

consultations and agreement, until it became clear that the conditions set out in Security Council resolution 307 (1971) in so far as they concerned Bangladesh would be fulfilled.

9. Following discussion, the representative of Japan stated that he would not press his proposal for postponement. The representatives of Argentina and Italy indicated that while supporting the admission of Bangladesh, their delegations would have been prepared to agree to a limited further postponement if that might, besides providing a short period for reflection, help overcome existing difficulties and attain an agreed solution. The representative of France also said that he would have been able to support a proposal for a limited adjournment provided that such an adjournment could be justified by new developments indicating that the difficulties between the parties might soon be eased. That not being the case, he was ready to declare himself immediately in favour of the admission of Bangladesh.

10. The Chairman recalled occasions in the past when the Committee had taken a vote on the attitude of delegations towards admission of an applicant State. Subsequently the sponsors of the three-Power draft resolution agreed that instead of a vote on their draft resolution, a vote should be taken on the attitude of delegations towards the application of Bangladesh. In this connexion, the Chairman pointed out that a vote in the Committee could not constitute a substantive decision, which remained within the exclusive competence of the Security Council.

11. The Committee then took a vote on the attitude of members towards the application of Bangladesh for membership in the United Nations. Eleven delegations were favourable (Argentina, Belgium, France, India,

Italy, Japan, Panama, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Yugoslavia), one delegation (Guinea) was not favourable, and three delegations (China, Somalia and the Sudan) did not participate in the vote.

12. The representatives of Somalia and the Sudan said that they had not participated in the voting because in their view on the basis of the trend of the discussion, the question put to the vote should have been which delegations favoured the immediate admission of Bangladesh and which favoured postponement. The representative of Guinea indicated that for the reasons already explained in paragraph 8 she had voted against the immediate admission of Bangladesh.

13. The representative of China reiterated again the principled stand of his delegation and in view of the fact that the substantive question of the application of Bangladesh could only be voted upon in the Security Council and that in the course of the Committee's discussions, representatives of quite a few countries had stood for or supported the postponement of the Security Council's consideration of this question, the Chinese delegation was firmly opposed to a vote on the draft resolution submitted by India, the USSR and Yugoslavia and was also opposed to the voting on the attitudes of the delegations for such practices were in total contravention of the rules of procedure of the Security Council and were, therefore, illegal and null and void. Furthermore, this could not give a true and over-all picture of the views and positions of the various delegations. Therefore, the Chinese delegation firmly opposed and refused to be a party to such practices and opposed the recording of their results in the Committee's report to be submitted to the Security Council.

DOCUMENT S/10774

Note by the President of the Security Council

[Original: English]
[23 August 1972]

The attached letter dated 23 August 1972 from the Chargé d'affaires of the Embassy of the People's Republic of Bangladesh in Washington was addressed to the President of the Security Council with reference to the letter dated 20 August 1972 from the representative of Pakistan to the President of the Council [S/10766].

In accordance with the request of the Chargé d'affaires, his letter is being circulated as a document of the Security Council.

TEXT OF THE LETTER

I have the honour, under instructions from my Government, to refer to the letter of the Permanent Representative of Pakistan dated 20 August 1972 [S/10766], and to invite your attention to the following.

Pakistan contends that action on the application of Bangladesh for membership in the United Nations at this stage would not be "proper or opportune". In support of this contention Pakistan has brought up a number of irrelevant issues and has made factually incorrect and misleading statements. These issues and statements relate to matters of pending bilateral concern to Bangladesh and Pakistan. The membership of the United Nations cannot be linked with the state of

bilateral relations between the State seeking membership and any other State, whether it itself is a Member or not. The Charter of the United Nations offers no basis for injecting bilateral issues when the application for membership of any State is being considered. Indeed, the International Court of Justice in its advisory opinion of 28 May 1948 on conditions of membership in the United Nations¹⁹ stated that an existing Member, in deciding on the qualifications of a new applicant, should be guided exclusively by Article 4 of the Charter and not by extraneous political considerations. It is clear that Pakistan has brought up these and other irrelevant matters with the sole purpose of delaying the admission of Bangladesh to the United Nations and thus increasing the tension in the subcontinent. Such an attempt is not only legally inadmissible but is fraught with the danger of establishing an undesirable precedent for the future. The Government of Bangladesh therefore considers that it is not under any obligation to reply to these irrelevant and unfounded allegations; nor is it the intention of my Government to enter into a polemical controversy with Pakistan or to point out the many failures of Pakistan to carry out its international obligations in respect of Bangladesh.

