

## THE ASIAN CONCEPT OF 'PEACEFUL CO-EXISTENCE'

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The Asian Concept of the Five Principles (Panch Sheel or Panch-Shila) of Peaceful co-existence<sup>1</sup> has been accepted by a large number of the governments of the World. Premiers Nehru and Chou En-lai envisaged them as the guiding principles in their relations between India and the People's Republic of China. In recent years peaceful co-existence has popularly been identified with those cardinal principles of international behaviour which govern the relations among States. On October 1, 1957, the General Assembly of the United Nations decided without objection to inscribe on the agenda of its twelfth session a proposal of the Soviet Union requesting a declaration relative to the principles of peaceful co-existence.<sup>2</sup> The inscription was significant in the evolution of the Five Principles since their formal inception in 1954. This doctrine achieved greater significance and importance when different political leaders at the Geneva Conference on Indochina in 1954,<sup>3</sup> the Asian-African Conference at Bandung in 1955, the Belgrade Declaration of Non-Aligned Countries in 1961 and the Addis Ababa Organisation of the African Unity (OAU) in 1963 have invoked what has been called the "Panch Sheel" or the Five Principles of Peaceful Co-existence. In fact, the very popularity of the concept has led to a blurring of its true import. This was particularly observed when this doctrine was enunciated in the United Nations for adoption and ultimate codification. In general the Communist and uncommitted states of the world have supported the principles while the Western and pro-Western governments have questioned them and suspect their merit. The Communists have supported them openly, yet perhaps, with the reservation to befit them within the working of their ideology and to suit the objective in view. Therefore, the diplomatic evolution of the over-all concept, an evaluation of its present day significance, and its role in the United Nations merit, attention.

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<sup>1</sup> 'Pancheel' or 'Panchila' or the Five Principles of Peaceful Co-existence are:

- (i) Mutual respect for each other's territorial integrity and sovereignty;
- (ii) Mutual non-aggression;
- (iii) Mutual non-intervention in each other's internal affairs;
- (iv) Equality and mutual benefit; and
- (v) Peaceful co-existence.

<sup>2</sup> See U.N. Doc. A/3673, September 20, 1957.

<sup>3</sup> See KEESING HISTORIAL ARCHIVES, 11115-11345 (1954).

### *Marxist Ideology and Peaceful Co-existence*

It is pertinent here to clarify some of the major ramifications of this concept within the framework of Marxist ideology in order to place the matter in its true perspective.

The expression "peaceful co-existence" was employed by Communist leaders in the Soviet Union. It has been used by Lenin, Stalin, and Khrushchev in order to describe the then existing state of relations between the Soviet State and the capitalist countries. Stalin, for instance, in reporting to the Fourteenth Congress of the Communist Party on December 18, 1952, referred to:

"... that temporary equilibrium of forces that put an end to war against us, that ushered in the period of 'peaceful Co-existence' between the Soviet State and the Capitalist States."<sup>4</sup>

As late as November, 1957, Communists were openly referring to peaceful Co-existence as a "Leninist Principle."<sup>5</sup> Premier Khrushchev himself, in a particularly brilliant exercise in cold war gamesmanship, rooted to concept of peaceful co-existence in Lenin's choice of the official coat of arms of the Soviet Union, the latter having rejected the sword in favour of the "hammer and sickle, symbols of peaceful, constructive labour."<sup>6</sup> Thus in origin, the expression "peaceful co-existence" is a Russian term within the framework of Marxist ideology. Furthermore, the concept has been utilised for the effectuation of national policy which is testified by the Soviet definition of international law, formulated by Professor E. A. Korovin:

"International Law can be defined as the aggregate of rules governing relations between States in the process of their conflict and cooperation, designed to safeguard their peaceful co-existence, expressing the will of the ruling classes of these States and defended in case of need by coercion applied by States individually or collectively."<sup>7</sup>

Although Lenin and Stalin envisioned armed conflict between the Communist and capitalist states after "a certain period" or the "temporary equilibrium" of peaceful co-existence, the rapid advances in technological warfare with the possibility of mass destruction for both sides in the event of a total war, have caused Khrushchev to suggest the ending of the transition

<sup>4</sup> 7 J. V. STALIN, WORK, 1925, 293-294 (Moscow, 1954).

