breast feeding (months)	Total Fertility among women with	
						No Schooling	Seven years
Bangladesh	1981	3.0	4.1	63	29	6.1	5.0.
India	—	—	—	—	—	—	—
Sri Lanka	1975	3.5	3.8	21	21	n.a.	n.a.
Pakistan	1975	3.2	3.6*	38	19	6.5	3.1

Source: *World Bank Development Report 1984*, World Bank.

\* Pakistan Fertility Survey (PFS), 1975, First Report, 1976.

There is a general agreement that these universally accepted determinants are critical for the demographic transition of a country. This paper proposes that there are some neglected institutional determinants that impact fertility in South Asia but are not explicitly



or implicitly included in the empirical and econometric investigation. The central task of empirical research is related to specification and estimation of the relationship between fertility and some variables (supply or demand) concerning socio-economic factors affecting the individuals. It is hypothesized that the neglected institutional factors are empirically indeterminate, however, significantly impact fertility in our region.

### NEGLECTED INSTITUTIONAL DETERMINANTS

The single most important conclusion, from the empirical and demographic investigations using the IMPACT (1968), PFS (1975) and PLM (1976) surveys, emerges to be that the reproductive behaviour differential appear to effect only the elite members of the population, and the overall reproductive behaviour in Pakistan remains relatively static. This leads us to think that there must be some factors, that effect the population at large, but are not in the realm of data collection and empirical testing. There may be some factors, such as general lawless environments, inequality of opportunity or non-availability of justice, that may influence fertility but are impossible to test empirically because of data collection problems. Even if the identification and specification of variables for data collection was done appropriately, it would require monumental amount of effort and financial resources to establish a sound data base for such investigations. Another possibility is to use proxies for these factors and use existing scanty and imprecise data. Such studies, it is feared, usually lead to raising more issues and questions than they are supposed to answer. Thus, in this case, there is but little choice than to resort to theoretical explanation for the persistence of high fertility rates in our region. The institutional frame of reference in our region seems to influence reproductive behaviour of people more effectively than the individual factors.

The 'Isolation Paradox'<sup>9</sup> in which each individual family sees private gains of having a large family while hoping others were limiting their family size, has its reasons in the institutional factors



such as established power structure or unequal opportunities for progress in a society. Individuals acting in isolation order to overcome the institutional factors, will leave their children worse off, i.e., they act to the detriment of each other and the society. Therefore, to resolve this 'Isolation Paradox', it is important to identify those institutional factors which are the basic cause of creating it. A society in general, establishes certain norms for its constituents. Of course, these norms are synthesized from the deep seated social, cultural and religious values of the society. Generally, these norms are an output of the aggregate experiences and observations of the members of the society over a long period of time. Clearly, an individual family learns from the experiences of the families in contact and from the observations about the community in general. Dennis De Tray sums this up in the following paragraph :

"Over the course of time, the community at large will be able to observe how well off, happy, rich, etc., the families with lower fertility are relative to families with average fertility levels, and thus will know almost instinctively whether, *ceteris paribus*, they should strive for lower fertility. If on the other hand, families with lower fertility tend on average to be worse off in terms of whatever welfare measures the community deems important then future generations will do what they can to promote high fertility. Thus, it is argued that there are processes that can lead to individual 'rationality' in behaviour that do not involve complex cost benefit analyses or even a great deal of conscious choice at a particular point, in time."<sup>10</sup>

It is contended in this paper that the institutional set-up and norms established by societies in our region are of similar nature, where deliberate individual decision has little influence over fertility. Experience and observations of other families in present, and the historical experience of families in the immediate past, in their own institutional set-up, influences fertility behaviour of people



significantly. Therefore, the following six factors are proposed that appear to effect fertility but seem to be empirically indeterminate :

1. To carry the family name.
2. Virility or Sterility.
3. Established Power Structure.
4. Insecurity and Lawless Environments.
5. Distribution of Wealth and Unequal Opportunities.
6. Social Security for parants at old age.

These six factors are discussed in this section. However, it would be relevant to point out that two additional institutional factors are being deliberately not included in this discussion. First is relating to purely religious argument and not discussed here because of the sensitivity of the issue. The second, is relating to Pakistan's versus India's population ratio, or more precisely, comparative military strength of the two armies. Does this factor influence our population policy planner ? (implicity or unconsciously). It is hoped that it does not.

### **1. To Carry the Family Name**

This is an important social requirement which is expected from the newly married couples. It is not only a psychological and sociological compulsion, but it makes good economic sense as well. In tradition, the son inherits not only the name of his father but all his property and belongings. To not to have at least one son would mean loosing all the property to other people or families. To carry the family name is narrowly related to the status of women in society and her property rights. The demand for at least one son per couple is deeply rooted in our value system, and will remain latent in the fertility behaviour in our region.

### **2. Virility and Sterility**

In developing societies such as Pakistan, one of the social dichotomy is that a man must prove, that he is potent and procreate

at will. The pressure on the male is great, because the society has established that to procreate is not only normal but desirable. The pressure upon a female is even greater, because of her status in the household and society. To be 'sterile' for a woman is probably worse than to be 'untouchable.' In Muslim societies, for a female to not be able to bear children may increase the incidence of bigamy or polygamy.

### **3. Established Power Structure**

The male numerical strength of a household, family caste or a Braderi is extremely important in settling disputes in developing societies. The disputes related to property or land, monetary or financial matters, and conflicts arising from social, cultural or religious differences are usually settled in accordance with the norms of the established power structure of a rural/urban setting. The pattern of power structure is well defined and highly visible in the rural areas. However, power structure is less visible, but established and effective in urban communities in form of Braderi System. Other than the economic power, the male numerical strength is the most important determinant of the power structure.

The male numerical strength of a rural household is of significant importance as disputes related to land, money and women are usually resolved outside the State Judicial system and within the established power structure of the village.

Similarly, in urban communities, male numerical strength of a Family or Braderi is critically important to resolve disputes and in many instances influence the political system. Even, in densely populated urban localities, conflicts, quarrels and disputes with neighbours and strangers are settled with the physical force of male numerical strength.<sup>11</sup>

The important role of this male numerical strength is directly related to the relatively weak administrative and judicial systems that exist in most of the developing societies. In such countries, the law enforcing agencies and governmental administrative machinery



are basically the custodian of the rights of the elite of the society. Therefore, the population at large, belonging to lower economic strata does not rely upon the law enforcing agencies for the protection of its rights or seek justice by the due process of law.

Thus the demand for male members needed to enhance the numerical strength of a household seems to be an important determinant of fertility for developing countries like Pakistan.

#### **4. Insecurity and Lawlessness**

Another factor that seem to promote higher fertility is related to the general law and order conditions prevalent in the developing societies. The general lawlessness in a community, which produce a feeling of threat to life and property of the common citizenary, may induce common person to adopt private means for self protection. Most of the population in the developing countries have very little faith in their police, law and justice systems. The escalating rates of crimes ; such as armed robberies, theft, murder, kidnap, narcotics and violence, creates a general feeling of insecurity among the members of a community. The persistence of feeling of insecurity for long durations, causes the psychic mechanism of people to click them to have larger families. Unconsciously, the population may rationalize to have more children, and somehow may see a large family, as a compensation for the lack of police protection and non-availability of justice. Thus insecurity and lawlessness may be another important determinant for the fertility in developing societies.

#### **5. Distribution of Wealth and Unequal Opportunities**

The pattern of distribution of wealth in the developing countries provides unequal opportunities for economic progress for the majority of population of these societies. Thus a common person sees little opportunity to fulfil his innate desire to be well-off and accumulate wealth by himself. Therefore, he substitutes children for wealth, in order to accumulate wealth. His strategy is quite simple. It costs him very little to be a father and he would raise



them by whatever means available to him in his social set-up. He sees his children who will grow up to be the helping hands or income earners in the family and this would be a sure way of building up his wealth. He rationalizes unconsciously that when he has a lot of children, only then he will realize the financial gains which will make it possible for him to accumulate wealth. If not wealth, then at least, he will be able to raise his standard of living and implicitly, his status in the community. Clearly, more children seem a good way of getting rich and raising one's status in the society. Thus inequality in the distribution of wealth and the difference in the levels of living of the rich and poor, aggravated by the unequal opportunities for economic progress for different classes of the society seem to effect the demand for children and the fertility in developing societies.

#### **6. Social Security for Parents at old age**

Much has been said about this as a determinant of fertility and very little has been done about it in the developing societies. No doubt children are a source of pleasure and satisfaction to their parents. This is a universally accepted fact. But there are other economic, social and cultural compulsions in a given society that decidedly influence fertility. One of the most important determinant of fertility in our region is our well established natural, one family social security system, i.e., younger members of a family must take the responsibility of caring for the older generation. Much has been said about this issue, but little investigation has been done to explore and decompose it (from a policy planning perspective) in South Asia.

It is generally accepted that in developing societies, where the costs of rearing children are extremely low and the benefits from them are high, it makes economic sense for parents to have many children. In South Asia nearly 90 per cent of parents rely on their children to support them in their old age. For most, immediate cost of raising children is minimal comparing their need for support in their old age. Thus children seem to be the best possible annuity. For



women, the compulsion is even greater, because they more so than men, look to children for support in old age, sickness, divorce, separation, illness of husband and widowhood. Further, the present status of women in developing societies, which is extremely low, dictates less opportunities for education and employment, and are biased in protecting their rights concerning inheritance, marriage, divorce and property. Thus women seek obvious insurance against risks to have several children (in particular, sons).<sup>12</sup> Such social set-up is most likely to raise fertility. Men seem to have similar compulsions for social security at old age, insurance against incapacitating sickness, but his desire to have more children (or sons) may be more influenced by the other determinants, such as to enhance male numerical strength of a family, to combat insecurity and lawlessness, or to capture his economic share resulting from the existence of unequal distribution of wealth and unequal opportunities for progress.

#### **EMPIRICAL INVESTIGATIONS AND RELATED DATA ISSUES**

Several studies were completed in Pakistan and Bangladesh to decompose the fertility behaviour in this region. Major undertakings were published by Pakistan Institute of Development Economics and the Bangladesh Institute of Development Studies. In this section we will make an attempt to analyse and review to see whether the neglected institutional determinants (listed in the previous section), have been empirically tested and included in the published studies, or, alternatively, is there a possibility for collecting data for some proxy variables of these factors and then using regression and econometric techniques for evaluation and policy implication?

The first factor, to carry the family name, i.e., to have at least one surviving son, makes good economic sense in our social set-up. This leads to a simple question, whether 'preference for son' in 'desired number of additional children' type of investigations, could be used as a proxy variable for this determinant. The answer does not seem to be as simple. Another correlated variable would be wealth of the

family. In a wealthy family, demand for carrying the name may be higher than in a poor family.<sup>13</sup>

Several important empirical investigations have taken place in Pakistan, using impact (1968), PFS (1975) or PLM 1979 data. Khan and Sirageldin suggested that the negative inducement due to the number of living sons on the desired number of additional children is about two times that due to the number of living daughters.<sup>14</sup> Rukanuddin study proposed infant mortality and son preference to be highly linked in explaining fertility behaviour and the demand for additional children.<sup>15</sup> Soomro and Farooqui, estimated mean number of additional children wanted by currently married women by number of living children. This is shown in Table 3, and demonstrate clearly that with increasing number of living children, the desired additional children declines.<sup>16</sup> However, most of the research work have centered around the desire for additional children or son preferences, but all these studies have explicitly or implicitly assumed existing stock of children or at least one son to carry the name of the family. This is an essential point of departure for the arguments presented here.

TABEL 3

Mean number of additional children wanted by currently married women (CMW) by age and number of living children, Pakistan PFS (1975) and PLM (1979) survey.

By number of CMWs living children	PFS	PLM
0	3.6	4.0
1	2.4	3.0
2	1.3	1.9
3	0.9	1.2
4	0.5	0.5
5	0.4	0.3
6	0.2	0.2
7+	0.1	0.1
All	1.2	1.4



CMW By Age	PFS	PLM
20	3.1	3.6
20-24	2.1	2.7
25-29	1.3	1.8
30-34	0.7	1.1
35-39	0.4	0.6
40-44	0.2	0.4
45-49	0.1	0.1
ALL	1.2	1.4

Source : Soomro, Farooqui, "Fertility Preferences and Contraceptives use", *Pakistan Development Review*, Vol. XXIV, No. 3-4, August 1985.

In developing countries, there is a strong intrinsic psychological and cultural determinant of family size, so that the first one, two or three children are not an investment, but should be considered as consumer goods out of which one must be a son. In purely theoretical framework, the demand may not be very responsive to relative price change for the first few children. Thus the demand for children framework or the choice mechanism in the economic theory of fertility applies only to additional or marginal children considered investment, i.e., after the birth of at least two children out of which one must be a son. Thus it seems that this determinant of fertility, i.e., to carry family name does not seem to fit in the mode of empirical investigation.

The second determinant, i.e., virility or sterility seem to be empirically indeterminate. The psychological and social compulsions are more at work and the argument in the previous paragraph will be more relevant here. Therefore, the first few children in the family are not an outcome of conscious and unconscious economic investment decision in the supply or demand model, but rather a product of innate biological desire and/or the social dichotomy imposed by the society.

The third determinant, i.e., 'Established Power Structure' seems to have more relevance to various empirical studies that have been relating to desired number of additional children and sons preference. The most important and thorough investigation were taken by Khan and Siregeldin (1978-1983) to estimate the desired number of additional children. They have used model of which simple version is stated as follows :<sup>17</sup>

$$NAC_W^* = WB (B - B_W^*) + WG (G - G_W^*) + U_W NAC_H^*$$

$$NAC_H^* = WB (B - B_H^*) + HCS (G - G_H^*) + U_H NAC_W^*$$

W = stands for wife

H = stands for husband

$$NAC_I^* = \text{desired change in children [ by wife (W) or husband (H) ]}$$

B\* = desired number of boys

B = living number of boys

G\* = desired number of girls

G = living number of girls

Only one economic variable, i.e., income during the past 12 months was used in estimating the results. Two indirectly related, sociological variables, education of husband and wife and residence in urban area were included in the model. The data source was the impact survey in Pakistan (West) in 1968-69. The study estimated, the negative inducement due to the number of living sons on the desired number of additional children, clearly, implicating that increasing number of living sons reduce fertility. Further greater number of living sons or living daughter, smaller the expected number of children desired by parent. The empirical investigation has provided critical proof that the male numerical strength is



important. But the current research goes no further in explaining why this numerical strength is important and what are the determinants of this desired numerical strength? It seems that there must be a critical number of sons desired in each economic strata. This factor seems to be empirically determinable where proxies for desired number of sons alongwith real wealth of family and other variables could give substantial evidence for the demand for sons, in each economic strata. How does the numerical strength influences the established power structure and what supposed changes in the power structure can result in reducing the demand for male numerical strength and finally reducing fertility is open for future empirical investigations.

The fourth determinant, i.e., Insecurity and Lawless environment is again an interesting puzzle. Do the empirical investigation (on micro level) which estimates the desire for additional sons in the household sufficient proxy for this condition. In traditional societies, girls are normally considered as liabilities and sons as assets. The desire for additional sons in lawless societies will be greater and should diminish as the society passes through various development stages. It is hypothesized that as the societies develop, the law enforcement agencies and institutions for justice will also strengthen and thereby reducing demand for additional children. Thus economic development, per capita income, industrialization, urbanization, literacy rate, etc., can be used as proxy variables for this determinant in the empirical investigation.

The fifth determinant, i.e., Distribution of Wealth and unequal opportunities which give rise to demand for additional children; can this be empirically estimated? The argument seems to be similar in nature as in the previous paragraph. However, with an exception that increased development in its initial stage may further deteriorate the distribution of wealth and equal opportunity situation and thus development may induce rapidly rising demand for additional children because of this factor alone. It is possible to use per capita income as proxy for distribution of wealth, but



empirically testing unequal economic opportunities is a monumental task in itself.

The sixth determinant, i.e., Social Security at old age has been extensively explored by researchers at Bangladesh Institute for Development Studies. Gain and Lieberman<sup>18</sup> focused on the positive reproductive incentives associated with children as insurance against risk. They proposed an attack on the risk insurance—fertility nexus, a necessary condition for fertility transition in Bangladesh. Robinson<sup>19</sup> empirically testing the Gain—Lieberman hypothesis, showed that link between risk and fertility is mostly negative. Thus both studies directly proposing opposite policies for family planning and old-age security systems. At best this determinant seems to be empirically dubious.

### CONCLUSION

Thus it seems in the final analysis that the six determinants of the demand for children outlined in this paper are empirically indeterminate. The demand estimated by various micro models, for the additional desired children (or sons preference) may only be used as a first approximation for some of these factors such as established power structure, insecurity and lawless environment and security at old age. In no way demand or supply theories of fertility can completely explain the fertility behaviour in the developing region like South Asia.

The central thrust of any population control programme, undoubtedly should be directed towards the three universally accepted factors, i.e., lowering mortality rates, raising per capita income and raising status of women by providing educational and employment opportunities and protecting their civil rights. The first two factors listed in this paper, i.e., to carry the family name and virility or sterility, is likely to play less important role with the passage of time as our societies pass through various socio-cultural transition stages.

However, our emphasis should be to develop an institutional system that reduces the demand for children resulting from the



institutional factors. Therefore, clear, honest and whole hearted efforts are needed by the governments of our region to establish institutional systems that are based on equality and justice. Especially, the Law enforcing agencies and justice system must be established, that operate upon the fundamental principle of equality and justice for all citizens. The established private power structures in rural/urban areas are needed to be replaced by the institutional power structures. When the institutional power structures, i.e., administration, legislation and judicial system can treat all citizens with equality and justice, then the private means to establish or influence the power structure would diminish. That will decrease demand for children arising from institutional factors. Similarly, if the state was providing a sufficiently protected environments for its law abiding citizens then the need for private or individual means for self preservation should diminish.

The other factor of unequal distribution of wealth and opportunities and conspicuous differences between the levels living of the rich and poor is a complex issue. The inequalities can be reduced if not erased in a larger framework of development strategy adopted in the country. Unfortunately, in Pakistan, we have deliberately used development strategies that have widen the gap between the rich and the poor. The long term development planning should include population planning as a central axiom in the policy planning.

The last factor is a critical institutional factor which can be directly attacked by institutional means. It is our conclusion that an alternate to one family private social security system, the institutional social security system needs to be established in order to reduce demand for children or fertility transition in our region. The institutional arrangements which are only available to government employees should be extended to private employment and self employed and other rural segments of the population. Thus, in the final analysis, it is the larger frame work of our overall, long term development strategy that directly attacks these neglected determinants of fertility which will resolve our population explosion problem.



# FOOT NOTES

1. Sathar, Z.A. and Irfan, M., "Reproductive Behaviour in Pakistan: Insight from the PLM Survey," *The Pakistan Development Review*, Vol. XXIII, Nos. 2 & 3, 1984.
2. Ibid, pp. 216, 217.
3. DE Tray, D., "The Demand for Children," *The Pakistan Development Review*, Vol. XVIII, No. 1, 1979, p. 65.
4. Rukanuddin, A.R., "Infant-Child Mortality and Son Preference," *The Pakistan Development Review*, Vol. XXI, No. 4, 1982, p. 297.
5. Todaro, M.P., *Economic Development in the Third World*, Longman London, 1985, pp. 208, 209.
6. Kuznet, S., "Fertility Differentials," *Economic Growth Centre*, Yale University, 1974.
7. *World Development Report*, World Bank, 1984, pp. 108-109.
8. Shah, Khalida, "Women's Participation in the Labour Force and its Implications," *Pakistan Manpower Review*, Vol. XI, 1985.
9. "The Isolation Paradox," Individuals in Isolation act to the detriment of each other unless they know that fellows will act in a manner that serves the general well-being," *The World Development Report*, 1984, p. 55.
10. De Tray, D., "The Demand for Children," *PDR*, Vol. XVIII, 1979.
11. This is the case of first instance. Later on with the involvement of Police and Courts the disputes are resolved in view of the Economic and social strength of the Household.
12. Cain and Lieberman, "Development Policy and Fertility Decline in Bangladesh," *The Bangladesh Development Studies*, Vol. XI, No. 3, 1983.
13. This simply restated, that son's preference may be absent due to this reason, but still may be very high due to some other reasons.
14. Khan and Sirageldin, "Desired number of additional children," *The Pakistan Development Review*, Vol. XXIII, No. 1, 1983, p. 20.
15. Rukanuddin, A.R., op. cit.
16. Soomro and Farooqui, "Fertility Preference and Contraceptives" *The Pakistan Development Review*, Vol. XXIV, No. 3-4, 1986.
17. Khan and Sirageldin, op. cit.
18. Cain and Lieberman, op. cit.
19. Robinson, W.C., "Policy, Risk and Fertility," *The Bangladesh Development Studies*, Vol. XI, No. 3, September, 1983.



## BIBLIOGRAPHY

1. Alam, I., Irfan, M., Farooqui, I., *Fertility levels, trends and differentials, in Pakistan: Evidence from the PLM Survey (1979-80)*, Pakistan Institute of Development Economics, Islamabad, 1985.
2. Alauddin, M., *Socio-Economic Determinants of Fertility in Bangladesh: A review*, Institute of Social Welfare and Research, University of Dhaka, 1980.
3. Amin, S., *Human Resources: Employment and Development: Developing countries*, Vol. 5, The Macmillan Press, London, 1984.
4. Anker, R., "An Analysis of Fertility Differentials in Developing Countries" *Review of Economics and Statistics*, Vol: LX, No. 4, February 1978.
5. Berelson, B., "An evaluation of the effect of population control programmes," H.B. Parry, (ed.), *Population and its Problems*, Clarendon Press, 1974.
6. Chaudhary, R.H., "Social Aspects of Fertility with special reference to Developing countries," Vikas House, New Delhi, 1982.
7. Cole, A.J., "The Demographic Transition," *The Population Debate: Dimensions and Perspectives*, United Nations, 1975.
8. De Tray, Denis, "Child quality and the Demand for children," T.W. Schultz, (ed.), *Economics of the Family, 1974*, NBER, University of Chicago Press.
9. De Tray, Denis, "The demand for Children in a natural Fertility Population," *The Pakistan Development Review*, Vol. XVIII, Spring, 1979.
10. Frank, A., "Economic Crises, Third World and 1984," *World Development*, Vol. IV, No. 10-11, 1976.
11. Gregor, P., Campbell, J. and Cheng B., "Differences in Fertility Determination: Developed and Developing countries," *Journal of Development Studies*, November 9, 1975.
12. Khan, M. Ali, "Son Preference and the demand for additional children in Pakistan," *Demography*, Vol. XIV, No. 4, 1977.
13. Khan, M. Ali, "Desired number of additional children: An analysis of 1968 Pakistan Data," *The Pakistan Development Review*, Vol. XXII, Spring 1983.
14. Kirk, D., "A new Demographic Transition in Rapid Population growth: Consequences and Policy implication," *Baltimore: John Hopkins Press*, 971.

15. Lieberman, S.S., "Rural Development and Fertility transition in Asia : The case for broad based strategy," *Social Research*, Vol. XLVII, No. 2, Summer, 1980.
16. Lieberstein, H., "The economic theory of fertility decline," *Quarterly Journal of Economics*, Vol. LXXXIX, No. 1, February, 1975.
17. Ridgersm, G.B., "Fertility and Desired Fertility : Longitudinal Evidence from Thailand," *Population Studies*, Vol. XXX, No. 3, November, 1976.
18. Rukanddin, A.R., "Infant-child Mortality and Preference as factors influencing fertility in Pakistan," *The Pakistan Development Review*, Vol. XXVI, No. 4, 1982.
19. Sathar, Z.A., Rural-Urban Fertility Differentials : *The Pakistan Development Review*, Vol. XVIII, No. 3, Autumn, 1979.
20. Sathar, Z.A. and Irfan, M., *Reproductive Behaviour in Pakistan*.
21. Shah, K., "Women's Participation in the Labour Force and its implications," *Pakistan Manpower Review*, Vol. XI, No. 1, 1985.
22. Sirageldin, "The Potential for Economic Demographic Development," *The Pakistan Development Review*, Vol. XXV, No. 1, Spring 1986.
23. World Bank, "Population changes and development," *World Development Report*, 1984.