¹⁹ *Admission of a State to the United Nations (Charter, Art. 4), Advisory Opinion, I.C.J. Reports, 1948, p. 57.*

Without prejudice to the above position of my Government, I would like to invite your kind attention to the facts stated below:

(a) With a population of 75 million, Bangladesh is the eighth largest State in the world. The democratically elected Government of Bangladesh under the leadership of Prime Minister Sheikh Mujibur Rahman has established its unchallenged authority throughout the country;

(b) Not a single foreign troop is on the soil of Bangladesh;

(c) Over 85 countries, including four permanent members of the Security Council, have accorded full diplomatic recognition to Bangladesh. Bangladesh has established diplomatic, commercial and cultural relations and concluded treaties and agreements with many of them. The population of countries recognizing Bangladesh is about 2.4 billion, out of the total world population of about 3.6 billion;

(d) Bangladesh has already been admitted as a full member of several international organizations of the United Nations family, including WHO, the ILO, IMF and IBRD, having received overwhelming support of the member States. The admission of Bangladesh to these international organizations reflects not only the readiness of the Government of Bangladesh to play its rightful role in various fields of international co-operation but also the confidence of the world community in its willingness and ability to do so as an independent sovereign State;

(e) In applying for membership of the United Nations, the Bangladesh Government has solemnly affirmed its intent to undertake all its obligations under the United Nations Charter;

(f) The Government of Bangladesh has taken all necessary steps to protect the life and property of all ethnic and linguistic minorities and has extended full co-operation to the United Nations and other international agencies, such as the International Committee of the Red Cross, in this regard.

In these circumstances any attempt to obstruct or deny membership to Bangladesh is a violation of the principle of universality of the United Nations. In the context of recent developments in the subcontinent for the achievement of a just and durable peace, such an attempt must be looked upon as a retrograde step.

In consonance with its policy of seeking peaceful and friendly relations with all nations, Bangladesh will continue to discharge its international obligations and is prepared to settle all its outstanding problems with Pakistan on the basis of the sovereign equality of States, national dignity, respect for territorial integrity and non-interference in each other's affairs. It is Pakistan which is refusing to accept these fundamental principles of inter-State relationship and thereby obstructing the process of promotion of peace in the subcontinent by refusing to accept the reality of Bangladesh.

In the larger interest of fulfilling the objectives of the United Nations Charter and in the interest of peace and stability in the subcontinent, it is the earnest hope of my Government that the Security Council will resist the unjustified manoeuvres of Pakistan and pronounce speedily and favourably on the application of Bangladesh for membership of the United Nations.

It is requested that this letter be circulated as a Security Council document.

(Signed) S. A. KARIM

DOCUMENT S/10775

Guinea, Somalia and Sudan: amendment to document S/10771

[Original: English]
[25 August 1972]

At the end of the operative paragraph, add the following:

subject to the immediate implementation of those provisions of the Geneva Conventions of 1949 relating to the release and repatriation of prisoners of war and civilian internees as mentioned in Security Council resolution 307 (1971).

DOCUMENT S/10776

Letter dated 30 August 1972 from the representative of Pakistan to the Secretary-General

[Original: English]
[31 August 1972]

I have the honour to refer to previous communications regarding the continued detention in India of the Pakistan prisoners of war, numbering 80,000, and civilian internees, including women and children, numbering about 10,000, and to reproduce below the text of a statement issued on 24 August 1972, in Geneva, by the International Commission of Jurists:

"The International Commission of Jurists has urged the Indian Government to take immediately all necessary steps to liberate and repatriate the Pakistani prisoners of war detained in India.

"The Third Geneva Convention of 1949 provides clearly that conclusion of a peace treaty or an armistice is not required between the parties of the conflict but that prisoners of war must be repatriated without delay after cessation of hostilities. There cannot be any dispute that active hostilities