# Partition of India and the Kashmir Dispute

---

PROF. KHAN ZAMAN MIRZA

The 'Statement'<sup>1</sup>, made by the British Prime Minister, Mr. Clement Attlee, in the House of Commons and by the Secretary of State, Earl of Listowel, in the House of Lords on 3 June, 1947 at 3.30 p. m. and published in India at the same time, is commonly known as the 'Partition Plan'. As regards the Princely States, the Statement said, that :

"His Majesty's Government wish to make it clear that the decisions announced above relate only to British India and that their policy towards Indian States contained in the Cabinet Mission Memorandum of 12th May, 1946, remains unchanged."<sup>2</sup>

In order, therefore, to understand the then future policy of the British Government in regard to the Princely States, it is of the utmost importance to see as to what was the Cabinet Mission Memorandum of the 12th of May, 1946. The operative part of this Memorandum stated that :

"When a new fully self-governing or independent Government or Governments come into being in British India, His Majesty's Government's influence with these Governments will not be such as to enable them to carry out the obligations of paramountcy. Moreover, they cannot contemplate that British troops would be retained in India for this purpose. Thus, as a logical sequence and in view of the

---

Khan Zaman Mirza, Senior Research Fellow, Instituted of Kashmir Studies, University of Azad Jammu and Kashmir, Muzaffar Abad, Azad Kashmir.

desires expressed to them on behalf of the Indian States, His Majesty's Government will cease to exercise the powers of paramountcy. This means that the rights of the States which flow from their relationship to the Crown will no longer exist and that all the rights surrendered by the States to the paramount power will return to the States. Political arrangements between the States on the one side and the British Crown on the other will thus be brought to an end. The void will have to be filled either by the States entering into a federal relationship with the successor Government or Governments in British India, or failing this, entering into particular political arrangements with it or them".<sup>3</sup>

It may not be out of place to mention that, after the acceptance of the Statement of 3rd June, 1947 (Partition Plan) by the two Principal Parties of British India, namely ; the Congress and the Muslim League, the British Parliament, in order to set up two Independent Dominions of India and Pakistan, passed Indian Independence Act on 18th July, 1947, which was enacted on the same date after consent by the British Crown. In regard to the States, the Act stated that :

"As from the appointed day (i.e., 15th August, 1947) : The Suzerainty of His Majesty over the Indian States lapses, and with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the rulers of Indian States, all functions exercisable by His Majesty at that date with respect to Indian States, all obligations of His Majesty existing at that date towards Indian States or the rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty, grant, usage, sufferance or otherwise."<sup>4</sup>

The Cabinet Mission Memorandum of 12th May, 1946 and Indian Independence Act of 18th July, 1947, lead us to the conclusion



that suzerainty and paramountcy of the British Crown over the Princely States had lapsed on the 15th of August, 1947, i.e., from the appointed day of the transference of power, and that the rulers were practically free to decide in whatever way they liked after that date. This means that on the one hand they had also been granted Independence and sovereignty as was the case with the newly established Dominions of India and Pakistan, but on the other, it was made incumbent upon them to join either of the Federations or to enter into particular political arrangement with one or the other Dominion. This was a strange situation.

Before, however, discussing the future of the Indian (Princely) States in the light of the Cabinet Mission Memorandum of 12th May, 1946 and the Indian Independence Act of 18th July, 1947, it is necessary to discuss the Congress-Mountbatten conspiracy and machinations to deprive Pakistan of the Muslim majority State of Jammu and Kashmir whose people had, since, 1931, started their freedom struggle against the despotic rule of the Hindu-Dogra Maharaja, and who, after adoption of the Pakistan Resolution by the Muslim League on 23rd March, 1940, had linked their destiny with Pakistan which was and continues to be their chosen goal. The Hindu-Congress leaders, who had under inevitable circumstances agreed to the establishment of Pakistan, wanted it to be undone. They, therefore, conspired to isolate Kashmir from Pakistan and sought its accession to India. In a letter to Lord Mountbatten, the Last Viceroy of British India, Mr. Krishna Menon wrote that "events in Kashmir are watched with concern. If Kashmir and N.W.F.P. go to Pakistan, all hopes of the Plan being a settlement will prove fanciful."<sup>5</sup>

It may, however, be stated that the Congress leaders had become extremely restive and anxious to secure the accession of the Muslim majority State of Jammu and Kashmir. They, therefore, requested Lord Mountbatten to use his good offices in this behalf. In this connection, V.P. Menon's comments deserve special consideration. He writes :



"After the announcement of June 3rd Plan, when Lord Mountbatten was discussing the policy of accession of the Indian States to one Dominion or the other, he became particularly concerned about Kashmir. Here was a State with the biggest area in India, with a population predominantly Muslim, [sic] ruled over by a Hindu Maharaja. Lord Mountbatten knew Sir Hari Singh well, having been on the Prince of Wales' staff with him during His Royal Highness tour in 1921-22. He accepted a longstanding invitation from the Maharaja to visit Kashmir again and went there in the third week of June."<sup>6</sup>

As regards Maharaja Hari Singh's invitation to Lord Mountbatten to visit Kashmir, Justice Muhammad Yusuf Saraf writes :

"There is no evidence that the Maharaja and Mountbatten ever met between 1921-22 and 1947. So it is curious that Mountbatten should have been reminded of an invitation extended as far back as 1921 and should have been good and gracious enough to avail of it after nearly 25 years."<sup>7</sup>

It is, however, a fact that Mountbatten did visit Srinagar from 18th to 23rd June, 1947 at the behest of the Congress leaders. In this connection, it would, therefore, be in the fitness of things to refer to a detailed "Note on Kashmir,"<sup>8</sup> sent to Mountbatten by Pandit Nehru on 17th June, 1947. In this comprehensive note, Nehru specifically outlined various steps to be taken to secure Kashmir's accession to India. He stressed the strategic importance of Kashmir for India and warned that "Kashmir should not join the Pakistan Constituent Assembly, and that Kashmir should join the Constituent Assembly of India."<sup>9</sup>

The question, however, arises that if Mountbatten had visited Kashmir as a result of a longstanding invitation, as claimed by V.P. Menon, then why did he involve himself in a political dialogue with the Maharaja about the future of Kashmir as it evidenced by



his conduct as revealed in "*The Transfer of Power Documents* and also by V.P. Menon in his book, *The Story of the Integration of Indian States*. The fact is that Mountbatten's mission to Kashmir was in response to Congress leaders plea to secure the accession of Kashmir to India. Sir Conard Corfield, Political Adviser to Mountbatten states that :

"When he visited Kashmir, contrary to the practice, he did not invite his political adviser to accompany him. What I said about Kashmir carried no weight, because Nehru was determined to secure the accession of Kashmir to India."<sup>10</sup>

The authors of *Freedom at Midnight*, who extensively tape-recorded the interview of Lord Mountbatten, have written enough in defence of Mountbatten's role in regard to the future of Kashmir. They have, however, revealed that : "During his meeting with Maharaja Hari Singh, when he was told by the latter that "I do not want to accede to Pakistan on any account", Mountbatten said "then you must join India. In that case I will see that an Infantry Division is sent up here to preserve the integrity of your boundaries". The Maharaja replied in the negative and said "I don't wish to join India either. I wish to be independent".<sup>11</sup>

It may be stated that the offer of sending an Infantry Division to Kashmir was contrary to the provisions of the Cabinet Mission Memorandum which had become a part of the 3rd June Plan. The question, therefore, arises as to wherefrom Mountbatten expected danger to the boundaries of Kashmir ? And if it was from Pakistan, it remains a fact that Pakistan had not till then come into existence, and that there was no danger to the boundaries of Kashmir from Pakistan. This proves beyond an iota of doubt that Mountbatten was determined to secure Kashmir's accession to India at all cost, because he knew it very well that the Muslims of Kashmir, who were in a predominant majority, would never concede to Kashmir's accession to India.

And, on his return from Kashmir, Mountbatten had not only had



a detailed interview with Pandit Nehru in regard to Kashmir, but he also sent a detailed report of his Kashmir visit to the British Government. In his report he said :

“On the subject of the States, Nehru and Gandhi are pathological. Nehru said he must go to Kashmir to get his friend Sheikh Abdullah out of prison to support the freedom movement in the State. Gandhi came to see me and suggested that he should go to Kashmir to prepare the way for Nehru. Finally I told them I had an invitation from the Maharaja, who is an old friend, and that I would greatly prefer they should let me go and have some discussions with Maharaja and his Prime Minister before they tried their hand. They were both very anxious that he should make no declaration of Independence and should, in fact, indicate a willingness to join the Constituent Assembly of India”.<sup>12</sup>

The question, therefore, arises as to why were Messers Nehru and Gandhi pathological on the subject of the States in general and in relation to Kashmir in particular. Was Kashmir a Hindu-majority State? Was the Freedom Movement in Kashmir started by the Hindus? Was it not a fact that the people of Kashmir wanted accession to Pakistan? In spite of the fact that Jammu and Kashmir was and continues to be a Muslim majority State and the Muslims including certain sections of the non-Muslims wanted accession to Pakistan, the Quaid-i-Azam, being a constitutionalist and a democrat par excellence, had clearly stated on 17th June, 1947, that :

“Constitutionally and legally the Indian States will be independent sovereign States on the termination of paramountcy and they will be free to decide for themselves any course they like to adopt . . . . In my opinion they are free to remain independent if they so desire. Neither the British Government nor the British Parliament nor any other power or body can compel them to do anything contrary to their free will and accord, nor have they any power of sanction of any kind to do so”.<sup>13</sup>



It is, however, intriguing to note that, on his return from Kashmir, Mountbatten had a detailed interview with Pandit Nehru. Had he been impartial as Governor-General of British India and as the Crown Representative, and not been Pro-Congress, he should have informed the Quaid-i-Azam as well of the details and outcome of his talks with the Maharaja and his Prime Minister. All available evidence and subsequent role of Mountbatten prove that he did not take Quaid-i-Azam into confidence in this behalf. On the contrary, he continued to support Nehru and Gandhi to secure Kashmir's accession to India. And, in deference to the wishes of Mr. Gandhi, Mountbatten "asked the Maharaja to grant permission to Mr. Gandhi to visit Kashmir".<sup>14</sup>

To what extent was the role and conduct of Mountbatten a betrayal of impartiality, can be verified from a letter, dated 28th June, 1947, written to him by his Political Adviser, Sir Conard Corfield. In this letter Mr. Conard said: "May I suggest that it would be as well to let Mr. Jinnah know the background since Mr. Gandhi's visit at this stage will cause deep suspicion in Pakistan which might be allayed by a previous explanation".<sup>15</sup> But, Mountbatten was determined to follow the path he had chosen in favour of the Congress leaders. He, therefore, again wrote to the Maharaja on 28th June, 1947, and warned him, that:

"I need not remind you that I have not the power to stop either of these two (Mr. Gandhi and Pandit Nehru) coming up to visit you, and so you will have to make up your mind which of the two you would sooner have. I sincerely hope for all our sakes that, if you do accept a visit from one of them, you will be able to arrange matters that there is no clash. I am sure that you and your Prime Minister, with your great tact and knowledge of the situation, will be able to handle this matter".<sup>16</sup>

To what extent the Congress leaders were restive to visit Kashmir is verified from the fact that:

"In a letter of 27 June Mr. Gandhi stated that Pandit Nehru had expressed anxiety at the delay involved in Lord Mountbatten's letter to the Maharaja of Kashmir (quoted above) was sent by post rather than by wire. For him it is one of personal honour".<sup>17</sup>

In deference to the wishes of Mr. Gandhi to visit Kashmir, Mountbatten telegraphically directed the British Resident in Kashmir, on 28th June, 1947 and asked him :

"To warn His Highness that the only way I could persuade Nehru to postpone an immediate visit to Kashmir was to agree to forward a request that His Highness should receive Gandhi instead. Letters to this effect from myself to His Highness are on their way. Congress attach great importance to an early and favourable answer".<sup>18</sup>

Not only this, Mountbatten also, in a separate confidential letter, enclosed by his two letters to the Maharaja, dated 28th June, 1947, informed the British Resident in Kashmir that :

"Nehru is over-working himself to such a degree that he practically is not sleeping at night and is having real difficulty in controlling himself at meetings. He is under a very great strain and I consider that a visit to Kashmir at this moment could only produce a most explosive situation ; whereas if His Highness can be persuaded to handle Gandhi tactfully, I believe there is a good chance that his visit could be passed off without any serious incident".<sup>19</sup>

Mountbatten remained in constant touch with the Congress leaders on the subject of Kashmir. And, on 5th July, 1947, he intimated Mr. Gandhi that Resident in Kashmir had telegraphically informed him on 3rd July that "my (Mountbatten's) letters to him and the Maharaja had only just been received and that he was going to see the Maharaja as soon as he could obtain an interview".<sup>20</sup>

Before proceeding further, it would be pertinent to point out that not only that eversince he arrived in India, Mountbatten had



been working against the interests of Pakistan but he continued to harbour ill-will against the Quaid-i-Azam and tried his utmost to frustrate his efforts for the achievement of Pakistan and if it came into being to weaken and damage her, economically, geographically and strategically. In order to help achieve the objectives of the Congress, he masterminded the idea of having a common Governor-General for both the Dominions of Hindustan and Pakistan on the pretext that partition was completed smoothly. It is not intended here to discuss as to what ensued between the Viceroy (Mountbatten), and the Muslim League leaders, but suffice it to say that in spite of having given to the Quaid-i-Azam and the Muslim League a truncated Pakistan, he had conspired with the Congress leaders to secure Kashmir's accession to India. In spite of all this he still claimed that "his conscience is clear that he has taken every possible step that he knows of to put the matter clearly before Mr. Jinnah".<sup>21</sup> Not only this, but even after the Muslim League had, on 5th July, 1947, confirmed to the Viceroy that "His Excellency should recommend Mr. Jinnah's name to His Majesty for the post of Governor-General of Pakistan."<sup>22</sup> Mountbatten sent a Top Secret Paper to the British Government on 5th July, 1947,<sup>23</sup> for his staying on as Common Governor-General of both the Dominions of Hindustan and Pakistan. He also sent a Personal and Confidential letter to Mr. Attlee, the British Prime Minister, on 5th July, 1947,<sup>24</sup> in which he pleaded for his appointment as Governor-General of both the Dominions of Hindustan and Pakistan. Even the Vicountess Mountbatten convinced Mountbatten to become Governor-General of Hindustan only in the interest of the Congress. In her letter dated 5th July, 1947, she wrote :

"One thing that weighs heavily with me on this whole question and makes me consider that you have a real duty to Congress is the fact that you are some ways I think in honour bound to them by having let them understand that you would remain here to give your support after the 15th of August, and although this was only a verbal assurance and had important qualifications they would, I am certain, feel you

had broken faith with them. This, however, will be cleared up presumably by your talk with them".<sup>25</sup>

It is clear from the over all conduct of Lord Mountbatten that, had the Muslim League accepted him as the Common Governor-General of both Hindustan and Pakistan, it would surely have signed the death warrants of an Independent State of Pakistan even before it had come into existence on 14th August, 1947 and would have resulted in some sort of a confederation.

The question, however, arises as to why was Mountbatten extremely anxious to become the Governor-General of both the Dominions of Hindustan and Pakistan when the Muslim League had already informed him that Quaid-i-Azam Muhammad Ali Jinnah would be the first Governor-General of Pakistan. The answer lies in the fact that Mountbatten was personally hostile and opposed to the Muslim demand for the establishment of Pakistan, and the Plan for the transfer, which he had prepared and got approved from the British Government, envisaged a truncated Pakistan. He had threatened the Quaid-i-Azam that "if he did not agree to the said Plan, he would demit power to the Interim Government on a Dominion Status basis".<sup>26</sup> Moreover, the British Government and the Viceroy were so wedded to the idea of an United India that it was also embodied in the 3rd June Plan that "nor is there anything in this Plan to preclude negotiations between communities for an United India".<sup>27</sup> It was against this background that in their letter of acceptance of the 3rd June Plan, the Congress had clearly stated that :

"We earnestly trust that when the present passions have subsided our problems will be viewed in their proper perspective and a willing union of all parts of India will result therefrom".<sup>28</sup>

And, the All-India Congress Committee resolution of 14th June, 1947, accepting the scheme of partition, as embodied in the 3rd June, Statement, clearly stated that :

"Geography and mountain and the seas fashioned India as



she is, and no human agency can change the shape or come in the way of her final destiny. Economic circumstances and the insistent demands of international affairs make the unity of India still more necessary. The picture of India we have learnt to cherish will remain in our minds and hearts".<sup>29</sup>

The contents of para 3 of His Majesty's Government's Statement and the Congress reaction, referred to above, clearly indicate that both the Viceroy, Mountbatten, and the Congress wanted to achieve the objective of the Unity of India at all costs. It was against this background that subsequent steps taken by Mountbatten were aimed at keeping Pakistan unstable so that it could lead to the unification of India. It was also with the same object in view that the Congress had objected to the national division as embodied in the 3rd June Plan. It was at the behest of the Viceroy, Lord Mountbatten, that the Punjab Boundary Commission altered this national division and paved the way for Indian aggression in Kashmir in October, 1947. In fact, it was with a view to weaken Pakistan economically, strategically and from defence point of view that he wanted to remain Governor-General of India and Pakistan. And when the Quaid-i-Azam had foiled the nefarious designs of Mountbatten in this behalf, he (Mountbatten) wrote to Mr. Attlee saying that "you can imagine therefore what a bombshell it was when he (the Quaid-i-Azam) suddenly announced his intention of being the Governor-General of Pakistan himself".<sup>30</sup> And so far as Mr. Clement Attlee, the British Prime Minister, was concerned, he was personally very strongly opposed to the division of India on which the Muslim League was insisting. Even after the announcement of the 3rd June Plan, he made no secret of his views about the Pakistan demand. Speaking in the House of Commons on 10th July, 1947, i.e., when the Indian Independence Bill was in the Parliament, he said :

"For example, I earnestly hope that this severance may not endure, and that the two new Dominions which we now propose to set up may, in course of time, come together again to form one great member-state of the British Commonwealth of Nations".<sup>31</sup>



Before proceeding further, it would be in the fitness of things and proper to explain that not only that the British Government and the Viceroy were hostile to the establishment of Pakistan even after the announcement of the 3rd June Plan, but they wanted to undo Pakistan and re-unite India. The accession of Kashmir to one or the other Dominions, considered in this context, and the machinations of the Congress leaders, it is evident that the Congress leaders and Mountbatten had conspired for Kashmir's accession to Pakistan. So far as the Muslim League and the Quaid-i-Azam were concerned, they had adopted strictly constitutional course of action. In his statement of 17th June, 1947, the Quaid-i-Azam had stated :

“Constitutionally and legally the Indian States will be independent sovereign States on the termination of paramountcy and they will be free to decide for themselves any course they like to adopt. It is open to the States to join the Hindustan Constituent Assembly or the Pakistan Constituent Assembly or decide to remain independent. In my opinion they are free to remain independent if they so desire. Neither the British Government nor the British Parliament nor any other power or body can compel them to do anything contrary to their free will and accord, nor have they any power of sanction of any kind to do so”.<sup>32</sup>

And on 13th July, 1947, he had further clarified his position on Kashmir in the following words :

“That the question engaging the Kashmiri Muslim's attention is whether Kashmir is going to join the Constituent Assembly of Hindustan or Pakistan. He has made it clear more than once that the Indian States are free to join either Assembly or remain independent. I have no doubt that the Maharaja and the Kashmir Government will give their closest attention and consideration to this matter and realise the interests not only of the ruler but also of his people. Those States who wish to join the Pakistan Constituent Assembly will find us



ready and willing to negotiate with them an agreement of mutual advantage to both.

Referring to the detention of Muslim Conference Leaders in Kashmir Mr. Jinnah says that there is no justification for their continued detention. "I hope, he goes on," the Maharaja and the Prime Minister of Kashmir will realise the fast changing circumstances. Wisdom demands that feelings and sentiments of the Muslims who form 80 per cent of the population should not be ignored, much less hurt".<sup>33</sup>

As regards Gandhi's visit to Kashmir for securing its accession to India, Mountbatten was in constant touch with Maharaja and Mr. Gandhi. In his letter dated 12th July, 1947, to Gandhi, Mountbatten had stated that :

"I repeat I place myself at your service at this moment but feel you may like to discuss the actual wording of the reply (to the Maharaja) with me. I will therefore arrange for one of my staff to ring up and find out whether you would like to have a meeting to-day or tomorrow".<sup>34</sup>

Mr. Gandhi, in his letter dated 16th July, 1947, to Mountbatten, said :

"I had a long talk with Panditji about Kashmir. He is firmly of opinion that I should go in any case, not minding if Quaid-i-Azam Jinnah or his deputy goes after my visit. He thinks and I agree that if now my visit is postponed, it will disappoint many persons in Kashmir. That I may not be allowed to see Sheikh Abdullah Sahib should not affect the contemplated visit one way or the other. In the circumstances, I suggest that you should telegraph to the Maharaja Sahib that as my visit would not mean any speeches or public meetings, it should not cause any embarrassment to the State and that I should go to Kashmir at the earliest possible moment".<sup>35</sup>

It should not be out of place to mention at this juncture that



the contents of Mountbatten's letter of 12th July, 1947 to Mr. Gandhi and Gandhi's letter of 16th July, 1947 to him make it abundantly clear how anxious they were to secure Kashmir's accession to India.

In response to Mountbatten's letter of 12th July, 1947, referred to above, Mr. Gandhi met him and had a detailed discussion in connection with his anxiously awaited visit to Kashmir. Subsequently, in his letter dated 17th July, 1947, Mountbatten also advised Mr. Gandhi to have a talk (alongwith Pandit Nehru) with Pandit Ramchandra Kak, the Prime Minister of Jammu and Kashmir who was coming to Delhi to attend a meeting convened by him with the States Department<sup>36</sup> in the last week of July.

It would not be out of place to mention that in his brief prepared for Lord Mountbatten, V. P. Menon had floated the idea that "(Kashmir) can claim an exit to India, especially if a portion of the Gurdaspur district goes to East Punjab".<sup>37</sup> As already stated earlier, Krishna Menon had also impressed upon Mountbatten that "If Kashmir and N.W.F.P. go to Pakistan, all hopes of the Plan (3rd June Plan) using a settlement will prove fanciful".<sup>38</sup> Pandit Nehru had already impressed upon Mountbatten the strategic importance of Kashmir for India and sought his assistance to secure Kashmir for India. Mr. Gandhi's anxiety and restiveness on that critical juncture was nothing but to influence the Maharaja to accede to India. All these initiatives and conspirational acts on the part of Mountbatten and the Congress leaders were aimed at denying the people of Jammu and Kashmir, a predominantly Muslim State, to link their destiny with Pakistan. Moreover, in his meeting with Sardar Abdur Rab Nishtar and Mr. Akhtar Hussain on 18th July, 1947,<sup>39</sup> Mountbatten had a general discussion regarding the States in North Western India and about Kalat in particular, but failed to discuss the future of the Muslim majority State of Jammu and Kashmir. In spite of the fact that "Mr. Jinnah (Quaid-i-Azam) had given an assurance that the Western Punjab Government would not interfere with the rights of irrigation from the rivers of the Punjab enjoyed by the Punjab



States",<sup>40</sup> the Congress conspired to secure certain Muslim majority areas of the Punjab in order to deprive West Punjab not only of the Head Works of these canals, but also to secure a road link between the Eastern Punjab and the State of Jammu and Kashmir to secure by fraud and violence its accession to India as a result of a deal which had already been struck between the Congress leaders and Mountbatten.

So far as Kashmir's illegal, immoral and unconstitutional accession to India is concerned, it may be reiterated that it can only be properly understood and appreciated in the context of the Radcliffe's Award. It is neither desirable nor feasible in this study to go into the details of the Punjab Boundary Award announced by Radcliffe. However, suffice it to say that the unjust Award in favour of Pakistan was masterminded by Mountbatten which aimed at depriving Pakistan not only of the Muslim majority areas, like those of Curdaspur, Zira and Ferozpur, but to provide a road link between Eastern Punjab (India) and the State of Jammu and Kashmir. In this connection, it would be pertinent to refer to a Secret document regarding Minutes of Viceroy's Twenty-First Miscellaneous Meeting of 20th July, 1947. It was in this meeting that in regard to the posting of officials in the Punjab for the maintenance of peace during the partition process "it was decided that the best solution was that postings should continue on the basis of the national partition except for the three districts of Gurdaspur".<sup>41</sup> The contents of the Viceroy's meeting leave no doubts to believe that he had already made up his mind to inflict a crushing blow to the integrity of Pakistan and for providing India a road link with Kashmir to realize her objectives there. Not only this, but the Punjab Governor, Sir Even Jenkins, who was extremely anti-Muslim League, had asked Mountbatten during the latter's visit to Lahore on 20th July, 1947, that "it would be a great practical advantage if he could be given advance information of the general purport of the Award of the Boundary Commission when the time comes".<sup>42</sup> Adding that "Even a few hours warning would be better than none, as the nature of the Award would affect the distribution



of police and troops".<sup>43</sup> The purpose of receipt of this advance information on the part of the Punjab Governor was intended not to ensure safety of the people, but for providing advance information to the Sikh leaders. Had it been otherwise, he (Sir E. Jenkins) would not have hesitated to take action against them who were making inflammatory utterances. On the other hand, "the Governor felt it would only make the matters worse if action was taken against the Sikhs and H.E. (the Governor-General) agreed".<sup>44</sup>

After having struck a deal with the Congress leaders and also having planned to inflict an incalculable damage to Pakistan, Mountbatten had launched upon a two pronged treacherous path. On the one hand, he had conspired to deprive Pakistan of some Muslim majority areas in the Punjab. The objective was to strangle the economy of West-Pakistan, and on the other hand preparations were being made to link East Punjab with the Muslim majority State of Jammu and Kashmir. It was under these circumstances that Mountbatten, as the Crown Representative, addressed a Conference of the Rulers and Representatives of the Indian (Princely States) on 25th July, 1947. Before commenting on his address, it may not be out of place to recapitulate that the 3rd June Plan, which embodied the British Cabinet Mission's Memorandum of 12th May, 1946, allowed the States either to remain independent or to enter into particular relationship with one or the other Dominion. The Indian Independence Act also virtually made the Rulers as Sovereign entities. However, in his address, Mountbatten, in one breath stated that "the States have complete freedom-technically and legally they are independent".<sup>45</sup> But in the other breath, he advised, rather warned, them that "every wise Ruler and wise Government would desire to link up with the great Dominion of India".<sup>46</sup> To what extent Mountbatten was biased in favour of India is further confirmed from his own letter of the same date to Mr. Clement Attlee, the British Prime Minister. He wrote, "I am now in midst of trying to get 560 odd States to accede to the Dominion before the 15th August. My meeting in the Chamber of Princes went well and



my spies tell me we had unexpectedly good results.”<sup>47</sup> So far as Pandit Nehru’s anxiety to secure Kashmir’s accession to India was concerned, his letter dated 27th July, 1947 to Mountbatten speaks for itself. In this letter, he wrote that “Kashmir has become a first priority for me”.<sup>48</sup> So far as Mr. Gandhi was concerned, in order to accelerate the development of his proposed visit to Kashmir, this naked faqir and hyporite wrote, stating to Mountbatten on 28th July, 1947, that :

“Pandit Nehru told me last night that as there were hitches about my going to Kashmir he had decided to go even if only for two or three days. Thus I am now free to go to Bihar and thence to Noakhali. Before doing so, I might go for two days to the Punjab. I should like to leave Delhi tomorrow. You wanted me to see you before leaving. If the need is still felt, I am at your disposal tomorrow, you will then name the hour”.<sup>49</sup>

As expected, Mr. Gandhi’s letter had a positive effect. Mountbatten informed Mr. Gandhi the same day in the following words :

“May I therefore urge that you should suggest to Pandit Nehru that your visit at this moment would be better than a visit from him ; for I really do not know how the future Prime Minister can be spared from Delhi with only 18 days left for him to take over power”.<sup>50</sup>

Mountbatten was personally so restless in regard to the visit to Kashmir either by Mr. Gandhi or Pandit Nehru that in a Most Immediate Confidential Telegramme dated 28th July, 1947, he asked the British Resident in Kashmir “to inform Maharaja immediately that . . . if he discouraged Gandhi I was certain Nehru would go”.<sup>51</sup> At the end, he gave a warning to the Maharaja saying that “I need hardly ask His Highness to ensure that Nehru is decently treated and nothing is done to embitter relations between Kashmir and the new Government of India”.<sup>52</sup>

It would be interesting to point out at this juncture that it was Mountbatten himself who was personally in league with the Congress and was not acting on the advice of the British Government. As regards Mountbatten's address to the Chamber of Princes on 25th July, 1947, the Transfer of Power Documents reveal to the effect that :

"In these discussions with the States the Viceroy is acting as a mediator in his personal capacity. He is not acting on the advice of his Ministers either in form or in fact. That being so we are answerable here for what he may do and it would seem well to give him warning that he may be creating grave embarrassment for us, particularly having regard to the importance which the Opposition<sup>53</sup> attaches to no pressure being put upon the Princes<sup>54</sup> by us."<sup>55</sup>

To what extent was Mountbatten interested in securing Kashmir for India has been thoroughly discussed in the preceding pages. However, in his Personal Report<sup>56</sup> of 1st August, 1947 to the British Government, he recapitulated his efforts in this behalf and told how he had succeeded in arranging a visit to Kashmir by Mr. Gandhi. Yet, in an Express/Confidential Telegramme to the Secretary of State on 2nd August, 1947, Mountbatten impressed upon him that "it (Kashmir) could join either Dominion, provided part of Gurdaspur were put into East Punjab by the Boundary Commission."<sup>57</sup> This clearly proves that he was hellbent upon securing Kashmir's accession to India at all costs. It is, therefore, in this context that Punjab Boundary Commission Award should be considered.

As regards the accession of the Muslim majority State of Jammu and Kashmir to Pakistan, it may be stated that not only that according to the principles of the 3rd June Plan it should have formed part of Pakistan, but the overwhelming majority was and continues to be in favour of accession to Pakistan. So far as Mountbatten was concerned, he was all out for its accession to India. But in case of Indore, whose ruler wanted to remain outside the Dominion of India, Mountbatten, in his Personal Report dated 8th



August, 1947 to the British Government, had expressly stated that "it seems pretty clear that if the Maharaja does not accede the people of Indore will rise against him and ask to join the Dominion of India. So that the interests of the people are not likely to suffer by their Ruler's ridiculous behaviour."<sup>58</sup> This shows that Mountbatten was extremely anti-Pakistan. If the interests of the people of Indore could suffer by not joining the Dominion of India, how could the interests of the people of Jammu and Kashmir be safeguarded and protected in a Hindu India?

### **Punjab Boundary Award**

The most important feature of Mountbatten's conspiracy to help secure the accession of Jammu and Kashmir to India was the manner in which not only the Punjab Boundary Award was altered, but announced after the appointed day, i.e., the 15th August, 1947. Minutes of Viceroy's Sixty Ninth Staff Meeting dated 9 August, 1947, clearly prove that he was trying to postpone the Award and had also exerted pressure upon Radcliffe to alter his Award.<sup>59</sup> This is further confirmed from the fact that when it was rumoured that the whole district of Gurdaspur had been allowed to remain in West-Punjab (Pakistan) and Sardar Patel came to know of it, he "told V.P. Menon of his determination to challenge the award to the bitter end if he felt that India had been unjustly deprived of access to Kashmir."<sup>60</sup> Quaid-i-Azam was not unaware of these developments. Chaudhry Muhammad Ali writes that on 9th August, 1947, when he, alongwith Khan Liaquat Ali Khan was in Delhi, he was asked by the latter that :

"The Quaid-i-Azam had received very disturbing reports about the likely decision on the Punjab boundary, particularly in the Gurdaspur district. In the Amritsar and Jullundur districts contiguous Muslim majority areas were also in danger of being assigned to India."<sup>61</sup> And that he was also asked by Liaquat Ali Khan "to see Lord Ismay"<sup>62</sup> and convey to him, from the Quaid-i-Azam, that if the boundary

actually turned out to be what these reports foreshadowed, this would have a most serious impact on the relations between Pakistan and United Kingdom, whose good faith and honor (honour) were involved in this question.”<sup>63</sup>

Chaudhry Muhammad Ali further writes that on his return from Karachi to Delhi the same evening, “I went straight from the airport to the Viceroy’s House where Lord Ismay was working. I was told that Lord Ismay was closeted with Sir Cyril Radcliffe. I decided to wait until he was free. When after about an hour, I saw him, I conveyed to him the Quaid-i-Azam’s message. In reply, Ismay professed complete ignorance of Radcliffe’s ideas about the boundary and stated categorically that neither Mountbatten nor he himself had ever discussed the question with him. It was entirely for Radcliffe to decide, and no suggestion of any kind had been or would ever be made to him. When I replied Ismay with details of what had been reported to us, he said he could not follow me. There was a map hanging in the room and I beckoned him to the map so that I could explain the position to him with its help. There was a pencil line drawn across the map of the Punjab. The line followed the boundary that had been reported to the Quaid-i-Azam. I said that it was unnecessary for me to explain further since, the line, already drawn on the map, indicated the boundary I had been talking about. Ismay turned pale and asked in confusion who had been fooling with his map. This line differed from the final boundary in only one respect—the Muslim majority Tahsils of Ferozpur and Zira in the Ferozpur district were still on the side of Pakistan as in the sketch map.”<sup>64</sup>

In spite of the fact that Lord Ismay had turned pale and professed complete ignorance, yet in order to clear his position, he wrote to Khan Liaquat Ali Khan to the following effect :



"That you surely do not expect the Viceroy to suggest to Sir Cyril Radcliffe that he should make any alteration" in the award and that "still less can I believe that you intend to imply that the Viceroy has influenced this award."<sup>65</sup>

How far the Boundary Award was unjust to Pakistan in the Punjab is confirmed from yet another source. Chaudhry Muhammad Ali writes :

"Among the papers that Jenkins, the Governor of the Punjab, left behind was a sketch map of Radcliffe's Award in the Punjab, found accidentally by his successor Sir Francis Mudie. The sketch map had been prepared by the Viceroy's Private Secretary George Abell on August 8, 1947, in response to a request from Jenkins, who was anxious to know the main outlines of the Punjab Boundary Award in order to make necessary administrative and security arrangements. According to the sketch-map prepared on the basis of the information received from the Secretary of the Boundary Commission, the Tahsils, Ferozapore and Zira, formed part of Pakistan. But in Radcliffe's report (dated August 12, 1947) making the award, these Tahsils were included in India. Obviously between these two dates there had been a change at the expense of Pakistan."<sup>66</sup>

The question arises as to why and at whose behest had Radcliffe altered the original Award. We again refer to Chaudhry Muhammad Ali, who writes that :

"There is other corroborative evidence to show that Radcliffe had originally decided on the inclusion of the Tahsils, Ferozapore and Zira, in Pakistan, but changed his mind as a result of outside interference. Justice Din Muhammad, a member of the Punjab Boundary Commission, informed the Pakistan Government that when the question of these Tahsils came up before the Punjab Boundary Commission, and the Pakistan members of the Commission started their arguments,

Radcliffe stopped them with the remark that it was unnecessary to argue so obvious a case. In his award Radcliffe confessed that he "hesitated long over those not in considerable areas east of the Sutlej River and in the angle of the Beas and Sutlej Rivers in which Muslim majorities are found." How did these later hesitations arise over what Radcliffe had himself termed an obvious case? Who had intervened to cause these hesitations which led to a reversal of his previous judgement."<sup>67</sup>

It may be stated it could be none except Mountbatten. Lord Birdwood writes :

"It was Radcliffe's Award to India of the Gurdaspur and Batala Tahsils with Muslim majorities which rendered possible the maintenance of an Indian force at Jammu based on Pathankot as rail head and which enabled India to consolidate her defences southwards all the way from Uri to the Pakistan border."<sup>68</sup>

As regards the transfer of the Tahsils of Ferozpur and Zira to Pakistan, Radcliffe had termed it an unnecessary effort to argue about them because an obvious case, meaning thereby that there was no ambiguity to their inclusion in Pakistan. But in his report of the Punjab Boundary Award submitted to Mountbatten, he wrote :

"I have hesitated long over those not inconsiderable areas east of the Sutlej River and in the angle of the Beas and Sutlej Rivers in which Muslim majorities are found. But on the whole I have come to the conclusion that it would be in the true interests of neither State to extend the frontiers of the West Punjab to a strip on the far side of the Sutlej and that there are factors such as the disruption of railway communications and water system that ought in this instance to displace the primary claims of contiguous majorities. But I must call attention to the fact that the Dipalpur Canal which serves areas in the West Punjab, takes off from the Ferozpur headworks and I find it difficult to envisage a



independent sovereign Muslim State (Pakistan) has suffered injustices. We have been squeezed in as much as it was possible and the latest blow that we have received was the Award of the Boundary Commission. It is an unjust, incomprehensible and even perverse Award.”<sup>74</sup>

Why all this had been done was essentially to damage Pakistan, geographically, strategically, politically and economically. David Lilienthal, a former head of the Tennessee Valley Authority, after visiting the area commented :

“No army, with bombs and shell-fire, could devastate a land as thoroughly as Pakistan could be devastated by the simple expedient of India’s permanently shutting off the sources of water that keep the fields and the people of Pakistan alive.”<sup>75</sup>

Not only that the Congress-Mountbatten conspiracy was in full swing to deprive Pakistan of its Muslim majority areas, but simultaneous efforts were being carried out to impress upon the Maharaja to kill the wishes of his Muslim subjects who were in an overwhelming majority and wanted to accede to Pakistan. Eversince the announcement of the 3rd June Plan, the Congress leaders were overtly and covertly in touch with the Maharaja and assured him of his status in return for State’s accession to India. In this context of the then editor of the *Statesman*, Calcutta, deserve special consideration. He writes :

“From early in July (1947) rumours had begun to reach us, of the sort since set forth in a book by Wilfred Russel, that the Hindu Maharaja of Kashmir, although the overwhelming majority of his subjects were Muslims, was privately seeking pretexts for acceding to India, of this accuracy it was impossible to judge. Contrary rumours that he was in a state of feeble indecision might be true. Nevertheless those of the first sort were too many to be ignored.”<sup>76</sup>



In spite of all this, so far as Muslim League leaders were concerned, the Quaid-i-Azam had strictly followed the constitutional path. In this connection, mention has already made by his statements of 17th June and 13th July, 1947, respectively, in this chapter.

It may not be out of place to mention that not only that the then sole representative political organization of the Muslims of Jammu and Kashmir, i.e., the All-Jammu and Kashmir Muslim Conference, had adopted an historic resolution on 19th July, 1947 for State's accession to Pakistan, but the 'All Jammu and Kashmir Kisan Mazdoor Conference'<sup>77</sup> and the Kashmir Socialist Party,<sup>78</sup> after coming into being of the Independent and Sovereign State of Pakistan, had also, on 5th and 18th September, 1947, respectively, adopted resolutions and demanded of the Maharaja for the State's accession to Pakistan. It proves beyond a shadow of doubt that even the nationalist organizations, which included the Muslims and non-Muslims, were also in favour of State's accession to Pakistan. And, this was a time when the Freedom Fighters had already started armed revolt and were securing victory after victory in the State.

Before proceeding further it would be pertinent to point out that the Maharaja, who had been wooed by as a result of Congress-Mountbatten machinations, did not wish to accede to Pakistan, and he had also planned the massacre of his Muslim population with the help of his Hindu-Sikh dominated army, aided and assisted by Rashtriya Sewak Sangh (RSS) and Sikh murder gangs. This has been made manifestly clear by Lord Birdwood, who writes :

"Towards the end of July, 1947 the Maharaja ordered his Muslim subjects to deposit all arms in their possessions. This was followed by an order for the disarming of the Muslim personnel of the Maharaja's army. In the later half of August the Rashtriya Sewak Sangh (RSS) and Sikh murder gangs began to pour into Jammu."<sup>79</sup>

This is further confirmed by Richard Symonds, who writes :

"As a direct result of the activities of the imported murderers,



feelings ran high, particularly in the area of Poonch. In Poonch, resentment against the Maharaja was greater than in other parts of the State. Here, every cow, buffalo, and sheep was taxed, and even every wife. A further tax had recently been imposed to meet the cost of tax collection.”<sup>80</sup>

As regards Congress-Mountbatten conspiracy and their pressure upon the Maharaja, sufficient light has been thrown on this topic in the preceding pages. However, suffice it to say that final decision for Mr. Gandhi's visit to Kashmir was taken in the meeting held on 29th July, 1947, at the Birla House, New Delhi. In his TOP SECRET Personal Report dated 1st August, 1947, sent to the British Government, Mountbatten wrote :

“I have reason to believe that when Patel had tried to reason with Nehru the night before our meeting, Nehru had broken down and wept, explaining that Kashmir meant more to him at the moment than anything else. Patel found it impossible to deal with him and told a friend after our meeting that I (Mountbatten) had probably saved Nehru's political career, and thus the chance of Congress making good on the Transfer of Power.”<sup>81</sup>

Mr. Gandhi did visit Kashmir in the first week of August, 1947. In this connection, comments of Mr. Ian Stephent, the then editor of the *Statesman*, Calcutta, deserve special consideration. He writes :

“Now in one plane of his being Mahatma Gandhi was a saint, or at any rate an exceptionally good man. I interviewed many times, and felt reverence as well as warm liking for him. But in another—this kind of seeming self-division, puzzling to some Westerners, can in Asia be perfectly natural and true—he was one of the world's most ingenious politicians, and it was hard to think what could have drawn him, as a saint, to Srinagar at that moment.”<sup>82</sup>

It may be mentioned that in his ‘Note on Kashmir’, referred to earlier in this chapter, Pandit Nehru had asked Mountbatten to go

Pandit Ramchandra Kak, the Prime Minister of Kashmir, removed. Consequently, as an outcome of Mr. Gandhi's visit, one of the important steps taken by the Maharaja was the removal of Kak, who was replaced by General Janak Singh, a close relative of the Maharaja, as the Prime Minister of Kashmir. Pandit Prem Nath Bazaz comments :

“With the appointment of Janak Singh the uncertainty about future of the State was removed and it became clear that the Maharaja and his Government no less than the National Conference had lined up with the Congress. This caused a grave tension in the State, particularly in the Valley. The Muslims were deeply enraged at the turn the events had taken.”<sup>83</sup>

To what extent were the events taking turn in line with the Congress-Mountbatten conspiracy is also proved from the fact that in his last Report (16th August, 1947) to the British Government, Mountbatten had stated with confidence that :

“There are thus no States outstanding (taking into account the extension to the two Muslim Rulers, of Hyderabad and Bhopal) beyond Kashmir, where the Maharaja has at last decided to sack his Dewan, Kak. He now talks of holding a referendum to decide whether to join Pakistan or India, provided that the Boundary Commission gave him land communications between Kashmir and India. It appears, therefore, as if this great problem of the States has been satisfactorily solved within the last three weeks of British rule.”<sup>84</sup>

Pandit Kak, in deference to the wishes of the Congress leaders, had already been removed. Moreover, the Punjab Boundary Award had also provided a land communication between India and Kashmir. As a result thereof, there ensued a lengthy correspondence between the Kashmir Government and the Government of India whereby modalities had been sorted out to enable the Indian troops



to enter Kashmir to secure it by force. However, before further discussing the Indian moves in Kashmir, it would be pertinent to refer to Ian Stephens, the then editor of the *Statesman*, Calcutta, who wrote :

“When I read in September (1947) that Mr. Gopalasmami Ayyengar, a very able and reportedly anti-Muslim Madarasi Brahman who was the Prime Minister of Kashmir from 1937—43, had been made Minister without Portfolio in the new Indian Cabinet, I said to our editorial conference in Calcutta : “that really does look as if India’s up to something at Srinagar” ; and our correspondents were told to watch for new.”<sup>85</sup>

It may be stated that the Freedom Fighters were inflicting crushing defeats upon the Maharaja’s troops. It was under these circumstances that in his letter dated 27th September, 1947, to Sardar Patel, Pandit Nehru asked him, that :

“Things must be done in a way so as to bring about the accession of Kashmir to the Indian Union as rapidly as possible with the co-operation of Sheikh Abdullah ‘and’ once the State accedes to India it will become very difficult for Pakistan to invade it officially or unofficially without coming into conflict with the Indian Union. If, however, there is delay in this accession, then Pakistan will go ahead, without much fear of consequences, specially when the winter isolates Kashmir.”<sup>86</sup>

Not only this that Pandit Nehru had asked Patel to secure the accession of Kashmir to the Indian Union as ‘rapidly as possible.’ Military preparations were also under way to send Indian troops to Kashmir. Chaudhry Muhammad Ali writes :

“On September 30th, 1947, a provisional defence committee of the Indian Cabinet was formed which included the Prime Minister, the Deputy Prime Minister, the Defence Minister, the Finance Minister and, significantly enough, the Minister

without Portfolio. Although Gopala-Swami Ayyengar was an expert on Kashmir, he could hardly be regarded as an expert on defence. To make up this deficiency, Mountbatten was made Chairman of the Committee. Preparations for aggression in Kashmir had started. What moved the Government of India to start these preparations at this time was presumably the freedom movement in Poonch, which the Maharaja's forces had failed to put down, and which was spreading to other areas."<sup>87</sup>

It would be of interest to note that not only that Mr. Ayyengar had been made Minister without Portfolio and a Member of the Provisional Defence Committee, the appointment of Justice Mehrchand Mahajan, a Judge of the East-Punjab High Court, who was a Member of the Punjab Boundary Commission, as the Prime Minister of Jammu and Kashmir, was a clear pointer that India was all up to crush the Muslim freedom movement in Kashmir, and wanted accession/annexation of the State of Jammu and Kashmir to India by force. In this connection, it would not be out of place to mention that in his letter to the Maharaja of 21st September, 1947 Sardar Patel had already stated that Mehrchand Mahajan would handle the affairs of the State in that critical period. About his meeting with Mahajan, Patel had written to the Maharaja, that :

"He has discussed with me about the immediate requirements of the State and I have promised him full support and cooperation on our behalf. We fully realize how difficult the situation there is, and I can assure your Highness that we will do our best to help your State in this critical period. Justice Mehrchand Mahajan will convey to you personally the gist of our conversation on all matters affecting the interests of Kashmir."<sup>88</sup>

There ensued a correspondence between the Maharaja and Sardar Patel and the Maharaja asked for further elucidation<sup>89</sup> regarding the essential requirements with the hope that it would lead to satisfactory solution. The appointment of Justice Mehrchand



Mahajan was of much a great importance that, on 2nd October, 1947, Sardar Patel wrote to the Maharaja and informed him that he (Patel) had personally gone to Amritsar and delivered his (Maharaja's) letter to Mahajan. In his letter, Patel further stated that :

"I can assure His Highness of my abiding sympathy with you in your difficulties, nor need I disguise the instinctive responsibility of feel for ensuring the safety and integrity of your State. I can, therefore, assure you that in everything that we do we shall pay the highest regard to the interests of your State."

"In the meantime, I am expediting as much as possible the linking up the State with the Indian Dominion by means of telegraph, telephones, wireless and roads. We fully realize the need for despatch and urgency and I can assure you that we shall do our best."<sup>90</sup>

It may be mentioned that since the Punjab Boundary Award had already provided a road link between the Indian Dominion and the State of Jammu and Kashmir, and the Kashmir Government in order to crush the people's revolt and to provide India a pretext for military intervention, had already requested for arms and ammunition, both the Indian Dominion and the Kashmir Government were actively engaged in military concentration. The Kashmir Government, in order to seek military intervention in the State against the popular uprising and armed revolt, had requested the Indian Government for "the concentration of military forces at Madhopore or at any equally near and convenient centre for rendering military assistance to Kashmir in case it was needed."<sup>91</sup>

To what extent were the Indians determined for armed aggression in Kashmir, can also be verified from Sardar Patel's letter dated 8th October, 1947, to Pandit Nehru, in which the former informed the latter in the following words :

"We all realize that the position is full of dangerous



potentialities. We are giving the Kashmir Government as much assistance as possible within the limited resources available. There are all sorts of difficulties in our going all out to assist the State. But I am sure things would improve when Justice Mahajan takes over the Prime Ministership. He is at least keenly alive to the dangers which surrounded Kashmir and knows his own mind. I hope there would be an end to the almost fatal indecisiveness which has so far been the bane of the Kashmir Government. In the meantime, all that we can and should do is to assist the State to the best of our capacity."<sup>92</sup>

It is proved beyond an iota of doubt that Pakistan had, so far, not involved herself, either at the Government level or on private level, in the affairs of the State of Jammu and Kashmir, whereas, India had done everything possible to assist the Maharaja to suppress the people's revolt against him and for the end of his despotic rule. Hence, it is absurd to believe the Indian/Kashmir Government's charges and protests with regard to Pakistan's involvement in the Kashmir affairs. So far as Pakistan's non-involvement in the State of Jammu and Kashmir is concerned, it can also be established from Sardar Patel's letter to Sardar Baldev Singh,<sup>93</sup> in which among other things with regard to the question of Military assistance to the Kashmir Government by India, it was expressly stated that : there is no time to lose if the reports which we hear of similar preparations for intervention on the part of the Pakistan Government are correct."<sup>94</sup>

Sardar Patel's letter, referred to above, makes it abundantly clear that up till then India believed and knew it very well that neither Pakistan had intervened in the Kashmir affairs nor had it assisted the freedom fighters in Kashmir. So far as India was concerned, it remains a fact that she had not only extended military assistance to the Maharaja but had made full preparations for military intervention and aggression in the State of Jammu and Kashmir even much before the fraudulent Instrument of Accession



was secured from the Maharaja on 26th October, 1947. In this connection, it may be stated that a conference of the officers of the Kashmir State Government and the officers of the Government of India had already been scheduled for<sup>95</sup> 19th October, 1947, on the question of road communication. This can be verified from Sardar Patel's letter to Mr. N.V. Gadgil, Minister for Works, Mines and Power, Government of India.

Not only that the Maharaja's Government had "failed in her operations against the freedom fighters in Poonch,"<sup>96</sup> but also as a result of the deal which had already been struck between the Maharaja and the Government of India for Kashmir's accession to India, the Kashmir Government levelled unfounded charges against the Government of Pakistan. As a stooge and mouthpiece of the Indian Government, Mehrchand Mahajan, the Prime Minister of Kashmir, on 23rd October, 1947, wrote a letter to Sardar Patel and "requested for the immediate" airlifting of the required equipment."<sup>97</sup>

To what extent was the Kashmir Government panicky of the armed revolt and of the successes of the freedom fighters, is also proved by the fact that even Muslim personnel of Maharaja's Military and Police had also deserted and had joined the freedom fighters. In this connection, Justice Mehrchand Mahajan, the then Prime Minister of Kashmir, wrote :

"We are practically working on a war basis and every minute of our time is taken up with the border situation which is worsening every day. Practically the whole of our Muslim Military and Police has either deserted or has not behaved in a proper manner."<sup>98</sup>

The Indian leaders have always alleged that the Indian forces had entered the State in response to an appeal by the Maharaja after the incursion of the tribesmen from Pakistan and that they had committed acts of looting and arson. The fact, on the other hand, however, is that, "Non-Muslims had attacked villages in Jammu and across the border. These attacks by the Non-Muslim



crowds were supported by State troops and Police.”<sup>99</sup> These developments were reported to Sardar Patel by Lord Mountbatten in a vein of pleasure, with the advice “to keep this to himself,”<sup>100</sup> in his letter.

From what has been stated earlier, it becomes abundantly clear that Congress-Mountbatten conspiracy, in order to secure Kashmir's accession/annexation to the Indian Union, had reached its climax. Moreover, the freedom fighters had themselves liberated large areas of the State and that the Pakistan troops had, till then, not been involved nor had Pakistan given any assistance to the freedom fighters. The freedom fighters had reached in the vicinity of Srinagar. It was under these circumstances that “when the Maharaja exercised no authority over most of the State territory, within whose borders had come into being a rival Government<sup>101</sup> commanding popular allegiance and functioning in the civil and military spheres,”<sup>102</sup> that the Maharaja had in utter desperation appealed for help to the Government of India. It was at a time when his visit did not run in the State, and he had fled from his capital, he signed the Instrument of Accession, which V.P. Menon had personally brought it from Delhi. This act on the part of the Maharaja was illegal, immoral and unconstitutional as it was also in contravention of the ‘Standstill Agreement’ which he had signed with the Government of Pakistan on August 14, 1947. This Agreement, in fact, “placed Pakistan, in respect to the State of Jammu and Kashmir, the same responsibilities as were formerly borne by the Crown Representative or the pre-partition Government of India.”<sup>103</sup>

As a result of this fraudulent Instrument of Accession having no legal, moral and constitutional support/sanction, the British Governor-General of India, Lord Mountbatten, who had taken the command of the Indian forces, accepted it and sent Indian forces by airlift and thus India by military aggression occupied a major part of the State of Jammu and Kashmir. It was, as is claimed by India, as a result of this Instrument of Accession signed by the



Maharaja in favour of India that India sent her troops to Kashmir. The fact, on the contrary, is that according to General Sir Frank Messerny, who was the then British Commander-in-Chief of the Pakistan Army from August 15, 1947 to February 15, 1948, that "there was much evidence that accession had been deliberately planned for some weeks before the event."<sup>104</sup> Against this background, it is, therefore, absolutely an unfounded and baseless charge that Pakistan had committed aggression in Kashmir. Not only that there were no Pakistan troops in Kashmir but it is also substantiated by Mountbatten's letter dated 27th October, 1947 to Sardar Patel in which was clearly stated that "Indian troops had landed successfully at Srinagar, but there was no indication anywhere of Pakistan Army officers taking part."<sup>105</sup>

As regards the fugitive Maharaja's decision to sign the Instrument of Accession in favour of India, it would be pertinent to refer to Ian Stephens, who wrote that he was flaggerbasted because :

"The whole concept of dividing the sub-continent into Hindu-majority and Muslim-majority areas, the basis of June 3rd Plan, seemed outraged. At a Hindu Maharaja's choice, but with a British Governor-General's backing, three million Muslims, in a region always considered to be vital to Pakistan if she were created, were legally to be made Indian citizens."<sup>106</sup>

This pre-planned Indian aggression in Kashmir is also explained by the same author who was invited to dine with the Mountbatten on 26th October, 1947. He writes :

"On the same evening, October 26, the evening when Delhi buzzed with comments on the Pathan incursion, I was asked to dinner with the Mountbatten, a small party. Preoccupied in Calcutta, I had not seen them for some weeks. As I recorded soon afterwards in a memorandum, I was "startled by their one-sided verdicts on affairs." They seemed to have "become wholly pro-Hindu." The atmosphere at Government House that night was almost one of

war. Pakistan, the Muslim League, and Mr. Jinnah were the enemy."<sup>107</sup>

In short, it can safely be concluded that India had not reconciled to the establishment of Pakistan. It was with a view to strangulating her economy and weakening the defence of Pakistan that India through a deep laid conspiracy first secured fraudulent Instrument of Accession from the Maharaja and then committed aggression in the Muslim-majority State of Jammu and Kashmir.

#### REFERENCES

1. Nicholas Mansergh, *The Transfer of Power*, Vol. XI, pp. 89-94. See also V.P. Menon, *The Transfer of Power in India*, pp. 510-15 and Campbell Johnson, *Mission with Mountbatten*, pp. 364-68.
2. Ibid., Para 18 of the Statement of 3rd June, 1947.
3. Nicholas Mansergh, op. cit., Vol. VII, Para 5, p. 523. For full text of the Memorandum Ibid., pp. 522-24.
4. Ibid., Vol. XII, Para 7 (b), pp. 237-38. For full text of the Act, Ibid., pp. 233-49.
5. Nicholas, Mansergh, "Krishna Menon to Lord Mountbatten," op. cit., Vol. XI, June 14, 1947, pp. 350-91.
6. V.P. Menon, *The Story of the Integration of Indian States*, Longmans, Bombay, 1956, p. 394.
7. Muhammad Yusuf Saraf, *Kashmiris Fight for Freedom*, Vol. II, Ferozsons, Lahore, p. 756.
8. Nicholas Mansergh, op. cit., Vol. XI, pp. 442-48.
9. Ibid., p. 448.
10. C.H. Philips and Mary Darcen Wainwright, (ed.), *Partition of India : Policies and Perspectives—1935-1947*, p. 531.
11. Lard Collins and Dominique Lapierre, *Freedom at Midnight*, p. 205.
12. Nicholas Mansergh, op. cit., Vol. XI, pp. 687-88. For full report, Ibid., pp. 479-91.



13. cf. Ibid., p. 438.
14. Nicholas Mansergh, "Mountbatten to Hari Singh," op. cit., Vol. XI, June 26, 1947, pp. 718-19.
15. Ibid., pp. 716-17.
16. Ibid., pp. 717-18.
17. Ibid., p. 719, f.n. 1.
18. Ibid.
19. Ibid., p. 720.
20. Ibid., pp. 910-11.
21. Ibid., pp. 914-17.
22. Ibid., pp. 916-17.
23. Ibid., pp. 917-21.
24. Ibid., pp. 921-22.
25. Ibid., p. 922-924.
26. Allan Campbell Johnson, *Mission with Mountbatten*, London, 1951, p. 93.
27. Nicholas Mansergh, op. cit., Vol., XI, Para 3, p. 89.
28. Ibid., pp. 66-68.
29. cf. Latif Ahmad Sherwani, (ed.), *Pakistan Resolution to Pakistan*, Karachi, 1969, pp. 247-48.
30. Nicholas Mansergh, op. cit., Vol. XI, p. 921.
21. cf. Latif Ahmad Sherwani, op. cit., p. 251, K.K. Aziz *Britain and Muslim India*, Lahore 1987, p. 193.
32. Nicholas Mansergh, op. cit., Vol. XI, p. 438.
33. Ibid., Vol. XII, p. 128.
34. Ibid., p. 115.
35. Ibid., p. 187.
36. Ibid., p. 211.
37. Ibid., p. 214.
38. Ibid., Vol. XI, p. 391.
39. Ibid., Vol. XII, pp. 221-22.
40. Ibid., p. 221.

41. Ibid., pp. 273-74. According to national partition as provided for in the 3rd June State (1947) and the Indian Independence Act (18 July, 1947), these areas were included in West-Punjab (Pakistan).
42. Ibid., p. 279.
43. Ibid. "Sir G. Abell to Mr. Beaumont," July 21, 1947. Sir George Abell was Private Secretary to Mountbatten, while Mr. Beaumont was Secretary to Sir Cyril Radcliffe.
44. Ibid., p. 278.
45. Ibid., p. 348.
46. Ibid., pp. 350-51. Cambell Johnson, op. cit., p. 141.
47. Ibid., p. 353. Campbell Johnson, op. cit., p. 141.
48. Ibid., p. 368.
49. Ibid., p. 373.
50. Ibid., pp. 379-80.
51. Ibid., p. 380.
52. Ibid.
53. The British Conservative Party.
54. The Rulers of Indian Princely States.
55. Nicholas Mansergh, op. cit., Vol. XII, pp. 382-85, f.n. 3 and 4, p. 383. No. 262, Minutes by Mr. Rumbold, Sir P. Patrick and Mr. Henderson.
56. Ibid., pp. 449-50. For full report, Ibid., pp. 443-56.
57. Ibid., p. 509-
58. Ibid., p. 593.
59. Ibid., pp. 610-11, f.n. 3.
60. V. Shankar, *My Reminiscences of Sardar Patel*, Vol. I, Bombay, 1974, p. 81, cf. Latif Ahmad Sherwani, *The Partition of India and Mountbatten*, Karachi, 1986, p. 133.
61. Chaudhry Muhammad Ali, *The Emergence of Pakistan*, Lahore, 1973, p. 218.
62. Lord Ismay was Chief of Staff to Lord Mountbatten.
63. Chaudhry Muhammad Ali, op. cit., p. 218. Viceroy's Personal



Report No. 17, 16th August, 1947, in Nicholas Mansergh, op. cit., p. 759.

64. Ibid., pp. 218-19. H.V. Hodson, op. cit., p. 349.
65. Mountbatten Papers ; File No. R/3/1/157 (India Office Records). cf. Latif Ahmad Sherwani, op. cit., p. 163. Nicholas Mansergh, op. cit., p. 760.
66. Chaudhry Muhammad Ali, op. cit., p. 217.
67. Ibid., pp. 217-18.
68. Lord Birdwood, *Two Nations and Kashmir*, London, Rebert Hale, 1956, p. 74.
69. Nicholas Mansergh, op. cit., Vol. XII, pp. 746-47. Chaudhry Muhammad Ali, op. cit., pp. 213-14.
71. Chaudhry Muhammad Ali, op. cit., p. 213.
71. Ibid., p. 215.
72. Lord Birdwood, *Two Nations and Kashmir*, London, 1956, p. 74.
73. Chaudhry Muhammad Ail, op. cit., p. 219.
74. *Speeches—Quaid-i-Azam Muhammad Ali Jinnuh*, Karachi, n.d., p. 32. cf. Latif Ahmad Sherwani, op. cit., p. 17. Chaudhry Muhammud Ali, op. cit., p. 221.
75. *Colliers Magazine*, New York, August 4, 1951. p. 58. cf. Latif Ahmad Sherwani, op. cit., p. 17.
76. Ian Stephens, *Horned Moon*, London, 1954, p. 107. Khan Zaman Mirza, *Who in Aggressor in Kashmir?* 1986, pp. 40-41.
77. For the Resolution of All Jammu and Kashmir Kisan Mazdoor Conference, Prem Nath Bazaz, *The History of Struggle for Freedom in Kashmir*, National Book Foundation Edition, Karachi, 1976, pp. 321-23.
78. Ibid., For the Resolution of Kashmir Socialist Party, p. 323.
79. Lord Birdwood, *India and Pakistan : A Continent Decides*, New York, 1954 pp. 94-95. Khan Zaman Mirza, op. cit., p. 43.
80. Richard Symonds, *The Statesman*, Calcutta, February 4, 1948. Khan Zaman Mirza, op. cit., p. 43.
81. Nicholas Mansergh, op. cit., Vol. XII, p. 450.
82. Ian Stephens, op. cit., p. 107. Khan Zaman Mirza, op. cit., p. 38-39.

83. Prem Nath Bazaz, op. cit., p. 275.
84. Nicholas Mansergh, op. cit., Vol. XII, p. 769.
85. Ian Stephens, op. cit., p. 107, *Pakistan*, p. 203. Chaudhry Muhammad Ali, op. cit., p. 291.
86. Durga Das, (ed.), *Sardar Patel's Correspondence, 1945-50*, Ahmedabad, 1971, pp. 45-47, Kuldip Nayar, *Distant Neighbours*, Delhi, 1972, pp. 60-61.
87. Chaudhry Muhammad Ali, op. cit., p. 291. For Mountbatten's being Chairman of the Provisional Defence Committee. Campbell Johnson, op. cit., pp. 212-13.
88. Durga Das, op. cit., p. 40.
89. Ibid., "Maharaja Hari Singh to Sardar Patel," September 26, 1947, p. 42.
90. Ibid., pp. 42-43.
91. Ibid., "Deputy Prime Minister of Kashmir (B.L. Batra) to Sardar Patel," October 3, 1947. p. 48.
92. Ibid., p. 56.
93. The Defence Minister of India in the first Cabinet.
94. Durga Das, op. cit., p. 57.
95. Ibid., p. 57.
96. Ibid., "B.L. Batra to Sardar Patel," October 17, 1947, pp. 58-60.
97. Ibid., pp. 64-66.
98. Ibid., p. 63.
99. Ibid., "Mountbatten to Patel," October 25, 1947, p. 67.
100. Ibid.,
101. Azad Government of the State of Jammu and Kashmir which was set up on 24th October, 1947.
102. Prem Nath Bazaz, op. cit., p. 177.
103. *Security Council Official Records*, 3rd year, 228th Meeting, 16th January, 1948, p. 66.
104. General Sir Frank Messervy, "Kashmir", *Asiatic Review*, Vol. XLV January, 1949, p. 469. quoted in Josef Karbel, *Danger in Kashmir*, Princeton, 1954, pp. 85-86. In this connection, Prime Minister of Pakistan, Liaquat Ali Khan



telegramme dated 18th October, 1947, to the Prime Minister of Jammu and Kashmir also throws light on the preaccession behaviour of the Maharaja's Government. M. Rafique Afzal, (ed.), *Speeches and Statements of Quaid-i-Millat Liaquat Ali Khan, 1941-51*, Research Society of Pakistan, University of the Punjab, Lahore, 1975, pp. 129-30. It should also be noted that so far General Sir Frank Messervy was concerned, he was the man, who had, as Commander-in-Chief of Pakistan Army, after Indian aggression in Kashmir, refused to obey Quaid-i-Azam's orders to send Pakistan troops in Kashmir.

105. Durga Das, *op. cit.*, pp. 68-69.

106. Ian Stephens, *Horned Moon*, p. 110.

107. *Ibid.*, p. 109. Chaudhry Muhammad Ali, *op. cit.*, p. 294.

## Book Review

---

**James Piscatori**, *International Relations of Asian Muslim States*, The Asia Society, University Press of America, January 1986, pp. 41, Price \$ 5.

In spite of the fact that the 800 million Muslims all over the world believe in one God, one Prophet and one Quran, they are wide apart and at daggers drawn with one another. Some of the Muslim countries enjoying bounties of God Almighty are least concerned about others who are famine stricken and where thousands famish everybody. It is more disheartening to see that some of these countries despite being strategically important and vital to the big powers are just puppets in their hands against their own brethren. The irony is that the 'Muslim Ummah' has failed to act in unison on even a single issue concerning Muslims, whether it is the Afghanistan Crisis or the Iran-Iraq War, Palestine or Lebanon, Philippines or Ethiopian drought. But in spite of all fragmentation in the Muslim World some events like the fervour of the Islamic revolution of Iran, the suicidal missions of young Arabs in Lebanon and Israel, agitation by Muslims all over Asia against America and her supporters has sent a wave of fright and terror in the West. They value these incidents as unification of the Muslims towards an Islamic Bloc, the very Idea of which haunts them.

To eradicate their doubts and suspicions many organisations undertake academic research and studies, conduct seminars and lectures, etc., to highlight the facts. Asia Society is also one of these organisations which is funded by Rockefeller Foundation, United States-Japan Foundation, etc. This society seeks to promote American understanding of Asia to enable the general public and decision makers to act more wisely for achieving their interests.



This society covers all of Asia's 22 countries from Japan to Iran and from Soviet Central Asia to the South Pacific Islands.

The book under review is research report conducted by James Piscatori for the Asia Society. The book deals with more than 400 million Muslims living in Asia. The relations of the Asian Muslim countries are discussed in three broad categories—relationship among the Asian Muslim states themselves and between them and the states with significant Muslim minorities; relationship between the Asian Muslim and minority states and the non-Asian Muslim states, particularly Arab States; relationship between the Asian Muslim and minority states and Western states.

The first category of relationship among Asian Muslim and Muslim minority states is discussed evaluating three fields of cooperation—economic cooperation, institutional development and foreign policy. It is quite disturbing to note that the main trading partners of the Asian members of OIC are the industrialized giants, USA, Germany, Japan, (also) USSR, Singapore, China. Like economic cooperation, institutional development among Asian Muslim states is more of token nature than concrete. The author discusses the attitude of Malaysia and Indonesia towards Philippine regarding Muslims and how they were instrumental in keeping the OIC from complete break with Philippines. He proves that the Muslim states weigh their association with secular organisations more heavily than with religious ones. In affairs of foreign policy, Islam is a subsidiary rather than a determining factor, which is shown by the attitude and relationship of the Islamic Ummah towards Soviet Union after the Afghanistan crisis. Not a single country broke diplomatic relations with her. Moreover, Islamic Iran also continues to increase her trade relations with the Soviet Bloc. The author states some more examples of Indonesia, Malaysia, Pakistan, etc., to show the unimportance of Islam in affairs of foreign policy by these states.

The second category of relationship is between Asian Muslims and other Muslim states, particularly the Arab states. This relationship is also tied together with the loose thread of mutual interests.



There has been very little economic and political integration between the Asian Muslims and other Muslim states. There are sour relations between the states on even Islamic issues, like the nature of Hajj, between Saudi Arabia and Iran. But apart from this one could also see the generosity of the Arab states which pour millions of their petro-dollars in joint ventures in countries like Pakistan. This has helped the recipient governments to pursue economic goals.

The third category of relationship discussed by the author is between Asian Muslim and Western states. The interaction between students of Asian Muslim and Western countries in the latter's universities produces mixed feelings and attitudes. Both take home negative and positive feelings about each other. These feelings sometimes also travel up to the decision makers who are forced to adopt restrictive measures against each other. The author moves ahead to say that pursuing their own interests, the Western countries label Islam as bad and good. The Muslim fighters fighting liberation wars are labelled Mujahideens, 'Separatists' or 'Extremists', depending on the type of the government, i.e., friendly or antagonist to the West.

The book is well-researched and gives a good account of the Islamic World. It contains seven tables depicting important items such as trade relations of Asian Muslim countries, number of annual pilgrims from Asian countries and the like. It also contains a glossary of 25 important Islamic terms starting from Allah to *Zakat*. The book gives valuable information to those seeking study of the Islamic World.

ANSAR ALI KHAS  
Formerly Associated with  
Department of Defence and Strategic Studies  
Quaid-e-Azam University  
ISLAMABAD



# Statements

## *SOUTH ASIAN REGIONAL COOPERATION*

---

### **INDO-SRI LANKA AGREEMENT TO ESTABLISH PEACE AND NORMALCY IN SRI LANKA**

The Prime Minister of the Republic of India, His Excellency Mr. Rajiv Gandhi and the President of the Democratic Socialist Republic of Sri Lanka, His Excellency Mr. J.R. Jayewardene, having met at Colombo on July 29, 1987.

Attaching utmost importance to nurturing, intensifying and strengthening the traditional friendship of India and Sri Lanka, and acknowledging the imperative need of resolving the ethnic problem of Sri Lanka, and the consequent violence, and for the safety, well-being and prosperity of people belonging to all communities in Sri Lanka.

Have this day entered into the following agreement to fulfil this objective.

#### **1. In this Context :**

- 1.1. Desiring to preserve the unity, sovereignty and territorial integrity of Sri Lanka ;
- 1.2. Acknowledging that Sri Lanka is a multi-ethnic and a multi-lingual plural society consisting, *inter alia*, of Sinhalese, Tamils, Muslims (Moors), and Burghers ;
- 1.3. Recognising that each ethnic group has a distinct cultural and linguistic identity which has to be carefully natured ;

---

The Centre for South Asian Studies is grateful to the Ministry of Foreign Affairs, (Director SAARC) for providing material on South Asian Regional Cooperation.

- 1.4. Also recognising that the Northern and the Eastern Provinces have been areas of historical habitation of Sri Lankan Tamil speaking peoples, who have at all times hitherto lived together in this territory with other ethnic groups ;
  - 1.5. Conscious of the necessity of strengthening the forces contributing to the unity, sovereignty and territorial integrity of Sri Lanka, and preserving its character as a multi-ethnic, multi-lingual and multi-religious plural society, in which all citizens can live in equality, safety and harmony, and prosper and fulfil their aspirations.
2. **Resolve that :**
- 2.1. Since the Government of Sri Lanka proposes to permit adjoining Provinces to join to form one administrative unit and also by a Referendum to separate as may be permitted to the Northern and Eastern Provinces as outlined below :
  - 2.2. During the period, which shall be considered and interim period, (i.e., from the date of the elections to the Provincial Council, as specified in para 2.8 to the date of the referendum as specified in para 2.3, the Northern and Eastern Provinces as now constituted, will form one administrative unit, having one elected Provincial Council. Such a unit will have one Governor, one Chief Minister and one Board of Ministers.
  - 2.3. There will be a referendum on or before 31st December, 1988 to enable the people of the Eastern Province to decide whether :
    - (a) The Eastern Province should remain linked with the Northern Province as one administrative unit, and continue to be governed together with the Northern Province as specified in para 2.2, or



- (b) The Eastern Province should constitute a separate administrative unit having its own distinct Provincial Council with a separate Governor, Chief Minister and Board of Ministers.

The President may, at his discretion, decide to postpone such a referendum.

- 2.4. All persons who have been displaced due to ethnic violence, or other reasons, will have the right to vote in such a referendum. Necessary conditions to enable them to return to areas from where they were displaced will be created.
- 2.5. The referendum, when held, will be monitored by a committee headed by the Chief Justice; a member appointed by the President, nominated by the Government of Sri Lanka; and a member appointed by the President, nominated by the representatives of the Tamil speaking people of the Eastern Province.
- 2.6. A simple majority will be sufficient to determine the result of the referendum.
- 2.7. Meetings and other forms of propaganda, permissible within the laws of the country, will be allowed before the referendum.
- 2.8. Elections to Provincial Councils will be held within the next three months, in any event before 31st December, 1987. Indian observers will be invited for elections to the Provincial Council of the North and East.
- 2.9. The Emergency will be lifted in the Eastern and Northern Provinces by August 15, 1987. A cessation of hostilities will come into effect all over the Island within 48 hours of the signing of this agreement. All arms presently held by militant groups will be surrendered in accordance with an agreed procedure to authorities to be designated by the Government of Sri Lanka.

Consequent to the cessation of hostilities and the surrender of arms by militant groups, the Army and other security personnel will be confined to barracks in camps as on 25 May, 1987. The process of surrendering of arms and the confining of security personnel moving back to barracks shall be completed within 72 hours of the cessation of hostilities coming into effect.

- 2.10. The Government of Sri Lanka will utilise for the purpose of law enforcement and maintenance of security in the Northern and Eastern Provinces the same organisations and mechanisms of Government as are used in the rest of the country.
- 2.11. The President of Sri Lanka will grant a general amnesty to political and other prisoners now held in custody under the Prevention of Terrorism Act and other Emergency laws, and to combatants, as well as to those persons accused, charged and/or convicted under these laws. The Government of Sri Lanka will make special efforts to rehabilitate militant youth with a view to bringing them back into the mainstream of national life. India will co-operate in the process.
- 2.12. The Government of Sri Lanka will accept and abide by the above provisions and expect all others to do likewise.
- 2.13. If the framework for the resolutions is accepted, the Government of Sri Lanka will implement the relevant proposals forthwith.
- 2.14. The Government of India will underwrite and guarantee the resolutions, and co-operate in the implementation of these proposals.
- 2.15. These proposals are conditional to an acceptance of the proposals negotiated from 4-5-1986 to 19-12-1986. Residual matters not finalised during the above negotiations shall be resolved between India and Sri Lanka within a period



of six weeks of signing this Agreement. These proposals are also conditional to the Government of India co-operating directly with the Government of Sri Lanka in their implementation.

2.16. These proposals are also conditional to the Government of India taking the following actions if any militant groups operating in Sri Lanka do not accept this framework of proposals for a settlement, namely :

- (a) India will take all necessary steps to ensure that Indian territory is not used for activities prejudicial to the unity, integrity and security of Sri Lanka.
- (b) The Indian Navy/Coast Guard will co-operate with the Sri Lanka Navy in preventing Tamil militant activities from affecting Sri Lanka.
- (c) In the event that the Government of Sri Lanka requests the Government of India to afford military assistance to implement these proposals the Government of India will co-operate by giving to the Government of Sri Lanka such military assistance as and when requested.
- (d) The Government of India will expedite repatriation from Sri Lanka of Indian citizens to India who are resident there, concurrently with the repatriation of Sri Lankan refugees from Tamil Nadu.
- (e) The Governments of India and Sri Lanka will co-operate in ensuring the physical security and safety of all communities inhabiting the Northern and Eastern Provinces.

2.17. The Government of Sri Lanka shall ensure free, full and fair participation of voters from all communities in the Northern and Eastern Provinces in electoral processes envisaged in this Agreement. The Government of India will extend full co-operation to the Government of Sri Lanka in this regard.

- 2.18. The official language of Sri Lanka shall be Sinhala. Tamil and English will also be official languages.
3. This Agreement and the Annexure thereto shall come into force upon signature.

IN WITNESS WHEREOF, we have set our hands and seals hereunto.

Done in Colombo, Sri Lanka, on this the Twenty Ninth day of July of the year One Thousand Nine Hundred and Eighty Seven, in duplicate, both texts being equally authentic.

Rajiv Gandhi  
Prime Minister of the  
Republic of India

Junius Richard Jayewardene  
President of the  
Democratic Socialist Republic of  
Sri Lanka

#### ANNEXURE TO THE AGREEMENT

1. His Excellency the Prime Minister of India and His Excellency the President of Sri Lanka agree that the referendum mentioned in paragraph 2 and its sub-paragraphs of the Agreement will be observed by a representative of the Election Commission of India to be invited by His Excellency the President of Sri Lanka.
2. Similarly, both Heads of Government agree that the elections to the Provincial Council mentioned in paragraph 2.8 of the Agreement will be observed by a representative of the Government of India to be invited by the President of Sri Lanka.
3. His Excellency the President of Sri Lanka agrees that the Home Guards would be disbanded and all para-military personnel will be withdrawn from the Eastern and Northern



Provinces with a view to creating conditions conducive to fair elections to the Council.

The President, in his discretion, shall absorb such paramilitary forces, which came into being due to ethnic violence, into the regular security forces of Sri Lanka.

4. The Prime Minister of India and the President of Sri Lanka agree that the Tamil militants shall surrender their arms to authorities agreed upon to be designated by the President of Sri Lanka. The surrender shall take place in the presence of one senior representative each of the Sri Lanka Red Cross and the Indian Red Cross.
5. The Prime Minister of India and the President of Sri Lanka agree that a joint Indo-Sri Lankan observer group consisting of qualified representatives of the Government of India and the Government of Sri Lanka would monitor the cessation of hostilities from 31 July, 1987.
6. The Prime Minister of India and the President of Sri Lanka also agree that in terms of paragraph 2.14 and paragraph 2.16 (c) of the Agreement, an Indian Peace Keeping contingent may be invited by the President of Sri Lanka to guarantee and enforce the cessation of hostilities, if so required.

Excellency,

Please refer to your letter dated the 29th July, which reads as follows :

Excellency,

Conscious of the friendship between our two countries stretching over two millenia and more, and recognizing the importance of nurturing this traditional friendship, it is imperative that both Sri Lanka and India reaffirm the decision not to allow our respective territories to be used for activities prejudicial to each other's unity, territorial integrity and security.

2. In this spirit, you had, during the course of our discussions, agreed to meet some of India's concerns as follows :

- (i) Your Excellency and myself will reach an early understanding about the relevance and employment of foreign military and intelligence personnel with a view to ensuring that such presences will not prejudice Indo-Sri Lankan relations.
- (ii) Trincomalee or any other ports in Sri Lanka will not be made available for military use by any country in a manner prejudicial to India's interests.
- (iii) The work of restoring and operating the Trincomalee oil tank farm will be undertaken as a joint venture between India and Sri Lanka.
- (iv) Sri Lanka's agreements with foreign broadcasting organizations will be reviewed to ensure that any facilities set up by them in Sri Lanka are used solely as public broadcasting facilities and not for any military or intelligence purposes.

3. In the same spirit, India will :

- (i) deport all Sri Lankan citizens who are found to be engaging in terrorist activities or advocating separatism or secessionism.
- (ii) provide training facilities and military supplies for Sri Lankan security forces.

4. India and Sri Lanka have agreed to set up a joint consultative mechanism to continuously review matters of common concern in the light of the objectives stated in para 1 and specifically to monitor the implementation of other matters contained in this letter.

5. Kindly confirm, Excellency, that the above correctly sets out the agreement reached between us.



Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,  
Sd/-  
(Rajiv Gandhi)

His Excellency  
Mr. J.R. Jayewardene,  
President of the Democratic Socialist  
Republic of Sri Lanka  
Colombo

This is to confirm that the above correctly sets out the understanding reached between us.

Please accept, Excellency, the assurances of my highest consideration.

(J.R. Jayewardene)

His Excellency  
Mr. Rajiv Gandhi  
Prime Minister of the Republic of India  
New Delhi

---

### **FINAL ACT OF THE SAARC REGIONAL CONVENTION ON SUPPRESSION OF TERRORISM**

Pursuant to a decision taken by the Head of State or Government of SAARC member States at their First Summit Meeting held in Dhaka during December 7—8, a Study Group Meeting was held in Dhaka during June 12—14, 1986, to examine the problem of terrorism as it affects the security and stability of the region and to submit recommendations as to how best the member States could cooperate among themselves to solve the problem. The Meeting

was attended by delegates from Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka.

2. The Study Group deeply deplored the menace of terrorism and agreed that concerted action at the international and regional levels would be an effective way of tackling the problem. The Group also recognised the cooperation between SAARC member States was vital if terrorism was to be prevented and eliminated from this region as a part of a world-wide campaign [against this growing menace and made ten (10) Recommendations which, *inter alia*, recommended that member States give consideration to the setting up of an appropriate mechanism for the identification of offences which may be regarded as terroristic and which, for purposes of extradition, are not to be regarded as political.

3. At the First Session of the SAARC Council of Ministers held in Dhaka during August 12—13, 1986, it accepted the endorsement by the Sixth Session of the SAARC Standing Committee of the Recommendations of the Study Group and approved the convening of a meeting of a group of experts to report on measures of implementation of the Recommendations of the Study Group and particularly to identify offences which are to be regarded as terroristic and which, for purposes of extradition, are not to be regarded as political.

4. Accordingly, at the invitation of the Government of Bangladesh a meeting of the Group of Experts on Terrorism was convened in Dhaka during September 20—21, 1986. The Meeting was attended by experts from Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka.

5. The Expert Group held detailed discussions on the Recommendations of the Study Group on Terrorism with a view to suggesting measures of implementation. The Group recommended an unequivocal declaration condemning terrorism and suggested a formulation for a declaration to be made at an appropriate level.



While suggesting suitable measures on six (6) of the nine (9) other Recommendations of the Study Group, the Expert Group felt that further time was needed to examine the recommendations concerning the important principles contained in the U. N. Resolution No. 2625 (XXV) and the recommendations of the United Nations Ad-hoc Committee on International Terrorism contained in U. N. Resolution No. 34/145, and for the identification of a list of terroristic offences.

6. The Standing Committee at its Seventh Session held in Bangalore on November 13, 1986, having considered the report of the Group of Experts, recommended the reconvening of the Group and instructed it to conclude its work on all outstanding matters and to submit its report to the next Session of the Standing Committee and the Council of Ministers. The Second Session of the Council of Ministers which met in Bangalore during November 14—15 1986 approved the decision of the Standing Committee to reconvene the Group of Experts on Terrorism and the mandate given to the Group. The Council of Ministers while approving the recommendation that there might be a declaration to unequivocally condemn terrorism recommended that such declaration be made at Summit level. In this connection they also decided that a reference on cooperative action among SAARC member States should be included in such declaration.

7. Accordingly, the Heads of State or Government of SAARC member States made a statement in this regard in the Bangalore Declaration issued on 17 November, 1986.

8. At the invitation of the Government of India, in accordance with the fresh mandate given to the Group of Experts, it was reconvened in New Delhi during 18—20 March, 1987. The Meeting was attended by experts from Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. The Meeting concluded its work on all outstanding matters and finalised the list of offences which were to be regarded as terroristic and which, for purposes of extradition, are not to be regarded as political.



9. The Group of Experts further recommended that the list of terroristic offences, where appropriate, be incorporated in national legislation ; bilateral treaties ; and regional legal instruments.

10. The Standing Committee at its Eighth Session held in New Delhi during 16—17 June, 1987 endorsed and accepted the recommendations contained in the Report of the Second Meeting of the SAARC Group of Experts on Terrorism. It recommended that the Council of Ministers call upon member States to take early measures to implement these recommendations particularly by enacting/amending national legislation relating to extradition, taking into account the provisions of paragraph 4 of the Report. The Standing Committee also recommended that the Council of Ministers decide to convene a Group of Legal Experts of member States to prepare a Draft Regional Convention on Terrorism for consideration at the Ninth Session of the Standing Committee.

11. The Council of Ministers at its Third Session held in New Delhi during 18—19 June, 1987, accepted these recommendations of the Eighth Session of the Standing Committee.

12. At the invitation of the Government of Sri Lanka a SAARC Legal Experts Meeting was held in Colombo during 17—19 August, 1987. Legal Experts from Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka participated in the Meeting.

13. The Group of Legal Experts at the conclusion of their Meeting on 19 August, 1987 agreed on a Draft SAARC Regional Convention on Suppression of Terrorism to be submitted for consideration of the Standing Committee at its Ninth Session.

14. The Ninth Session of the Standing Committee held in Kathmandu during 29—30 October, 1987, considered the Report of the Meeting of the Group of Legal Experts on the Draft SAARC Regional Convention on Suppression of Terrorism. The Standing Committee decided to modify preambular paragraph three (3) of the Draft Convention to reproduce in full the relevant paragraph of the



Bangalore Declaration of 17 November, 1986 and recommended and forwarded to the Council of Ministers the modified version of the Draft Convention.

15. The Standing Committee also recommended that Council of Ministers consider signing a Final Act indicating the completion of the task of preparing a SAARC Regional Convention on Suppression of Terrorism which would be open for signature and ratification thereafter.

16. The Council of Ministers at its Fourth Session held in Kathmandu during 31 October—1 November, 1987 endorsed the recommendations of the Ninth Session of the Standing Committee and recommended and forwarded the same for approval to the Heads of State or Government.

17. The Heads of State or Government at their Third Summit held in Kathmandu during 2—4 November, 1987 approved the recommendations of the Council of Ministers.

18. The text of the SAARC Regional Convention on Suppression of Terrorism, as agreed by the Heads of State or Government, is annexed hereto.

IN WITNESS WHEREOF the representatives have signed this Final Act.

DONE at Kathmandu on this Fourth Day of November One Thousand Nine Hundred and Eighty Seven, in eight originals, in the English Language, all texts being equally authentic.

HUMAYUN RASHEED CHOUDHURY  
Minister of Foreign Affairs  
People's Republic of Bangladesh

DAWN TSERING  
Minister of Foreign Affairs  
Kingdom of Bhutan

K. NATWAR-SINGH  
Minister of State for External Affairs  
Republic of India

FATHULLA JAMEEL  
Minister of Foreign Affairs  
Republic of Maldives

SHAILENDRA KUMAR UPADHYAYA  
Minister for Foreign Affairs & Land Reforms  
His Majesty's Government of Nepal

ZAIN NOORANI  
Minister of State for  
Foreign Affairs  
Islamic Republic of Pakistan

A. C. SHAHUL HAMEED  
Minister of Foreign Affairs  
Democratic Socialist Republic of Sri Lanka

## ANNEXURE

**SAARC REGIONAL CONVENTION ON SUPPRESSION  
OF TERRORISM****THE MEMBER STATES OF THE SOUTH ASIAN ASSOCIATION  
FOR REGIONAL CORPORATION (SAARC)**

MINDFUL of the Principles of Cooperation enshrined in the SAARC Charter ;

RECALLING that at the Dhaka Summit on December 7—8, 1985, the Heads of State or Government of the member States of the SAARC recognised the seriousness of the problem of terrorism as it affects the security and stability of the region ;

ALSO RECALLING the Bangalore Summit Declaration of 17 November 1986, in which the Heads of State or Government of SAARC agreed that cooperation among SAARC States was vital if terrorism was to be prevented and eliminated from the region ; unequivocally condemned all acts, methods and practices of terrorism as criminal and deplored their impact on life and property, socio-economic development, political stability, regional and international peace and cooperation ; and recognised the importance of the principles laid down in U.N. Resolution 2625 (XXV) which among others required that each State should refrain from organising, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organised activities within its territory directed towards the commission of such acts ;

AWARE of the danger posed by the spread of terrorism and its harmful effect on peace, cooperation, friendship and good neighbourly relations and which could also jeopardise the sovereignty and territorial integrity of States ;

HAVE RESOLVED to take effective measures to ensure that perpetrators of terroristic acts do not escape prosecution and punishment by providing for their extradition or prosecution, and to this end ;



HAVE AGREED as follows :

#### **Article I**

Subject to the overall requirements of the law of extradition, conduct constituting any of the following offences, according to the law of the Contracting State, shall be regarded as terroristic and for the purpose of extradition shall not be regarded as a political offence or as an offence connected with a political offence or as an offence inspired by political motives :

- (a) An offence within the scope of the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on December 16, 1970 ;
- (b) An offence within the scope of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on September 23, 1971 ;
- (c) An offence within the scope of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, signed at New York on December 14, 1973 ;
- (d) An offence within the scope of any Convention to which the SAARC member States concerned are parties and which obliges the parties to prosecute or grant extradition ;
- (e) Murder, manslaughter, assault causing bodily harm, kidnapping, hostage-taking and offences relating to firearms, weapons, explosives and dangerous substances when used as a means to perpetrate indiscriminate violence involving death or serious bodily injury to persons or serious damage to property ;
- (f) An attempt or conspiracy to commit an offence described in sub-paragraphs (a) to (e), aiding, abetting or counselling the commission of such an offence or participating as an accomplice in the offences so described.

**Article II**

For the purpose of extradition between SAARC member States, any two or more Contracting States may, by agreement, decide to include any other serious offence involving violence, which shall not be regarded as a political offence or an offence connected with a political offence or an offence inspired by political motives.

**Article III**

1. The provisions of all extradition treaties and arrangements applicable between Contracting States are hereby amended as between Contracting States to the extent that they are incompatible with this Convention.

2. For the purpose of this Convention and to the extent that any offence referred to in Article I or agreed to in terms of Article II is not listed as an extraditable offence in any extradition treaty existing between Contracting States, it shall be deemed to be included as such therein.

3. Contracting States undertake to include these offences as extraditable offences in any future extradition treaty to be concluded between them.

4. If a Contracting State which makes extradition conditional on the existence of a treaty receives a request for extradition from another Contracting State with which it has no extradition treaty, the requested State may, at its option, consider this Convention as the basis for extradition in respect of the offences set forth in Article I or agreed to in terms of Article II. Extradition shall be subject to the law of the requested State.

5. Contracting States which do not make extradition conditional on the existence of a treaty, shall recognise the offences set forth in Article I or agreed to in terms of Article II as extraditable offences between themselves, subject to the law of the requested State.



**Article IV**

A Contracting State in whose territory a person suspected of having committed an offence referred to in Article I or agreed to in terms of Article II is found and which has received a request for extradition from another Contracting State, shall, if it does not extradite that person, submit the case without exception and without delay, to its competent authorities, so that prosecution may be considered. These authorities shall take their decisions in the same manner as in the case of any offence of a serious nature under the law of that State.

**Article V**

For the purpose of Article IV, each Contracting State may take such measures as it deems appropriate, consistent with its national laws, subject to reciprocity, to exercise its jurisdiction in the case of an offence under Article I or agreed to in terms of Article II.

**Article VI**

A Contracting State in whose territory an alleged offender is found, shall, upon receiving a request for extradition from another Contracting State, take appropriate measures, subject to its national laws, so as to ensure his presence for purposes of extradition or prosecution. Such measures shall immediately be notified to the requesting State.

**Article VII**

Contracting States shall not be obliged to extradite, if it appears to the requested State that by reason of the trivial nature of the case or by reason of the request for the surrender or return of a fugitive offender not being made in good faith or in the interests of justice or for any other reason it is unjust or inexpedient to surrender or return the fugitive offender.

**Article VIII**

1. Contracting States shall, subject to their national laws, afford one another the greatest measure of mutual assistance in connection with proceedings brought in respect of the offences referred

to in Article I or agreed to in terms of Article II, including the supply of all evidence at their disposal necessary for the proceedings.

2. Contracting States shall cooperate among themselves, to the extent permitted by their national laws, through consultations between appropriate agencies, exchange of information, intelligence and expertise and such other cooperative measures as may be appropriate, with a view to preventing terrorist activities through precautionary measures.

#### **Article IX**

1. The Convention shall be open for signature by the member States of SAARC at the SAARC Secretariat in Kathmandu.

2. It shall be subject to ratification. Instruments of Ratification shall be deposited with the Secretary of SAARC.

#### **Article X**

This Convention shall enter into force on the fifteenth day following the date of the deposit of the seventh Instrument of Ratification with the Secretary-General of SAARC.

#### **Article XI**

The Secretary-General of SAARC shall be the depository of this Convention and shall notify member States of signatures to this Convention and all deposits of Instruments of Ratification. The Secretary-General shall transmit certified copies of such Instruments to each member State. The Secretary-General shall also inform member States of the date on which this Convention will have entered into force in accordance with Article X.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Convention.

DONE at Kathmandu on this Fourth Day of November One Thousand Nine Hundred and Eighty Seven, in eight originals, in the English Language, all texts being equally authentic.



**THIRD SAARC SUMMIT KATHMANDU****October 31—November 1, 1987****KATHMANDU DECLARATION**

The President of Bangladesh, the King of Bhutan, the Prime Minister of India, the President of Maldives, the King of Nepal, the Prime Minister of Pakistan and the President of Sri Lanka assembled for the Third Summit of the South Asian Association for Regional Cooperation (SAARC) in Kathmandu from 2–4 November, 1987.

2. The Heads of State or Government recalled with pleasure the launching of SAARC which marked the beginning of a new era of regional cooperation for the promotion of peace and progress, mutual trust and goodwill in South Asia and underlined the importance of annual meetings at their level, as a prime mover, in consolidating and accelerating the pace and process of overall social, economic and cultural development in the region. They renewed their commitment to the SAARC Charter. They reiterated their desire of promoting peace, stability, amity and progress in the region through strict adherence to the principles of the United Nations Charter and Non-alignment, particularly respect for the principles of sovereign equality, territorial integrity, national independence, non-use of force and non-interference in the internal affairs of other States and peaceful settlement of disputes.

3. The Heads of State or Government emphasized that a fundamental goal of SAARC was to promote the welfare of the peoples of South Asia and to provide them with the opportunity to live in dignity and realise their full potential. They were conscious of the formidable tasks ahead of eradicating poverty, hunger, disease, illiteracy and unemployment and alleviation of environmental degradation facing South Asia today. They were convinced that the peoples and governments of South Asia could, acting in unison, surmount these challenges.

4. The Heads of State or Government expressed their faith in and commitment to the principles and purposes enshrined in the



United Nations Charter. They further believed that the United Nations has an important role to play in promoting universal trust, understanding and concerted actions for the attainment of lasting peace, global development and general disarmament. They reiterated their concern at the crisis facing the United Nations. They expressed their commitment to the multilateral negotiating process and called upon all states to help strengthen the UN system. They reaffirmed their belief that SAARC will reinforce this process by promoting South Asian Cooperation.

5. The Heads of State or Government also reaffirmed their deep commitment to the principles and objectives of the Non-aligned Movement. They underscored the validity of its philosophy and the historic role the movement has been playing and continues to play in strengthening world peace and harmony as well as in promoting development with justice and equity. They also noted that institutionalization and strengthening of regional cooperation in South Asia had further nurtured the spirit of South-South Cooperation on the basis of mutual respect, equity and common benefit. They expressed satisfaction over the result of the Ministerial Conference on Non-aligned countries held in Pyongyang in June 1987 and urged the Non-aligned and other developing countries to take action to implement effectively the Pyongyang Declaration and Plan of Action on South-South Cooperation.

6. The Heads of State or Government recognised that the external environment had a critical bearing on the development of the economies of the South Asian Region. They noted with deep concern that growth in the world economy had again slowed down with adverse consequences for South Asia and other developing countries, especially for the least developed and landlocked countries. They observed that equitable participation of the developing countries in international trading and economic systems and in arrangements for the coordination of global macro economic policies was essential for enhancing prospects and performance of the world economy.



7. The South Asian leaders noted that the world economy had long suffered from a structural disequilibrium. The pace of global economic expansion had further slowed down. The downward trend in commodity prices had continued. The net export earnings had fallen aggravating payment imbalances in developing countries. The terms of trade had further deteriorated with enormous losses to developing countries. At the same time, the diminishing financial flows to developing countries remained unchanged with contraction in new lendings and growing burden of debt servicing. In fact there had been a reverse flow of resources from developing to developed countries. The trade conflicts had also sharpened with the rise of protectionism thus further weakening the international trading system and eroding the principles of special and differential treatment in favour of developing countries.

8. The Heads of State or Government reiterated the urgent need for resumption of North-South Dialogue with a view to promoting coordinated actions by developed and developing countries to channel trade surpluses for development, revive growth in flagging economies, overcome debt difficulties, expand export access to the developing countries and stabilise commodity prices, regulate capital flows and exchange rates more closely, and provide emergency relief and assistance to the poorest countries. They called for an early convening of the International Conference on Money and Finance for Development. They also stressed the need for preserving and liberalizing the multilateral trading system with renewed efforts both within and outside the GATT Uruguay Round of Multilateral Trade Negotiations. They also underscored the importance of the developed countries fully respecting the commitments made in Punta del Este on 'standstill and rollback' and called for the early and effective implementation of this commitment. The Heads of State or Government also reviewed the outcome of UNCTAD VII. They hoped that UNCTAD would play an increasingly effective role in promoting harmonious and equitable international economic relations.



9. The Heads of State or Government reaffirmed the need for special measures in favour of the least developed countries in order to strengthen their resource capabilities and structural transformation and urged the international community, in the light of recent decisions at UNCTAD VII, to speed-up tangible assistance including increased resource flows to these countries within the framework of the Substantial New Programme of Action (SNPA) for the Least Developed Countries for 1980s.

10. The Heads of State or Government expressed concern at the deteriorating international political environment which was due to great power policies and practices of domination and intervention as well as the increased resort to threat or use of force, aggression, occupation, pressure, economic coercion and interference in violation of the principles and purposes of the Charter of the United Nations. These destabilising measures were creating a climate detrimental to the policies of peace, goodwill, stability, prosperity and respect for each other.

11. The Heads of State or Government believed that the escalation in military expenditure was a major constraint on world development. In this regard they noted that the UN Conference on disarmament and development had clearly established a link between disarmament and development and had provided a valuable framework for future action in this vital area.

12. They welcomed the understanding reached between the United States and the Soviet Union on Intermediate Nuclear Forces. This should be a precursor of further accords between them to reduce drastically their strategic nuclear missiles and to refrain from extending the arms race to Outer Space. They called for the early conclusion in the Geneva Conference on Disarmament of a Comprehensive Test Ban Treaty and a Convention to ban Chemical Weapons. They declared their intention to continue their efforts to contribute to the realisation of the objective of halting the nuclear arms race and eliminating nuclear weapons. They declared their resolve to



support every effort to conclude a treaty prohibiting vertical and horizontal proliferation of nuclear weapons.

13. The Heads of State or Government expressed their deep concern at the fast and continuing degradation of the environment, including extensive destruction of forest, in the South Asian region. They also noted that South Asia was afflicted with natural disaster as floods, droughts, landslides, cyclones, tidal waves which have had a particularly severe impact recently, causing immense human suffering. At the same time they expressed concern over the danger posed by the global sea level rise and its effects on South Asian Countries. These natural disasters and the degradation of the environment were severely undermining the development process and prospects of the member countries. They, therefore, decided to intensify regional cooperation with a view to strengthening their disaster management capabilities. They also decided to commission a study for the protection and preservation of the environment and on the causes and consequences of natural disasters in a well-planned comprehensive framework. They entrusted the Secretary-General with this task.

14. The Heads of State or Government reaffirmed their conviction that the region being most populous in the world and having age-old socio-cultural links, rich and varied human and natural resources, offered immense scope and potential for regional cooperation and that the growing interaction among its people had added stimulus towards this end. They reiterated their determination to pursue their individual and collective efforts for the optimal utilisation of the vast human and untapped natural and other material resources.

15. The Heads of State or Government reviewed with satisfaction the progress made so far in the implementation of the SAARC Integrated Programme of Action and emphasised the need to further consolidate and streamline the process. They were conscious of the need to exercise greater discretion in the selection of activities in different sectors. They took note of the criteria and procedures



relating to administrative structuring and financing of regional institutions endorsed by the SAARC Council of Ministers. They directed that the establishment of such regional institutions should proceed only after taking into account their viability and benefits to the member countries with due consideration to economy and efficiency.

16. The Heads of State or Government expressed satisfaction at the launching of the SAARC Audio Visual Exchange Programme coinciding with the opening of the Third SAARC Summit in Kathmandu. While taking note of the dates for the institution of the SAARC Chairs, Fellowships and Scholarships and the commencement of Organised Tourism among SAARC member countries, they directed that the schemes for the SAARC Documentation Centre and the SAARC Youth Volunteer Programme be implemented at the earliest.

17. The Heads of State or Government noted with satisfaction the signing of the agreement establishing a South Asian Food Security Reserve and expressed confidence that this will provide a much-needed cushion against food shortages and scarcity situations in the region.

18. The Heads of State or Government expressed happiness at the signing of the SAARC Regional Convention on Suppression of Terrorism and considered it a historic step towards the prevention and elimination of terrorism from the region. In this regard, they also reiterated their unequivocal condemnation of all acts, methods and practices of terrorism as criminal and expressed their abhorrence of their impact on life and property, socio-economic development, political stability, regional peace and cooperation.

19. The Heads of State or Government reaffirmed their agreement to expand SAARC activities in other concrete areas of cooperation in order to ensure more tangible benefits from SAARC to the peoples of the region. They were convinced that regional cooperation could be consolidated and expanded on the basis of growing regional complementarities and inter-dependence. They believed that the SAARC long-term perspective should, therefore, focus on measur:



to expand and strengthen such areas of regional complementarities and inter-dependence not only through formulation and implementation of more concrete and action-oriented programmes but also through coordination of national policies and approaches for finding common solutions to their common problems.

20. The Heads of State or Government welcomed the first annual review of the Situation of Children in the SAARC member countries. They reiterated their commitment made in the Bangalore Declaration to accord highest priority to the needs of children in national development planning and emphasised that more intensified action should be taken for the welfare and well-being of children. They further reiterated their call for an early conclusion and adoption of a United Nations Convention on the Rights of the Child.

21. The Heads of State or Government expressed their satisfaction at the establishment of the SAARC Secretariat in Kathmandu, strengthening further the process of regional cooperation in South Asia. They expressed their gratitude to His Majesty King Birendra Bir Bikram Shah Dev for most graciously inaugurating the SAARC Secretariat.

22. The Heads of State or Government were conscious of the aspirations of the peoples of South Asia to communicate and cooperate with each other at the people-to-people level. They recognised that academics, researchers, non-governmental organizations and others have an important role to play in promoting the SAARC spirit and giving impetus to regional programmes and projects. They further observed that the interest and enthusiasm so far demonstrated by the increased interactions and exchange of information at the inter-governmental level should be capitalised and translated into tangible programmes and projects. They recognised the vast potential for the generation of friendship, goodwill and trust through interactions between the peoples which would foster harmonious relations in South Asian.

23. The Heads of State or Government expressed their deep conviction that the Kathmandu Summit has further consolidated the



gains of SAARC and given a renewed thrust and direction to the future course of regional cooperation. They were also convinced that the Kathmandu Summit has helped to create an atmosphere conducive to strengthening this process, besides generating further goodwill and friendship among the member countries in the larger interest of the region.

24. The Heads of State or Government were convinced that SAARC should be increasingly oriented to the people's needs and aspirations so that the masses of the region could be drawn to a greater extent into the mainstream of SAARC activities. This, they firmly held, would help bring about a qualitative improvement in the general atmosphere of the region contributing to peace, friendship and cooperation in the area.

25. The Heads of State or Government reiterated their firm commitment to the spirit and objectives with which the South Asian Association for regional cooperation was launched and reaffirmed their determination to work, individually and collectively, towards the attainment of these objectives.

26. The Heads of State or Government of Bangladesh, Bhutan, India, Maldives, Pakistan and Sri Lanka were deeply appreciative of the exemplary manner in which His Majesty the King of Nepal discharged his responsibilities as Chairman of the Meeting. They expressed their profound gratitude for the warm and gracious hospitality extended to them by His Majesty's Government and the people of Nepal and for the excellent arrangements made for the Meeting.

---

## **AGREEMENT ON ESTABLISHING THE SAARC FOOD SECURITY PRESERVE**

### **PREAMBLE**

The Governments of Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka ;



Recalling the Declaration on South Asian Regional Cooperation signed in New Delhi in August 1983 which called for cooperative action with a view to promoting economic and social development in South Asia ;

Reaffirming their commitment to the realisation of this objective by joining together in the establishment of the South Asian Association for Regional Cooperation and adopting a Charter in Dhaka in December 1985 ;

Recognizing the importance of regional and sub-regional collective self-reliance with respect to food security as a means of combating the adverse effect of natural and man-made calamities ;

Recognizing further that the establishment of an emergency food security reserve by member countries of the South Asian Association for Regional Cooperation based on the principle of collective self-reliance would improve their food security ;

Now therefore, in a spirit of solidarity and mutual cooperation, have agreed as follows :

## **Article I**

### **ESTABLISHMENT OF THE SAARC FOOD SECURITY RESERVE**

1. The member countries hereby agree to establish a SAARC Food Security Reserve (hereinafter referred to as 'the Reserve') on the conditions and for the purpose described in this Agreement.

2. The Reserve shall be administered by the SAARC Food Security Reserve Board (hereinafter referred to as 'the Board') provided for in Article VII.

## **Article II**

### **THE RESERVE**

1. The Reserve shall consist of wheat or rice or a combination thereof, (hereinafter referred to as 'foodgrains') earmarked by member countries exclusively for the purpose described in Article III.

The foodgrains forming part of the Reserve shall remain the property of the member country that has earmarked them and shall be in addition to any national reserve that may be maintained by that member country.

2. Each member country undertakes to earmark as its share of the Reserve the amount of foodgrains allocated to it in the Schedule to this Agreement. The said Schedule shall be an integral part of this Agreement.

3. The member countries shall keep the Schedule under review and may amend it in the light of operating experience in accordance with the procedure laid down in Article XI.

4. A member country may, at any time, voluntarily earmark for the purpose provided for in this Agreement, foodgrains exceeding the amount allocated to it in the Schedule. In such a case the member country concerned may only withdraw the amount in excess of its allocation by giving six months advance written notice to the Board.

5. The quality of all foodgrains earmarked by the member countries shall be at least of 'fair average quality', or comply with any other quality standards laid down by the Board.

6. The member countries undertake to provide adequate storage facilities for the foodgrains that they have earmarked ; to inspect the foodgrains periodically and to apply appropriate quality control measures, including turn-over of the foodgrains, if necessary, with a view to ensuring that at all times the foodgrains satisfy the required quality standards ; and to replace forthwith any foodgrains that do not satisfy the said standards. In addition, the member countries agree to make every effort to comply with any guidelines on storage methods or quality control measures adopted by the Board.

### Article III

#### WITHDRAWAL OF FOODGRAINS IN AN EMERGENCY

Each member country shall be entitled, on the conditions and in



accordance with the procedures laid down in Article IV and/or Article VI, to draw on foodgrains forming part of the Reserve in the event of an emergency. An emergency shall mean a state or condition in which a member country, having suffered a severe and unexpected natural or man-made calamity, is unable to cope with such a state or condition by using its national reserve and is unable to procure the foodgrains it requires through normal trading transactions on account of balance of payments constraints.

#### **Article IV**

##### **PROCEDURE FOR THE RELEASE OF FOODGRAINS FROM THE RESERVE**

1. The member country in need shall directly notify the other member country or countries of the emergency it is facing and the amount of foodgrains required.

2. The other member country or countries on being so requested shall take immediate steps to make necessary arrangements to ensure immediate and speedy release of the required foodgrains, subject to availability in the combination requested.

3. The prices, terms and conditions of payment in kind or otherwise in respect of the foodgrains so released shall be the subject of direct negotiations between the member countries concerned.

4. The requesting member country shall at the same time inform the Board of its request to the other member country or countries.

#### **Article V**

##### **REPLENISHMENT OF THE RESERVE**

1. A member country that has released all or part of the foodgrains forming its share of the Reserve shall replace such foodgrains as soon as practicable and, in any event, not later than one calendar year following the date on which the release of the foodgrains took place.

2. A member country that has released all or part of the foodgrains forming its share of the Reserve shall notify the Board of such

release, of the terms and conditions on which it was effected, and the date on which the foodgrains that had been released were replaced.

#### **Article VI**

##### **PROCEDURE FOR THE WITHDRAWAL OF FOODGRAINS BY A MEMBER COUNTRY FROM ITS OWN SHARE OF THE RESERVE**

1. A member country in need shall be entitled to withdraw foodgrains from its own share of the Reserve.
2. In doing so it shall inform the member countries and the Board of such withdrawal.
3. It shall replace such foodgrains as soon as practicable and in any event not later than two calendar years following the date on which the release of the foodgrains took place.

#### **Article VII**

##### **THE SAARC FOOD SECURITY BOARD**

1. There shall be a Board of which each member country shall be a member.
2. Decisions of the Board shall be taken on the basis of unanimity.
3. The Board shall elect a Chairman and Vice-Chairman based on the principle of rotation among member countries whose terms of office shall be two years. Rules of procedure for the meetings of the Board shall be the same as for other SAARC meetings.
4. The Board shall meet at least once a year.
5. The Board shall normally meet at the same place and time as the Standing Committee, preceding the Annual Summit.

#### **Article VIII**

##### **FUNCTIONS OF THE BOARD**

The functions of the Board shall include :

1. Undertaking a periodic review and assessment of the food



situation and prospects in the region including factors such as production, consumption, trade, prices, quality and stocks of foodgrains. These periodic assessment reports shall be disseminated to all the member countries ;

2. Examining immediate, short term and long term policy actions as may be considered necessary to ensure adequate supplies of basic food commodities in the region and to submit, on the basis of such examination, recommendations for appropriate action to the Council of Ministers ;

3. Reviewing implementation of the provisions of the agreement, calling for such information from member countries as may be necessary for the effective administration of the Reserve and issuing of guidelines on technical matters such as maintenance of stocks, storage conditions and quality control ;

4. Keeping the Schedule to this Agreement under review ;

5. Suggesting amendment to the Agreement, as and when considered necessary, in accordance with the procedure specified in Article XI.

#### **Article IX**

#### **SECRETARIAT**

The Board shall be assisted by the SAARC Secretariat. The Secretariat's responsibilities shall include monitoring all matters relating to the release of foodgrains from the Reserve and convening and servicing meetings of the Board.

#### **Article X**

#### **ENTRY INTO FORCE**

This Agreement shall enter into force on a date to be determined by the Council of Ministers provided that the member countries have collectively earmarked at least one hundred and twenty-five thousand metric tons of foodgrains on that date for the purpose of this Agreement.

**Article XI****AMENDMENT**

1. A member country may propose any amendment to this Agreement by submitting the proposed amendment to the Board through the SAARC Secretariat.

2. The Board may endorse the proposed amendment and submit it to the Council of Ministers for approval. Unless otherwise specified, amendments shall enter into force as from the date of their approval by the Council of Ministers.

**Article XII****DEPOSITARY**

1. An original of this Agreement shall be deposited in the SAARC Secretariat.

2. The Secretary-General shall be the depositary of this Agreement and amendments thereto.

IN WITNESS WHEREOF the undersigned plenipotentiaries being duly authorised thereto have signed this Agreement.

Signed at Kathmandu on the Fourth Day of November One Thousand Nine Hundred and Eighty Seven in Eight Originals in the English language.

HUMAYUN RASHEED CHOUDHURY  
Minister of Foreign Affairs  
People's Republic of Bangladesh

DAWA TSERING  
Minister of Foreign Affairs  
Kingdom of Bhutan

K. NATWAR SINGH  
Minister of State for External Affairs  
Republic of India

FATHULLA JAMEEL  
Minister of Foreign Affairs  
Republic of Maldives

SHAILENDRA KUMAR UPADAYAYA  
Minister for Foreign Affairs & Land Reforms  
His Majesty's Government of Nepal

ZAIN NOORANI  
Minister of State for  
Foreign Affairs  
Islamic Republic of Pakistan

A.C. SHAHUL HAMEED  
Minister of Foreign Affairs  
Democratic Socialist Republic of Sri Lanka



**DRAFT JOINT PRESS RELEASE**

The President of Bangladesh, the King of Bhutan, the Prime Minister of India, the President of Maldives, the King of Nepal, the Prime Minister of Pakistan and the President of Sri Lanka met in Kathmandu during November 2—4, 1987. Their meeting was marked by warmth, cordiality and mutual understanding.

2. They issued the Kathmandu Declaration providing a renewed thrust and direction to the future course of regional cooperation in South Asia.

3. They considered several issues of common concern, both regional and international, and assessed the overall progress in the context of SAARC objectives.

4. They expressed their happiness at the signing of the SAARC Regional Convention on Suppression of Terrorism and the Agreement establishing South Asian Food Reserve by the Foreign Ministers of the SAARC member States in their presence. They firmly believed that the Convention and the Agreement constituted landmarks in their collective endeavours to eradicate terrorism and hunger from the region.

5. They declared their intention to initiate the process of dealing with the causes and consequences of natural disasters and decided to commission a study on natural disasters and the protection and preservation of the environment in a well planned and comprehensive framework. They entrusted the Secretary-General with this task.

6. They expressed their satisfaction with the progress achieved in the implementation of the Integrated Programme of Action in the eleven agreed areas of cooperation and also with the concrete programmes related to the Five New Ideas identified at the last Summit for expanding and strengthening cooperative programmes under SAARC.

7. They also reaffirmed their view that measures for expanding regional cooperation should be progressively carried out within a broad framework of a long-term perspective and stressed, in particular, the need for further consolidation and rationalization of the on-going activities pursued within SAARC framework.

8. The Heads of State or Government emphasized the need for strengthening inter-governmental efforts with increased people-to-people cooperation and called for greater participation of the Non-Governmental Organizations (NGOs), including professional bodies in the private sector, in the process of promoting socio-economic and cultural development of South Asia as envisaged in the SAARC Charter, under the auspices of the SAARC Secretariat.

9. They further welcomed the establishment of the SAARC Secretariat in Kathmandu as well as the assumption of office by the SAARC Secretary-General with effect from 16 January, 1987 and considered these as important events in strengthening the institutional framework of regional cooperation in South Asia. They expressed their appreciation to His Majesty's Government of Nepal at the cooperation and assistance extended and facilities provided to the SAARC Secretariat.

10. The Heads of State or Government took note of the report submitted by the Council of Ministers relating, *inter alia*, to administrative structuring and financing of regional institutions and directed that for economy and efficiency all sectoral programmes should justify the establishment of such regional institutions.

11. They instructed that, in its examination of the question of the admission of new members and the grant of observer/guest status in the Association, the Standing Committee should also include the aspect of the establishment of relations with similar organisations.

12. They gratefully accepted the offer of the President of Sri Lanka to host the Fourth SAARC Summit in 1988 in Sri Lanka.



13. They also gratefully accepted the offer of the Prime Minister of the Islamic Republic of Pakistan to host the Fifth SAARC Summit in Pakistan in 1989.

14. The Heads of State or Government of Bangladesh, Bhutan, India, Maldives, Pakistan and Sri Lanka were deeply appreciative of the exemplary manner in which His Majesty the King of Nepal discharged his responsibilities as Chairman of the Meeting. They expressed their profound gratitude for the warm and gracious hospitality extended to them by His Majesty's Government and the people of Nepal and for the excellent arrangements made for the Meeting.

# A Select Bibliography of Books and Periodical Literature on South Asia

---

July to December 1987

## BOOKS

### BANGLADESH

- Abdul Hafiz, M. and Abdur Rab Khan, (eds.), *Nations Building in Bangladesh, Retrospect and Prospect*, Institute of International and Strategic Studies, Dhaka, Bangladesh, 1986.
- Alamgir, Muhiuddin Khan (ed.), *Land Reform in Bangladesh*, Centre for Social Studies, Dacca, 1981.
- Bhuiyan, M. Abdul Wadud, *Emergence of Bangladesh, Role of Awami League*, Vikas, New Delhi, 1982.
- Choudhury, A.K. M. Kamaluddin, *Land use Planning in Bangladesh*, National Institute of Local Government, Dhaka, 1985.
- Farida Akhter, *Depopulating Bangladesh*, UBINING, Dhaka, 1986.
- Harun, Shamsul Huda, *Bangladesh Voting Behaviour ; a Psephological Study 1973*, Dhaka University, 1986.
- Khaleda Salahuddin, *Women and Technology*, Salahuddin Ahmed, Dhaka, 1986.
- Khan, Azizur Rahman, *Financing Private Sector Industries in Bangladesh*, Dacca University Bureau of Business Research, 1980.
- Khan, Mohammad Mohabbat and Habib Mohammad Zafarullah, (eds.), *Politics and Bureaucracy in a new Nation Bangladesh*, Centre for Administrative Studies, Dacca, 1980.

---

The above Bibliography including on SAARC, has been prepared by Mrs. Farzana Anwar Cheema, Librarian of the Centre.



- Khan, M. Salimullah (ed.), *Politics and Stability in Bangladesh; Problems and Prospects*, Government and Politics Department, Jahangirnagar University, Dhaka, 1985.
- Khan, Serajul Alam and Zillur Rahman Khan, *Constitution and Constitutional Issues; Comparative Studies, Analysis and Prospects*, University Press, Dhaka, Bangladesh, 1985.
- Khan, Zillur Rahman, *Martial Law to Martial Law; Leadership crisis in Bangladesh*, University Press, Dhaka, Bangladesh, 1984.
- Lalifa Akanda and Ishrat Shamim, *Women and Violence: a comparative study of Rural and Urban violence against Women in Bangladesh*, (2nd ed.), Dhaka, Women for Women, 1985.
- Maniruzzaman, Talukder, *Radical Politics and the Emergence of Bangladesh*, Bangladesh Books International, 1975.
- Mizanur Rahman, *Emergence of New Nation in Multipolar World: Bangladesh*, University Press, Bangladesh, 1979.
- Nurul Islam, *Development Planning in Bangladesh; a study in political economy*, University Press, Bangladesh, 1979.
- Rangalal Sen, *Political Elites in Bangladesh*, University Press, Bangladesh, 1986.
- Rehman, Sobhan, *The Crisis of External Dependence; The Political Economy of Foreign Aid to Bangladesh*, University Press, Bangladesh, 1982.
- Rounaq Jahan, *Women in Bangladesh*, Rounaq Jahan, Dhaka, 1974.
- Shaikh Maqsood Ali, et al., *Decentralization and Peoples Participation in Bangladesh*, National Institute of Public Administration, Dhaka, 1983.
- Shamsul Haque, M., et al., *Higher Education and Employment in Bangladesh*, University Press, Dhaka, 1983.
- Shamsul Haque, M. and Zahid Hussain, *Cottage Industries of Bangladesh; Potential for Development*, Dhaka University Institute of Business Administration, 1984.
- Statistical Pocket Book of Bangladesh 1986*, Bangladesh Bureau of Statistics, Dhaka, 1986.
- Umar, Badruddin, *General Crisis of the Bourgeoisie in Bangladesh*, Papyrus Prokashanee, Dhaka, 1986.
- Umar, Badruddin, *Towards the Emergency Rule in Bangladesh*, Muktaadhara, Dhaka, 1980.

Werlergaard, Kirsten, *State and Rural Society in Bangladesh*, Select Book Service Syndicate, New Delhi, 1986.

## BHUTAN

Singh, Nagendra, *Bhutan; A Kingdom in the Himalayas*, S. Chand & Company, New Delhi, 1985.

## INDIA

Acharya, Rabi Narayan, *The Television in India*, Manas Publication, Delhi, 1987.

Agarwal, R. C., *Indian Government and Politics*, S. Chand & Company, New Delhi, 1986.

Agarwala, B. R., *Elight of a Muslim Women, the Shah Bano Case*, New Delhi, 1986.

Ahmad, Imtiaz, (ed.), *Retual and Religion among Muslim in India*, Manohar Publisher, New Delhi, 1984.

Ahmad, Manazir, *Sultan Firoz Shah Tughlaq*, Chagh Publications, Allahabad, 1973.

Ansari, M. A., *Administrative Documents of Mughal India*, B. R. Publishing Corporation, Delhi, 1984.

Ansari, N. A., *Adult Education in India*, S. Chand & Company, New Delhi, 1984.

*Army in India and its Evolution*, Anmol Publication, New Delhi, 1985.

Arora, Ranjana, *Parliamentary Privileges in India*, Deep & Deep Publications, New Delhi, 1986.

Aziz, K.K., *Britain and Muslim India*, Islamic Book Service, Lahore, 1987.

Bakshi, S. R., *Congress and Quit India Movement*, Criterion Publications, New Delhi, 1986.

Bakshi, S. R., *Gandhi and Civil Disobedience Movement*, Gitenjali Publishing House, New Delhi, 1985.

Bala, Raj, *Trends in Urbanisations in India, 1901-1981*, Rawat Publications, Jaipur, 1986.

Banarjee, Kishalay, *Regional Political Parties in India*, B.R. Publishing Corporation, Delhi, 1984.

Bandyopadhyay, J., et al., *India's Environment ; Crisis and Responses*, Natraj Publishers, Dehra Dun, 1985.



- Baroda and Fass, *The Palaces of India*, Vendom Press, New York, 1985.
- Bartou, Sir William, *The Princes of India*, Cosmo Publishing House, New Delhi, 1983.
- Barth, A., *The Religions of India*, S. Chand & Company, New Delhi, 1980.
- Bazaz, Prem Nath, *Inside Kashmir*, Vorinag Publishers, Azad Kashmir, 1987.
- Bhattacharya, S. N., *Role of Indian Rural Institutions in Economic Growth*, Metropolitan Book Company, New Delhi, 1985.
- Bhattacharya, S. N., *Rural Economic Growth in India in Theory and Practice*, Metropolitan Book Company, New Delhi, 1936.
- Bhattacharya, Vivek, *Awakened India—A Trust with Destiny*, Metropolitan Book Company, New Delhi, 1986.
- Bhattacharya, Vivek Ranjan, *New Strategy of Development in Village India*, Metropolitan Book Company, New Delhi, 1983.
- Birla, K. K., *Indira Gandhi ; Reminiscences*, Vikas Publishers, New Delhi, 1987.
- Brata, Sasthi, *The India ; Labyrinths in Lotus Land*, William Morrow & Company, New York, 1985.
- Buch, Mahesh N., *Planning ; The Indian City*, Vikas Publishing House, New Delhi, 1987.
- Bhashan, Vidya, *Prison Administration in India*, S. Chand & Company, New Delhi, 1970.
- Butlar, David and Ashak Lahori Prannay Ray, *A Compendium of Indian Elections*, Arneld Hoinemamn, New Delhi, 1984.
- Calonel Ravi Nanda, *AVSM, Evolution of National Strategy of India*, Lancers Books, Delhi, 1987.
- Campbell, Alexander, *The Heart of India*, Alfred, New York, 1958.
- Campland, Ian, *The British Raj and the Indian Princes, 1857-1930*, Orient Longman, Bombay, 1982.
- Choudhary, Darshan Lal, *Violence in the Freedom Movement of Punjab*, B.R. Publishing, Delhi, 1986.
- Chandra, Bipen, *Communalism in Modern India*, Vikas Publishers, New Delhi, 1987.
- Chopra, P.N. and T.K. Rawndran, *History of South India, (Three Volumes)*, S. Chand & Company, New Delhi, 1979.

- Christoph Von Fierer Haimendarl, *Tribes of India : The Struggle for Survival*, Oxford University Press, Delhi, 1985.
- Colebrooke, H.T., *Essays on History Literature and Religion on Ancient India*, Cosmo Publication, New Delhi, 1977.
- Crewe, Quentin, *The Last Maharaja*, Michael Joseph, London, 1985.
- Dagli, Vadilal, (ed.), *Science and Technology in India*, S. Chand & Compady, New Delhi, 1982.
- Dhar, Pannalal, *Preventive Detention under Indian Constitution*, Deep & Deep Publishing House, New Delhi, 1986.
- Dua, B.D., *Presidential Rule in India 1950-1954 ; A Study in Crisis Politics*, S. Chand & Company, New Delhi, 1985.
- Dube, Maya, *The Speaker in India*, S. Chand & Company, New Delhi, 1971.
- Dutt, V. P., *India's Foreign Policy*, Vikas Publishers, New Delhi, 1987.
- Enamul Haq, Mohammad, *A History of Sufism in Bengal*, Asiatic Society of Bangladesh, Dacca, 1975.
- Everett, Jana Matsod, *Women and Social Change in India*, Heritage, New Delhi, 1981.
- Fraser, Andrew, H. L., *Among Indian Rajahs in Ryats*, Chugh Publications, Allahabad, 1975.
- Ghosh, Suresh C., *Indian Nationalism*, Vikas Publishers, New Delhi, 1987.
- Grenville, G. S. P. Free Men, *The Book of the Wonders of India*, East West Publication, London, 1981.
- Hastings Warren, *Memoirs Relative to the State of India*, M.L. Ghosh & Company, Calcutta, 1978.
- Heptulla, Najma, *India's Progress in Science and Technology*, Oxford, & IBH, Publishing Company, New Delhi, 1987.
- Jafar, Ghani, *The Sikh Volcano*, Vanguard, Lahore, 1987.
- Jain, C.M., *State Legislatures in India*, S. Chand & Company, New Delhi, 1972.
- Kapoor, Gurbakhsh Singh, *History of India ; Mughal Period (1526-1707)*, S. Chand & Company, New Delhi, 1984.
- Kaushik, Harish, P., *Indian National Movement ; the Role British Beral*, Crilerion Publications, New Delhi, 1986.



- Khan, Wali, *Facts are Facts : The Untold Story of India's Partition*, Vikas Publishing House, New Delhi, 1987.
- Koul, P. A., *Geography of the Jammu and Kashmir State*, Lahore, Muhammad Iqbal, 1987.
- Krishnamachari, V. T., *Community Development in India*, Ministry of Information and Broadcasting, 1962.
- Kulke, Hermann and Dietmar Rothermund, *A History of India*, Croom Helm, London, 1986.
- Kumar, Rauinder, *Selected Notes of Motilal Nehru*, (Four Volumes), Vikas Publishers, New Delhi, 1987.
- Mahajan, Vidya, D., *The Constitution of India*, S. Chand & Company, Delhi, 1986.
- Mathai, John, *Village Government in British India*, Neeraj Publishing House, Delhi, 1985.
- Mehra, Ajay K., *Police in the Changing in India*, Usha Publications, New Delhi, 1985.
- Menon, V.P., *Integration of the Indian States*, Orient Longman, Hyderabad, 1985.
- Maheshwari, S.R., *Rural Development in India*, Sage Publications, New Delhi, 1985.
- Mishra, G.P., *Regional Structure of Development and Growth in India*, (Two Volumes), Ashish Publishing House, New Delhi, 1985.
- Muhammad Yasin, *A Social History of Islamic India*, Book Traders, Lahore, 1958.
- Murty, T. S., *India-China Boundary India's Options*, A. B. C. Publishing House, New Delhi, 1987.
- Naik, J. A., *The Opposition in India and the Future of Democracy*, S. Chand & Company, New Delhi, 1983.
- Narain, Laxmi, *Parliament and Public Enterprise in India*, S. Chand and Company, Delhi, 1979.
- Nayar, Kuldip, *Tragedy of Punjab : Operation Blue Star and After*, Virion Books, New Delhi, 1984.
- Nural Islam, Mustafa, *Bengali Muslim : Public Opinion as Effected in the Bengali Press 1901-1930*, Bangla Academy, Dacca, 1973.

- Oommen, T. K., *Social Transformation in Rural India*, Vikas Publishing House, New Delhi, 1984.
- Padhy, Kishore Chandra, *Rural Development in Modern India*, B.R. Publishing Company, New Delhi, 1986.
- Pal, Chandra, *State Autonomy in India Federation Enraging Trends*, Deep & Deep Publications, New Delhi, 1986.
- Palnaik, Utsa, et al., *Chains of Servitude Bondage and Slavery in India*, Sangam Books, Madras, 1985.
- Pande, B.N., *A Centenary History of the Indian National Congress*, (Three Volumes), Vikas Publishers, New Delhi, 1985.
- Pandey, R.L., *Employment Implications of Industrialization in India*, Millal Publications, New Delhi, 1987.
- Parthasaruthi, G. (ed.), *Indira Gandhi...*, Vikas Publishing House, New Delhi, 1985.
- Praval, K.C., *Indian Army Independence*, New Delhi, International, Lahore, 1987.
- Qadiani, Mirza Ghulam Ahmad, *Jesus in India*, Ahmadiyya Muslim Foreign Missions, Rabwah, 1962.
- Raj, Hans, *Privileges of Members of Parliament in India*, Surjeet Publications, Delhi, 1979.
- Ramanappa, M. N. Venkata, *Outlines of South Indian History*, Vikas Publishing House, New Delhi, 1987.
- Rao, D. Panduranga, (ed.), *Problems of Urban Transport in India...*, New Delhi, Inter India Publications, 1986.
- Rustamji, Nari, *Imperial Frontiers India's North Eastern Borderlands*, Oxford University Press, New Delhi, 1983.
- Sapue, R. K., *Management of Public Enterprise in India*, (Two Volumes), Ashish Publishing House, New Delhi, 1987.
- Saxen, Abhia, *Indian National Movement and the Liberals*, Chugh Publications, Allahabad, 1986.
- Sen, S.P., (ed.), *The North and the South in India : History Contact and Adjustment*, Institute of Historical Studies, Calcutta, 1976.
- Sharma, Gautam, (ed.), *India's Northern Security*, Reliance Publishing House, New Delhi, 1986.



Singh, Ajit, *Rural Development and Banking in India, Theory and Practice*, Deep & Deep Publications, New Delhi, 1985.

Singh, K. Natwar, *The Lagacy of Nehru*, Vikas Publishing House, New Delhi, 1987.

Smart, Ninian, *Prophet of a New Hindu Age*, George Allen & Unwin, London, 1986.

Srivastava, Suresh C., *Industrial Disputes and Labour Management Relations in India*, New Delhi, Deep & Deep Publications, 1984.

Thakur, Devendra, *Socio-Economic Development of Tribes of India*, Deep & Deep Publications, New Delhi, 1986.

Thekkamalai, S.S., *Rural Development and Social Change in India*, B.K. Publications, New Delhi, 1983.

Varadachari, *Government in the Indian Constitution*, Herritage, New Delhi, 1980.

Veit, Lawrence, A., *India's Second Revolution: 1947-1977, The Dimentions of Development*, Tata McGraw-Hills Publishing Company, New Delhi, 1978.

Wasti, Syed Razi, *The Political Triangle in India : 1858-1924*, People Publishing House, Lahore, 1976.

Zaidi, A.M., (ed.), *The Annal Register of Indian Political Parties 1984*, Indian Institute of Applied Political Research, New Delhi, 1986.

Zinkin, Taya, *India Changes*, Chatto & Indus, London, 1958.

فوق ، محمد آمین - شباب کشمیر - ویری ناگ ، آزاد کشمیر ، ۱۹۸۷ -

ملک ، عبداللہ - برصغیر پاک و ہند میں قوم پرستی کی تحریکیں اور ان کی تاریخ - کوثر پبلشرز ، لاہور ، ۱۹۸۷ -

#### MALDIVES

Heyerdahe, Thor, *The Maldive Mystery*, Croom Helm, London, 1986.

#### PAKISTAN

Afsaruddin, Mohammad, *Sociology and Social Research in Pakistan*, The Pakistan Sociological Association, Dhaka, 1963.

Ahmad, Aftab, *Law of Contract and Agency on Pakistan*, Aamir and Aasim Publishers, Multan, 1987.

Ali, Mahmud, *Quaid-e-Azam and Muslim Economic Resurgence*, Amir Publications, Lahore, 1977.

- Ali, Mubarak, *A Social and Cultural History of Sind*, Book Traders, Lahore, 1979.
- Aziz, K. K., *Rahmat Ali ; A Biography*, Vanguard Books, Lahore, 1987.
- Davies, C. Collin, *The Problem of the North-West Frontier 1890-1908*, Curzon Press, London, 1974.
- Elloit, H.M., *Memoirs of Jahangir*, Islamic Book Service, Lahore, 1987.
- Fairley, Jean, *The Lion River ; The Indus*, S. I. Gillani, Lahore, 1975.
- Feldman, Herbert, *From Crisis to Crisis Pakistan 1962-1969*, Oxford University Press, Karachi, 1977.
- Grover, D. R., *Civil Disobedience Movement in the Punjab, 1930-1934*, B. R. Publishing Company, Delhi, 1987.
- Hayes, Lovis D., *The Crisis of Education in Pakistan*, Vanguard, Books, Lahore, 1987.
- Iqbal, Afzal, *Writing and Speeches of Maulana Mohammad Ali*, Islamic Book Foundations, Lahore, 1987.
- Jacobson, Jerome, (ed.), *Studies in the Archaeology of India and Pakistan*, Oxford & IBH Publishing, New Delhi, 1986.
- Kennedy, Charles, H., *Bureaucracy in Pakistan*, Oxford University Press, Karachi, 1987.
- Khuda Bakhsh, *Search Light on Bloches and Blochistan*, Paisa Akhbar, Lahore, 1974.
- Khan, Akhtar Hameed, *Rural Development in Pakistan*, Vanguard Books, Lahore, 1985.
- Khan, Iqbal, (ed.), *Fresh Perspectives on India and Pakistan*, Book Traders, Lahore, 1987.
- Khuhro, Hamida, (ed.), *Sind Through the Centuries*, Oxford University Press, Karachi, 1987.
- Kirmani, Mir Husain Ali Khan, *The History of Tipu Sultan*, Islamic Book Service, Lahore, 1987.
- Mahmood, Safdar, *A Political Study of Pakistan*, Sang-e-Meel Publications, Lahore, 1987.
- Malik, Hafeez, *Soviet - American Relations with Pakistan, Iran and Afghanistan*, MacMillan Press, London, 1987.
- Mayne, Peter, *Journey to the Pathans*, New York, Doubleday & Company Inc., 1955.



- Mehdi, Raza, *Pakistan Today*, Progressive Publishers, Lahore, 1987.
- Muhammad Hussain, *Quaid-i-Azam : 1940*, Ministry of Education, Islamabad, 1976.
- Mumtaz, Khawar and Farida Shaheed, *Women of Pakistan ; Two Steps Forward One Step Back*, Vanguard Books, Lahore, 1987.
- Quddus, Abdul, *Pakistan from Khyber to Karachi*, Islamic Book Centre, n. d.
- Quddus, Syed Abdul, *Pakistan; Towards Islamic Destiny*, Ferozsons, Lahore, 1986.
- Qureshi, M. Aslam, *Wajid Ali Shah's Theatrical Genivs*, Vanguard Books, Lahore, 1987.
- Raverty, H.G., *The Mihran of Sind*, Sang-e-Meel Publication, Lahore, 1979.
- Saksana, Banarsi Prasad, *History of the Ala-ud-Din Khilji*, Iqbal Publications, Lahore, 1987.
- Shamloo, *Speeches and Statements of Iqbal*, Iqbal Publications, Lahore, n. d.
- Sharan, P., *Government and Politics of Pakistan*, Metropolitan, New Delhi, 1983.
- Shukla, S.P., *India and Pakistan. The Origin of Armed Conflict*, Deep and Deep Publications, New Delhi, 1984.
- Singh, Khashwant, *Ranjit Singh; Maharaja of the Punjab, 1780-1839*, New Delhi.
- Sreedhar, (ed.), *Dr. A. Q. Khan on Pakistani Bomb*, A.B.C. Publishing House, New Delhi, 1987.
- Survey of Pakistan, *Atlas of Pakistan*, Survey of Pakistan, Rawalpindi, 1986.
- Thairani, Kala, *British Political Mission to Sind*, Orient Longman, Bombay, 1983.
- Walter, T., *A Short History of India and Pakistan*, New American Library, New York, 1958.
- Waseem, Mohammad, *Pakistan Under Martial Law, 1977-1985*, Vanguard Books, Lahore, 1987.
- Weiss, Anita M., *Islamic Reassertion in Pakistan*, Vanguard Books, Lahore, 1987.

اظہر سہیل - پیر پگڑہ کی کہانی کچھ ان کی اور کچھ میری زبانی - فیروز سنز ،  
لاہور ، ۱۹۸۷ء -

انسٹیٹیوٹ آف پالیسی سٹڈیز - پاکستان میں ٹیکس کا نظام: ایک تنقیدی جائزہ اور اصلاح کی تجاویز - انسٹیٹیوٹ آف پالیسی سٹڈیز، اسلام آباد، ۱۹۸۷ء -

حیدری، کرم - مسلمانان برصغیر کی جد و جہد آزادی میں مسلم لیگ کا کردار - نیشنل پریس ٹرسٹ، اسلام آباد، ۱۹۸۶ء -

رائف، احمد - پاکستان اور جماعت اسلامی، المہران، فیصل آباد، ۱۹۸۶ء -  
رومان، ایم - انور - ”بلوچستان کے قبائل“ حصہ اول، دوئم، بے نظیر انٹر پرائز، کوئٹہ، ۱۹۸۶ء -

سلمیٰ تصدق حسین - آزادی کا سفر، پاکستان سٹڈی سنٹر، لاہور، ۱۹۸۷ء -  
شاہ جہانپوری، ابو سلمان - کتابیات، پاکستان کے اخبارات، رسائل ۱۹۴۷ء تک - مقتدرہ قومی زبان، اسلام آباد، ۱۹۸۶ء -

شیخ، نصیر احمد - پاکستان ایک قومی جمہوری ریاست کیوں نہیں بن سکا؟ نگارشات، لاہور، ۱۹۸۷ء -

صدیقی، جاوید احمد - ۱۹۸۸ء: اہم واقعات اور انکشافات، شبلی پبلی کیشنز، کراچی، ۱۹۸۷ء -

صدیقی، جاوید احمد - آپریشن فیئر پلے، ۵ جولائی ۱۹۷۷ء کی کہانی جب جنرل ضیاءالحق برسر اقتدار آئے، شبلی پریس ٹرسٹ، کراچی، ۱۹۸۷ء -  
صدیقی، جاوید احمد - جی - ایم - سید کی مثبت اور منفی سیاست، شبلی پبلی کیشنز، کراچی، ۱۹۸۷ء -

صدیقی، جاوید احمد - کراچی ازم، سندھ کے تین جڑواں شہر، کراچی، حیدر آباد اور سکھر کے دکھوں کا پوسٹ مارٹم - شبلی پبلیکیشنز، کراچی، ۱۹۸۷ء -

صدیقی، جاوید احمد - میں نے ہتھیار نہیں ڈالے - شبلی پبلیکیشنز، کراچی، ۱۹۸۶ء -

قریشی، انور اقبال - پاکستان کی موجودہ اقتصادی صورت حال - مکتبہ داستان، لاہور، ۱۹۸۵ء -

قریشی، محمد صدیق - اقیال ایک سیاست دان، لاہور، مقبول اکیڈمی، ت - ن -



- کراچی شبل پبلیکیشنز - الطاف حسین کے عزائم اور ارادے - سندھ کی سیاست میں تلاطم پیدا کرنے والے ، شبل پبلیکیشنز ، کراچی ، ۱۹۸۷ء -
- کوثر نیازی - دیدہ ور ، شیخ غلام علی اینڈ سنز ، لاہور ، ۱۹۷۷ء -
- گیلانی سید اسعد - پنجاب کی آواز ، یونیورسل بکس ، لاہور ، ۱۹۸۷ء -
- مبارک علی - برصغیر میں مسلمان معاشرہ کا المیہ ، نگارشات ، لاہور ، ۱۹۸۷ء -
- مرزا ، سرفراز حسین - تحریک پاکستان ، پاکستان سٹڈی سنٹر ، لاہور ، ۱۹۸۷ء -
- میکن ، سرجارج - شمال مغربی پاکستان اور برطانوی سامراج ، نساء ٹریڈرز ، کوئٹہ - رومان ایم - انور (مترجم) ، ۱۹۸۸ء -
- ندوی ، رشید اختر - ارض پاکستان کی تاریخ ، رشید اختر ندوی ، اسلام آباد ، ۱۹۸۶ء -

#### SRI LANKA

- Desihua, Chandra Richard, *Sri Lanka : A History*, Vikas Publications, New Delhi, 1987.
- Moore, Mick, *The State and Peasant Politics in Sri Lanka*, Cambridge, University Press, London, 1985.

### PERIODICAL LITERATURE

#### BANGLADESH

- Dilara Choudhury, "Challenges to Democracy in Bangladesh", *Regional Studies*, Vol. V, No. IV, 1987, pp. 23-32.

#### INDIA

- Bagchi, Amiya K., "The Role of Public Enterprises in India", *Asian Development Review*, Vol. V, No. 2, 1987, pp. 89-100.
- Bishku, Michael B., "Personalities and Perceptions : Political and Economic factors which led to India's involvement in the Suez Crisis of 1956", *Journal of South Asian and Middle Eastern Studies*, Vol. X, No. 4, 1987, pp. 17-32.
- Blake, Stephen P., "The Urban Economy in Premodern Muslim India : Shahjahanabad, 1639-1739", *Modern Asia Studies*, Vol. XXI, Part 3, 1987, pp. 447-472.

- Bushra Gohar, "Indo - Soviet Relations : The Rajiv Era", *Pakistan Horizon*, Vol. XL, No. 3, 1987, pp. 94-124.
- Fayyaz Baqir, "Indian Budget 1987", *Regional Studies*, Vol. V, No. 4, 1987, pp. 33-46.
- Girdner, Eddie J., "Economic Liberalization in India : The New Electronic Policy", *Asian Survey*, Vol. XXVII, No. 11, 1987, pp. 1188-1204.
- Gough, Kathleen, "Socio - Economic Change in South-east India, 1950s to 1980s", *Journal of Contemporary Asia*, Vol. XVII, No. 3, 1987, pp. 276-292.
- Gurharpal Singh, "Understanding the Punjab Problem", *Asian Survey*, Vol. XXVII, No. 12, 1987, pp. 1268-1277.
- Harris, Ishwar C., "Sarvodaya in Crisis : The Gandhian Movement in India Today", *Asian Survey*, Vol. XXVII, No. 9, 1987, pp. 1036-1052.
- "Indo - Sri Lanka Accord", *Strategic Digest*, Vol. XVII, No. 9, 1987, pp. 1757-1766.
- Jasjit Singh, "Indian Security : a framework for National Strategy", *Strategic Analysis*, Vol. XI, No. 8, 1987, pp. 885-900.
- Kapur, Rajiv A., "Khalistan India's Punjab Problem", *Third World Quarterly*, Vol. IX, No. 4, 1987, pp. 1206-1224.
- Khadim Hussain, "Sino-Indian Relations in the Eighties", *Regional Studies*, Vol. V, No. 4, 1987, pp. 47-69.
- Khalfin, N. A., "Indian Mission in Russia in the last Nineteenth Century and British Historiography of International Relations in Asia", *Modern Asian Studies*, Vol. XXI, No. 4, 1987, pp. 639-646.
- Khalid Mahmud, "The Phenomenon of Communist Power in West Bengal", *Regional Studies*, Vol. V, No. 3, 1987, pp. 13-32.
- Kochanek, Stanley A., "Briefcase Politics in India : The Congress Party and the Business Elite", *Asian Survey*, Vol. XXVII, No. 12, 1987, pp. 1278-1301.
- Mazari, Shireen M., "Kashmir as a factor in Pakistan's domestic politics : 1947-1985", *Pakistan Journal of History and Culture*, Vol. VIII, No. 2, 1987, pp. 9-26.
- Mody, Nawaz B., "The Press in India : The Shah Bano Judgement and its aftermath", *Asian Survey*, Vol. XXVII, No. 8, 1987, pp. 935-953.
- Mohammad Iqbal, "India's Nuclear Energy : Plans and Prospects", *Regional Studies*, Vol. V, No. 3, 1987, pp. 33-55.



- Mohan, C. Raja, "The U.S. - Pakistan Strategic Consensus and India", *Strategic Analysis*, Vol. XI, No. 12, 1987, pp. 1375-1390.
- Rafiqul Islam, M., "The Ganges Water Dispute: an approval of a Third Party Settlement", *Asian Survey*, Vol. XXVII, No. 8, 1987, pp. 918-934.
- Raj, Ashok, "US Hi-Tech. Diplomacy and the Indian Supercomputer Deal", *Strategic Analysis*, Vol. XI, No. 6, 1987, pp. 735-757.
- Rizvi, Hasan Askari, "India and Afghanistan", *Regional Studies*, Vol. V, No. 4, 1987, pp. 7-22.
- Sharma, Dhirenda, "India: Dangers of going Nuclear", *Defence Journal*, Vol. XII, No. 8, 1987, pp. 19-22.
- Simmons, Colin, "The Great Depression and Indian Industry: Changing Interpretations and Changing Perceptions", *Modern Asian Studies*, Vol. XXI, No. 3, 1987, pp. 585-623.
- Subrahmanyam, K., "Indian Security Perspectives", *Strategic Analysis*, Vol. XI, No. 5, 1987, pp. 511-524.
- Subrahmanyam, K., "India's Relations with her Neighbours", *Strategic Analysis*, Vol. XI, No. 12, 1987, pp. 1357-1374.
- Subramanian, Lakshmi, "Baniyas and the British: the role of indigenous credit in the process of Imperial Expansion in Western India in the Second Half of the Eighteenth Century", *Modern Asian Studies*, Vol. XXI, No. 3, 1987, pp. 473-510.
- Yapp, M.A., "British Perceptions of the Russian Threat to India", *Modern Asian Studies*, Vol. XXI, No. 4, 1987, pp. 647-666.

#### NEPAL

- Khan, D. Shah, "Nepal's Relations with British India", *Regional Studies*, Vol. V, No. 3, 1987, pp. 56-85.
- Tiwari, Chitra Krishna, "Domestic Determinants of Foreign Policy in South Asia: The Case of Nepal", *Journal of South Asian and Middle Eastern Studies*, Vol. X, No. 3, 1987, pp. 62-77.

#### PAKISTAN

- Abidi, M.A., "POFs through the last two years", *Defence Journal*, Vol. XIII, No. 11, 1987, pp. 20-22.
- Afak Haydar, "From the Anglo-Muhammadan Law to the Shariah: The Pakistan Experiment", *Journal of South Asian and Middle Eastern Studies*, Vol. X, No. 4, 1987, pp. 33-50.

- Akmal Hussain, "Behind the Veil of Growth : The State of Pakistan's Economy", *Strategic Digest*, Vol. XVII, No. 12, 1987, pp. 2251-2272.
- Askari, M. H., "Four decades of India - Pakistan Relations : The Security Factor", *Defence Journal*, Vol. XIII, No. 8, 1987, pp. 23-28.
- Askari, M.H., "Pakistan's Security and Drugs/Arms Mafia", *Defence Journal*, Vol. XIII, No. 7, 1987, pp. 25-28.
- Donnelly, Warren H., "Pakistan and Nuclear Weapons", *Strategic Digest*, Vol. XVII, No. 12, 1987, pp. 2273-2282.
- Donnelly, Warren H., "Pakistan : Non-proliferation conditions for future U.S. Economic and Military Aid", *Strategic Digest*, Vol. XVII, No. 12, 1987, pp. 2283-2290.
- Haroon Jamal and Salman Malik, "Working with Statistics of Quality of Life : Pakistan 1960 to 1983", *The Developing Economies*, Vol. XXV, No. 3, 1987, pp. 270-280.
- Ibnul Hasan, "Pakistan : Frontline State or the Next State", *Defence Journal*, Vol. XIII, Nos. 9-10, 1987, pp. 32-35.
- Kaka Khel, Syed Wiqar Ali Shah, "N.W.F.P. and the Khilafat and Hijrat Movement", *Central Asia*, No. 20, 1987, pp. 121-142.
- Khan, Ayaz Ahmad, "AWACS and Air Defence of Pakistan", *Defence Journal*, Vol. XIII, Nos. 9-10, 1987, pp. 14-25.
- Khan, Farakh Ahmad, "Science and Pakistan", *Journal of the Research Society of Pakistan*, Vol. XXIV, No. 3, 1987, pp. 49-52.
- Quadir, Iqbal F., "Frigates and Minesweepers for Pakistan Navi", *Defence Journal*, Vol. XIII, Nos. 9-10, 1987, pp. 26-31.
- Qureshi, Salimuddin, "Catalogue of Urdu, Punjabi and Kashmiri manuscripts in the Wellcome Institute Library London", *Journal of the Research Society of Pakistan*, Vol. XXIV, No. 3, 1987, pp. 53-70.
- Rizvi, Deedar Hussain Shah, "Soviet aided projects in Pakistan, *Central Asia*, No. 20, 1987, pp. 143-156.
- Salim Mehmud, "Pakistan and Third World Defence Industry", *Defence Journal*, Vol. XIII, No. 11, 1987, pp. 10-19.
- Shahi, Agha, "Pakistan - India Relations and Superpowers Policies", *Journal of South Asian and Middle Eastern Studies*, Vol. X, No. 4, 1987.
- Shahi, Agha, "Pakistan - India Relations - Prospects of durable peace", *Defence Journal*, Vol. XIII, No. 8, 1987, pp. 9-18.



- Shahida Ali Mohammad, "Overseas Pakistan : Problem of Remittance and Rehabilitation", *Pakistan Horizon*, Vol. XL, No. 3, 1987, pp. 56-61.
- Siddiqi, Abdul Rahman, "India and Pakistan : 40 Years of War and Peace", *Defence Journal*, Vol. XIII, No. 8, 1987, pp. 3-8.
- Siddiqi, Abdul Rahman, "Technology and National Goals", *Defence Journal*, Vol. XIII, No. 11, 1987, pp. 3-9.
- Sohail Mahmood, "India - Pakistan Current Military Balance", *Journal of Research Society of Pakistan*, Vol. XXIV, Nos. 3-4, 1987, pp. 1-28 and 45-66.
- "Summit Meetings between India and Pakistan (1947-1986)", *Defence Journal*, Vol. XIII, No. 8, 1987, pp. 39-40.
- "Pakistan at a Glance : The Country and the Armed Forces", (The 7th International Seminar on Defence Technology), *Defence Journal*, Vol. XIII, No. 11, 1987, pp. 23-24.
- "Pakistan Foreign Policy—A Quarterly Survey", *Pakistan Horizon*, Vol. XL, No. 3, 1987, pp. iii-xviii.
- Tahera Aftab, "Development of Education in the North - Western Provinces and Awadh up to 1858", *Pakistan Journal of History and Culture*, Vol. VIII, No. 2, 1987, pp. 27-38.
- "Terrorism in Pakistan", *Strategic Digest*, Vol. XVII, No. 12, 1987, pp. 2291-2299.

#### SOUTH ASIA

- Akram, A. I., "No Bombs in South Asia", *Regional Studies*, Vol. V, No. 3, 1987, pp. 3-12.
- Nisha Sahai - Achuthan, "Soviet Presence in the Indian Ocean : Significance of the South Asian Littoral States", *Journal of South Asian and Middle Eastern Studies*, Vol. X, No. 3, 1987, pp. 3-37.
- Rounaq Jahan, "Women in South Asian Politics", *Third World Quarterly*, Vol. IX, No. 3, 1987, pp. 848-870.
- Shahi, Agha, "Nuclear Non-Proliferation in South Asia", *Defence Journal*, Vol. XIII, Nos. 9-10, 1987, pp. 8-13.
- Siddiqi, Abdul Rahman, "Nuclear Non-Proliferation in South Asia: Problems and Prospects", *Defence Journal*, Vol. XIII, Nos. 9-10, 1987, pp. 3-7.

#### SRI LANKA

- Hubbell, L. Kenneth, "The Devolution of Power in Sri Lanka : A Solution to the Separatist Movement", *Asian Survey*, Vol. XXVII, No. 11, 1987, pp. 1176-1187.
- Rao, K. Vikram Simha, "Militarisation of Sri Lanka : A Tabular Study", *Strategic Analysis*, Vol. XI, No. 12, 1987, pp. 1447-1460.

# A Select Bibliography

## SOUTH ASIAN ASSOCIATION FOR REGIONAL COOPERATION

---

July to December 1987

### NEWS PAPERS

- Abraham, A. S., "SAARC's Basic Unrealism ; A case of Political Self-Delusion", *Jang*, July 12, 1987.
- Ahmad, Sultan, "Birth Pangs of SAARC Biennial", *Muslim*, October 9, 1987.
- Akhtar, Shameem, "SAARC and Bilateral Barriers", *Dawn*, November 17, 1987.
- "A Call to Peace", (Editorial), *Pakistan Times*, November 4, 1987.
- Datta - Ray, Sunanda K., "Banquo's Ghost at SAARC : Bilateral Issues won't disappear", *The Statesman*, Delhi, November 8, 1987.
- Gupta, Bhabani Sen, "The SAARC Summit : Best of the Three", *Amrita Bazar Patrika*, Calcutta, November 13, 1987.
- Hayat, S.M., "Denuclearisation and SAARC", *Pakistan Times*, December 9, 1987.
- Hayat, S.M., "Pakistan and SAARC", *Pakistan Times*, November 2, 1987.
- Ibrahim Anjum, "Is SAARC Economically Viable"? *The Nation*, Lahore, October 31, 1987.
- Ikram Ullah, "Quest for Peace at Kathmandu", *Pakistan Times*, Lahore, November 8, 1982.
- Ikram Ullah, "SAARC faces a deepening dilemma India versus the rest", *Pakistan Times*, Lahore, October 31, 1987.
- "Kathmandu Summit", (Editorial), *Dawn*, Karachi, November 8, 1987.
- Mahmud, Khalid, "SAARC and the Regional Setting", *The Nation*, Lahore, November 26, 1987.
- Nisar, Farooq, "SAARC ; a commitment for peace in South Asia", *Pakistan Times*, Lahore, November 2, 1987.



- Nizami, Arif, "SAARC : Problems and Prospects", *The Nation*, Lahore, December 11, 1987.
- Rashid, Abbas, "SAARC : The Pakistan - India Equation", *The Muslim*, November 4, 1987.
- "SAARC and India", (Editorial), *The Muslim*, Islamabad, November 16, 1987.
- "SAARC and the Nuclear Problem", (Editorial), *The Nation*, Lahore, November 4, 1987.
- "SAARC", (Editorial), *The Island*, Colombo, November 4, 1987.
- "SAARC Limited Consensus", (Editorial), *The Muslim*, Islamabad, November 7, 1987.
- "SAARC : Making Progress", (Editorial), *Pakistan Times*, Lahore, November 8, 1987.
- "SAARC Summit", (Editorial), *Amrita Bazar Patrika*, Calcutta, November 6, 1987.
- "SAARC Summit", (Editorial), *Pakistan Times*, Lahore, October 28, 1987.
- "SAARC Summit", (Editorial), *The Nation*, Lahore, November 3, 1987.
- Sharma, Jan, "SAARC Summit and the convention against Terrorism", *The Nation*, Lahore, December 11, 1987.
- Sharma, L. K., "SAARC is increasingly getting Politicised", *The Times of India*, New Delhi, November 9, 1987.
- Chowdhury, Zaglul A. "Afghanistan keen on joining SAARC", *The Times of India*, New Delhi, October 26, 1987.
- Singh, G.K., "Sparks at the Summit : India forced to give in to majority opinion", *The Week*, Cochin, November 15, 1987.
- "Usefulness of SAARC", (Editorial), *Pakistan Times*, Lahore, November 15, 1987.
- Weerakoon, Gamini, "SAARK Summit : enter Super Power Politics", *The Island*, Colombo, November 1, 1987.
- Yousufi, Dost Mohammad, "SAARC : Realising the Promise", *Pakistan Times*, Lahore, November, 12, 1987.

- احمد ، منیر ، ”سارک کے ملکوں میں تعاون بڑھانے کی بنیادی شرط“  
روزنامہ امروز لاہور ، نومبر ۲۱ ، ۱۹۸۷ء
- ”ایٹمی دھماکوں پر پابندی کی تجویز“ (اداریہ)  
روزنامہ جنگ ، لاہور ، نومبر ۴ ، ۱۹۸۷ء
- ”ایٹمی معاہدہ ... وزیر اعظم جونیجو کی مثبت تجویز“ (اداریہ)  
روزنامہ نوائے وقت ، لاہور ، نومبر ۴ ، ۱۹۸۷ء
- ”اعلان کھٹمنڈو“ (اداریہ)  
روزنامہ امروز ، نومبر ۷ ، ۱۹۸۷ء
- ”اعلان کھٹمنڈو“ (اداریہ)  
روزنامہ جسارت ، نومبر ۷ ، ۱۹۸۷ء
- ”اعلان کھٹمنڈو“ (اداریہ)  
روزنامہ مشرق ، نومبر ۷ ، ۱۹۸۷ء
- ”تیسری سارک سربراہ کانفرنس“ (اداریہ)  
روزنامہ جنگ ، نومبر ۳ ، ۱۹۸۷ء
- جاوید ، قاضی ، ”سارک کو دوطرفہ مسائل سے گریز ختم کر دینا چاہیئے“  
روزنامہ امروز ، جولائی ۱ ، ۱۹۸۷ء
- حافظ عبدالخالق ، ”نیپال میں تیسری سارک سربراہ کانفرنس کی روداد  
”قسط نمبر ۱-۷“ روزنامہ جسارت ، دسمبر ۴ تا ۱۰ ، ۱۹۸۷ء
- حیدری ، کرم ، ”جنوبی ایشیا کے سات ملکوں کی باہمی تعاون کی تنظیم“  
روزنامہ مشرق ، اگست ۳۰ ، ۱۹۸۷ء
- خورشید ، عبدالسلام ، ”سارک کے فیصلوں کی کامیابی کا انحصار بھارت پر سے“  
روزنامہ مشرق ، نومبر ۱۱ ، ۱۹۸۷ء
- رحمان ، عشرت ، ”سارک سربراہ کانفرنس کا مشترکہ اعلامیہ“  
روزنامہ مشرق ، نومبر ۲۷ ، ۱۹۸۷ء
- رشید بھٹی ، ”سارک ایک سراب“  
روزنامہ نوائے وقت ، ستمبر ۲۶ ، ۱۹۸۷ء



”سارک اور بھارت کی نئی دھمکی“

روزنامہ جنگ ، نومبر ۸ ، ۱۹۸۷ء

”سارک : جنوبی ایشیا کے سات ممالک“ (اداریہ)

روزنامہ جنگ ، نومبر ۱۳ ، ۱۹۸۷ء

”سارک سربراہ کانفرنس - کیا کھویا ، کیا پایا ؟“ (اداریہ)

روزنامہ نوائے وقت ، نومبر ۷ ، ۱۹۸۷ء

”سارک کی تیسری سربراہ کانفرنس - مقصدیت سے عاری !“ (اداریہ)

روزنامہ نوائے وقت ، نومبر ۱ ، ۱۹۸۷ء

”سارک کی سربراہی کانفرنس“ (اداریہ)

روزنامہ مشرق ، یکم نومبر ، ۱۹۸۷ء

”سارک کے رکن ممالک کے بنیادی فرائض“ (اداریہ)

روزنامہ مشرق ، نومبر ۴ ، ۱۹۸۷ء

”سارک میں افغانستان کی شمولیت“ (اداریہ)

روزنامہ نوائے وقت ، نومبر ۳ ، ۱۹۸۷ء

عبدالعزیز ، میر ، ”سارک جنوبی ایشیا کے سات ممالک کا ادارہ“

روزنامہ امروز ، نومبر ۲ ، ۱۹۸۷ء

عبدالعزیز ، میر ، ”سارک جنوبی ایشیا کے سات ممالک کا مفید ادارہ“

روزنامہ مشرق ، نومبر ۲ ، ۱۹۸۷ء

عبدالعزیز ، میر ، ”سارک - جنوبی ایشیا کے سات ممالک کا مفید ادارہ“

روزنامہ مشرق ، نومبر ۴ ، ۱۹۸۷ء

حسن ، عبدالقادر ، ”سارک میں جونيجو اور راجيو“ (غیر سیاسی باتیں)

روزنامہ امروز ، نومبر ۱۳ ، ۱۹۸۷ء

فاروق ، شریف ، ”سارک کے مگر مچھ کے ساتھ جونيجو کی معرکہ آرائیاں“

روزنامہ نوائے وقت ، نومبر ۲۲ ، ۱۹۸۷ء

گپتا ، بھابھانی سین ، ”تیسری اور بہترین سارک سربراہ کانفرنس“

روزنامہ جنگ ، نومبر ۲۱ ، ۱۹۸۷ء

ملک امجد حسین ، ”تیسری سارک سربراہ کانفرنس“

روزنامہ جنگ ، نومبر ۲۶ ، ۱۹۸۷ء

- July 2 Prime Minister Rajiv Gandhi said that his talks with Gorbachev would include among other things, Pakistan's nuclear programme and US arms supplies to Islamabad.
- 4 Mr. Rajiv Gandhi in an interview to Communist daily *Humanite*, said that Pakistan's efforts to develop nuclear weapons and to acquire AWACS had "seriously deteriorated the security of our environment".
- 9 The Pakistani Embassy in New Delhi, described as false and malicious the allegations made by the Shiromani Akali Dal that 'Pakistan Government was behind the Haryana Bus killing.'
- 13 According to an agreement signed in Islamabad, Pakistan and India had agreed to make arrangements for introducing direct dialling at public level from September.
- 16 Following terrorist attacks inside the Indian state of Punjab, Indian authorities sealed off all the important checkpoints along its Pakistan border.
- .. Prime Minister Junejo of Pakistan, while addressing a press conference in Karachi, said that the 'possibility of India's involvement in the recent bomb blasts could not be ruled out'.
- .. A Foreign Office spokesman, addressing the weekly news briefing, denied the loss of any post at Siachin Glacier and said that neither side had advanced during a recent incident of firing in the area.
- 17 President Gen. Zia extended his sincere felicitations and best wishes to Mr. R. Venkataraman on his election as the President of India.
- 20 President Zia-ul-Haq declared that Pakistan would apply all political and peaceful means for securing a peaceful solution to the Kashmir issue in the spirit of UN resolution.
- 21 An Indian Foreign Office spokesman, commenting on President Zia's statement that Kashmir was an integral part of Pakistan, said that it was meant to arouse tension on the issue between the two countries.



- July 24 According to All India Radio report, India had rejected Pakistan's proposal for mutual inspection of each other's nuclear facilities.
- 25 Prime Minister Rajiv Gandhi, addressing a Congress (I) worker's gathering, said that the massive US arms aid being given to Pakistan was meant to shift India's attention from its anti-poverty programmes.
- 31 President Zia reportedly rang up Indian Premier Rajiv Gandhi and enquired about his welfare following the rifle hitting incident in Colombo.
- August 1 Pakistan's Prime Minister, Mohammad Khan Junejo sent a goodwill message to Premier Rajiv Gandhi.
- 4 Firing by the Indian Army from across the border at Pakistani territory in Nakyal came to an end following a meeting of local commanders of Pakistani and Indian troops.
- 8 Mr. Rajiv Gandhi expressed his country's willingness to sign a friendship treaty with Pakistan on the lines of the Indo-Sri Lanka accord "if the latter agreed to it."
- 9 India bestowed its highest civil award *Bharat Ratan* to Abdul Ghaffar Khan for his sacrifices during the freedom struggle.
- 10 The Indo-Pak sub-commissions on trade and economic matters began their two-day separate meetings in New Delhi.
- 15 India deployed for vigilance some additional companies of BSF on the Indo-Pakistan and Indo-Bangladesh borders.
- 15 According to a BBC report 90 soldiers were killed in clashes between Indian and Pakistani troops along the control line in the disputed territory of Jammu and Kashmir.
- 16 Four Indian Ministers and five members of the Indian Parliament, arrived in Peshawar escorting Khan Abdul Ghaffar Khan from New Delhi. The Indian entourage after calling on NWFP Chief Minister flew back to Delhi in the evening.
- Prime Minister Rajiv Gandhi alleged that his government had substantial evidence to prove Pakistan's involvement in the Sikh crisis in Punjab.

- August 18* Indian Trade Fair Authority extended invitation to Pakistan's trade organizations to take part in two trade fairs to be held in India in the third and fourth quarter of next year.
- 20 According to AIR report, India described Pakistan's criticism on the Indo-Sri Lankan agreement as 'entirely un-called for'.
- 31 According to *Khaleej Times* report, Indian Army and Airforce were holding joint exercises along Pakistan's borders in Rajasthan.
- .. According to an Indian External Ministry spokesman, India was still opposing Pakistan's re-entry into the Commonwealth.
- September 2* The two-day international conference on nuclear non-proliferation concluded in Islamabad, calling on India and Pakistan to simultaneously sign the NPT and establish a nuclear free zone in South Asia.
- 7 An Indian delegation led by Satish Chandra, Joint Secretary, Ministry of External Affairs, arrived in Lahore for a meeting of the Pakistan-India Border Ground Rules Committee on 8-9 September.
- 8 Minister of State for Defence, Rana Naaseem Mehmud Khan, informed the National Assembly that Governments of Pakistan and India had accepted the importance of resolving the Siachen Glacier issue through peaceful means, and that there had been two rounds of talks between Pakistan and India at the defence secretaries level regarding the issue.
- 10 The talks aimed at drafting new ground rules, which were extended for one day, ended in a cordial atmosphere in Lahore: both sides agreed to continue parleys on mutually convenient dates to be agreed upon through diplomatic channels.
- 19 In an interview with UNI, Prime Minister Rajiv Gandhi said that he would raise the question of American arms for Pakistan during his forthcoming visit to the US.
- 25 Indian Ambassador to UN, regretted Pakistan's Prime Minister M. K. Junejo's reference to Jammu and Kashmir dispute in his address to the UN General Assembly and



exercising his right of reply in the Assembly, maintained that the 1972 Simla agreement provided a basis for resolving all outstanding issues between the two countries through bilateral negotiations.

- September 28* Prime Minister Junejo, in an interview to *Cable Network News*, held India responsible for the campaign that Pakistan was engaged in producing nuclear weapons, and said that the possibility of India's involvement in the Arshad Pervaiz case could not be ruled out.
- „ Prime Minister Junejo on his return from New York, told a news conference, with reference to his raising the Kashmir issue in his address to General Assembly, that Pakistan stood for the resolutions of the issue in accordance with the UN resolutions and in the spirit of the Simla agreement.
- 29 An Indian official spokesman categorically denied India's involvement in the Arshad Pervaiz case and said that India wanted good relations with Pakistan but had no intentions to assist it "in its quest for nuclear weapons through clandestine opponents abroad."
- „ According to AIR, heavy casualties were reported both on Pakistani and Indian side along the Siachen Glacier area in disputed Jammu and Kashmir region.
- October 5* Pakistan and India were directly linked through International Subscriber Dialling (ISD) ; goodwill messages were exchanged between officials of the two countries.
- „ Two-day talks between India and Pakistan regarding Wullar Barage Talbul project issue ended in Islamabad, without any final settlement.
- 11 In an interview to *New York Times*, Indian Premier Rajiv Gandhi, welcoming the aid suspension to Pakistan by the US Congress rejected the proposal of a treaty between India and Pakistan banning nuclear weapons.
- 16 Speaking in the General Assembly's main committee, Pakistani delegate declared that Pakistan was prepared to discuss with India any 'equitable and non-discriminatory' arrangement to keep South Asia free of nuclear weapons.
- „ Speaking in the UN General Assembly's legal committee

Pakistani delegate said that Pakistan's proposal for a no-war pact with India was a 'concrete manifestation' of its commitment to the principle of non-use of force in international relations.

*October 19*

Talking informally to newsmen, Pakistan's Premier Mr. Mohammad Khan Junejo said that Pakistan sought peaceful solution of the Siachen issue and wanted India to vacate the area and go back to its 1970 position.

20 Indian Premier Rajiv Gandhi, addressing the Foreign Policy Association, in New York, alleged that Pakistan was engaged in "a future clandestine and determined effort to acquire nuclear weapons", that "must be halted."

24 President Zia-ul-Haq talking to newsmen at the Islamabad airport said that Pakistan was on the peace offensive with India and would continue to pursue this policy till normalisation in relations was achieved.

25 Pakistani Premier Mohammad Khan Junejo, talking to newsmen at Multan airport, said that India had no right to move towards Siachen Glacier as 'it is a part of Pakistan'

*November 4*

In Kathmandu, Premier of Pakistan, Mr. M.K. Junejo and Indian Premier, Mr. Rajiv Gandhi discussed a wide range of bilateral matters and agreed to accelerate the dialogue on the outstanding issues.

11 According to AIR, India had rejected a Pakistan-Bangladesh joint proposal to make South Asia a nuclear free zone.

13 The second round of Indo-Pakistan talks on Tulbul Navigation Project (Wuller Barrage) ended in New Delhi ; both sides agreed to continue their discussions in order to reach an amicable bilateral settlement of the issue in conformity with the Indus Water Treaty of 1960.

14 It was reported that the Indian Government had agreed to open, as a special case, a temporary Pakistan Visa Office in Hyderabad for two days each month.

17 Prime Minister Rajiv Gandhi, speaking at a function at the National Defence College, said that India would not sign a nuclear non-proliferation treaty with Pakistan.



- November 25* At a press briefing, Pakistan's Foreign Office spokesman said that India had suspended further construction of Wuller Barrage on the River Jhelum.
- 28 Prime Minister Rajiv Gandhi, talking to reporters in Agartala, said if Pakistan continued with its nuclear weapon programme, India will not hesitate to go nuclear too, though, he added, "it will be a retrograde step for us."
- December 5* According to an Indian Foreign Office spokesman, Premier Rajiv Gandhi had expressed concern over the attempt of the US Senate Sub-committee to equate India's "open and peaceful programme" with Pakistan's "covert efforts to acquire nuclear weapons capability."
- 8 The Indian Minister of State for External Affairs said in the Parliament that Indo-US relations would be 'adversely' effected unless the clause seeking to equate India and Pakistan nuclear programme in the US Senate Sub-committee recommendations was deleted.
- .. Bhartiya Janata Party Leader, Atal Behari Vajpayee, commenting on the US Senate Sub-committee recommendations, said that he was not against equality among nations but he was against the principle on which parity between India and Pakistan was being sought.
- 21 President Zia-ul-Haq said Siachen Glacier was a part and parcel of Pakistan and talks were being held with India on Defence Ministers level to resolve this issue.

#### MALDIVES

- August 13* Deputy Minister for Planning and Development and Executive Secretary to the President of the Republic of Maldives, Abdul Rasheed Hussain left for Male after a month's stay in Karachi.

#### SRI LANKA

- July 1* According to Sri Lanka Tea Board spokesman, Colombo would take advantage of Pakistan's new import policy to raise tea exports to Pakistan to 20 million kilos in October 1987/October 1988 from 12 million in calendar year 1986.

- July 16* The Sri Lankan Prime Minister Premadasa, in a message to the Sind Governor, expressed his profound sympathy over the loss of valuable lives in the tragic bomb blasts in Karachi.
- 18 President Zia and Prime Minister of Pakistan, M.K. Junejo, in separate messages to Government of Sri Lanka, expressed profound concern over the bomb blast incident in the Parliament building that left a Junior Minister dead and Prime Minister Premadasa injured.
- „ A seven-member Sri Lankan delegation headed by Deputy Minister for Finance and Planning, Mohammad Hanifa and Mohammad Niama Marikar, arrived in Islamabad to attend the fourth session of Pakistan-Sri Lanka Joint Commission meeting for economic and technical cooperation.
- 19 A Pakistani Foreign Office spokesman said that Pakistan strongly deplored acts of violence and terrorism in Sri Lanka. He also said that Pakistan did not support any interference by one state in the internal affairs of the other and that it should be asked "whether India would permit any foreign troops restore peace in any troubled part of India."
- 29 According to officials from the Finance and Planning Ministry, Pakistan had made its position clear to Sri Lanka at a meeting of the joint committee for economic cooperation held in Islamabad last week, that Pakistan would buy more Sri Lankan tea only if Colombo increased imports of Pakistani engineering goods.
- September 24* A two member delegation led by Director Finance and Trading Corporation of Pakistan Limited, on a 5-day visit to Sri Lanka, held its preliminary meeting with the Secretary, Ministry of Trade and Shipping, in Colombo.
- 25 Sri Lankan Foreign Minister A. C. Hameed, called on Pakistan Prime Minister Mr. Junejo in New York. The two leaders discussed the Tamil problem as well as other problems in the East Asian region in detail.
- October 2* A Sri Lankan delegation, comprising eight members of Parliament and 3 others, arrived in Karachi.
- „ Pakistan and Sri Lanka signed a protocol in Colombo on the sale of 40,000 metric tons of rice by Pakistan to Sri Lanka.



SAARC

- October 31* Minister of State for Foreign Affairs, Zain Noorani, speaking at the Fourth Session of SAARC Council of Ministers, called for effective efforts for the realisation of the objectives which inspired the establishment of SAARC.
- November 2* Speaking at the inaugural session of the Third SAARC summit, Prime Minister Junejo, called for a joint renunciation of nuclear option by SAARC-member states to reassure the people of the region that none of the countries intended to produce nuclear weapons.
- „ SAARC Secretary General, Abdul Ahsan, in an interview to PTV, praised the role of President Zia and Prime Minister Junejo in the establishment and evolution of the Association.
- 3 It was reported that Pakistan would host the fifth summit conference of SAARC in 1989.
- „ An attempt by the Kabul regime to seek membership of SAARC generated a heated debate between Pakistani and Indian delegates at the Council of Ministers meeting. Later it was decided to postpone any decision and the matter was referred to the standing committee of the SAARC foreign secretaries.
- „ The SAARC summit formally adopted Prime Minister Junejo's proposal to establish formal contacts with other regional organizations—particularly ASEAN—for extending mutual cooperation.
- 12 The visiting SAARC Secretary General called on Prime Minister Junejo and discussed the follow-up action in the wake of the recently concluded SAARC summit at Kathmandu.
- December 27* In Karachi, M. Masihuddin, Secretary Ministry of Science and Technology, inaugurated three-day SAARC workshop on instrumentation, maintenance, repair and calibration.

## LIST OF PUBLICATIONS

1981-87

Rafiq Ahmad Sarfaraz Hussain Mirza	<i>Maldives</i> : No. 5, March, 1984.
Fayyaz Ahmad Rafiq Ahmad Mohammad Javed Iqbal	<i>Burma</i> : No. 6, December 1985.
Rafiq Ahmad Musarrat Javed	<i>Bhutan</i> : No. 7, December 1986.

### Current Affairs Series

Rafiq Ahmad Rahim Yar Abbasi	<i>South Asian Scanner</i> : No. 1, (1981).
Rafiq Ahmad Rahim Yar Abbasi	<i>South Asian Scanner</i> : No. 2, (1982).
Rafiq Ahmad Rahim Yar Abbasi Mohammad Jahangir Khan	<i>South Asian Scanner</i> : No. 3, (1982).
Rafiq Ahmad Mohammad Jahangir Khan	<i>South Asian Scanner</i> : No. 4, (1982) and No. 1, (1983).
Rafiq Ahmad Mohammad Jahangir Khan	<i>South Asian Scanner</i> : No. 2, (1983) and No. 6.
Rafiq Ahmad Mohammad Jahangir Khan Sohail Mahmood	<i>South Asian Scanner</i> : No. 1, (1984), No. 7.
Rafiq Ahmad Mohammad Jahangir Khan Sohail Mahmood	<i>South Asian Scanner</i> : No. 1, (1985), No. 8.
Rafiq Ahmad Mohammad Jahangir Khan Sohail Mahmood	<i>South Asian Scanner</i> : No. 2, (1985), No. 9.
Rafiq Ahmad Mohammad Jahangir Khan	<i>South Asian Scanner</i> : No. 3, (1985), No. 10.
Rafiq Ahmad Mohammad Jahangir Khan	<i>South Asian Scanner</i> : No. 4, (1985), No. 11.
Rafiq Ahmad Mohammad Jahangir Khan	<i>South Asian Scanner</i> : No. 12, (1986).



## Monographs

- Rafiq Ahmad *The Assam Massacre : 1983*  
Mohammad Jahangir Khan (A Documentary Record).  
Mohammad Sarwar *The Assam Agitation, (Urdu)*  
(A Politico-economic Analysis) .  
Mohammad Sarwar *Indian General Elections : 1984.*  
Ayaz Mohammad Rana *Pak-Nepal Relations, (1986).*

## Books

- Sarfaraz Hussain Mirza ; *The Sikh Question : From Constitutional*  
Syed Farooq Hasnat ; *Demands to Armed Conflict.*  
Sohail Mahmood ;  
Tahira Anjuman ; and

## Seminar Papers

- Theodore P. Wright (Jr.) Seminar 1984  
*Methodology of Research on Indian Muslims*  
Prof. Richard B. Barnett Seminar 1985  
*The Late Pre-Colonial Background to the*  
*Indian Princely States.*  
Tahira Anjum *Bharti Secularism aur Aqliyyaten (Urdu),*  
May, 1987.

## Journal (Bi-annual)

- Rafiq Ahmad (Editor) *South Asian Studies : Vol. I, No. 1,*  
*January 1984 ; Vol. I, No. 2, July 1984 ;*  
*Vol. II, No. 1, January 1985 ; Vol. II,*  
*No. 2, July 1985 ; Vol. III, No. 1,*  
*January 1986; Vol. III, No. 2, July 1986,*  
*Vol. IV, No. 1 ; January 1987 ; Vol. IV,*  
*No. 2, July 1987.*

## **Notes to Contributors**

Manuscripts, articles, book reviews and notes or letters on themes of contemporary or historical interest, with particular reference to South Asia, will be welcomed.

Manuscript should be clearly typed on one side of the paper only, and should be double-spaced. Two copies should be submitted.

Bibliographies and footnotes should be placed at the end of the article. Footnotes should be numbered consecutively, and bibliographies should be arranged alphabetically. Foreign words should be underlined.

Bibliographical references should be complete in respect of the title of the book, the name of the author, the year and the place of publication.

Utmost care should be taken to prepare statistical data for publication. All headings, columns, rows, symbols, units of measurement, periods, political and geographical areas, and sources should be clearly stated in each statistical table, instead of giving such explanations in the text.

Tables, maps, and diagrams should be numbered and given at the end of the article, each on a separate sheet of paper. They should be clearly drawn so that they are suitable for photocopying as submitted.

## **Abstracts**

Authors should submit abstract of their articles, not exceeding 100 words. The first page of the paper should include the title of the paper as well as the name and institutional affiliation of the author.

The Editor reserves the right to make editorial revisions.