<sup>5</sup> See Fifield, *The Five Principles of Peaceful Co-existence*, 52 A. J. I. L. 504-508 (1958).

<sup>6</sup> N. Khrushchev, *An Account to the Party and People* in REPORT OF THE CENTRAL COMMITTEE, COMMUNIST PARTY OF THE SOVIET UNION TO 22ND CONGRESS OF THE PARTY, October 17, 1961, 34-35 (Moscow, 1961); See also McWhinney, *Soviet and Western International Law and Cold War in the Era of Bipolarity*, 1 CAN. YEARBOOK INT. L. 75-81 (1963).

<sup>7</sup> F. I. KOZHEVNIKOV (54.), INTERNATIONAL LAW, 7 (Moscow, 1957); See McWhinney, "Peaceful Co-existence" and Soviet-Western International Law, 56 A.J.I.L., 951, 955-958 (1962); Tunkin, "Co-existence" and International Law, 95 HAGUE REUEIL DES COURS 1, 59 (1958); W. W. KULSKI, PEACEFUL CO-EXISTENCE; AN ANALYSIS OF SOVIET FOREIGN POLICY (1959).

period not through armed conflict but through the growing strength of the "peace-loving" states and the self-destruction of the capitalist world. This fundamental dilemma has been well stated by R. I. Aaron and P. A. Reynolds.<sup>8</sup> Within its Communist framework peaceful co-existence, by no means, implies an end to the strife between the communist states and the Western alignment. The class struggle applied to world politics is fundamental. The Communist leaders in general have supported the wedding of peaceful co-existence with the other four of the Five Principles (Panchsheel)<sup>9</sup>, for it provides a common ground of understanding, at least for propaganda purposes, between the Communist States and the uncommitted countries in Asia. The Chinese Communists have gone a step further, asserting that the "Panchsheel" has been "rejected by those who libellously accuse China of having aggressive intentions."<sup>10</sup> But here the Peking regime is reading into the concept a meaning that would not be widely accepted by the uncommitted states.

### *The Asian Concept*

The 'Panch Sheel' principles were established by the leading Asian states in a treaty between India and the People's Republic of China on Tibet signed in Peking on 29th April, 1954.<sup>11</sup> Basically, Prime Minister Nehru believed the Five Principles would help to destroy apprehension, create confidence, and establish security. The alternative to peaceful co-existence was mutual destruction in a thermonuclear war. Adherence to the "Panch Sheel" would expand the "area of peace." Alliances, on the other hand, were conducive to dividing States who should be friendly neighbours. Universal acceptance of these principles would contribute to a world wide system of collective peace. In recent times, the concept is being replaced by more concrete formulations describing the rules regulating the intercourse of States. This is, of course, the inevitable consequence of the recent attempts at codification of the principles of peaceful co-existence. So long as the cardinal principles are understood in the spirit in which they were enunciated, it matters little as to whether one or the other term is used to specify them.

<sup>8</sup> Aaron & Reynolds, *Peaceful Co-existence and Peaceful Cooperation*, 4 POLITICAL STUDIES 295 (1956); See Fifield, *supra*, note 5 at 508. See also McWhinney, *supra*, note 6.

<sup>9</sup> See note 1.

<sup>10</sup> See Aaron & Reynolds, *supra*, note 8.

<sup>11</sup> Chinese Communist sources have tended to associate Prime Minister U Nu of Burma with Premiers Nehru and Chou En-lai in the origins of the concept. Li Kao, writing in *People's China*, has asserted that the principles were "worked out by the three Prime Ministers." See Li Kao, China and Panch Shila, *PEOPLE'S CHINA*, No. 14, p. 10 (July 16, 1957). "It is obvious that four widely accepted approaches to international behaviour were combined with a fifth, peaceful co-existence, to become the Five Principles (Panchsheel) of Peaceful Co-existence. And the use of the name of the fifth principle as an umbrella for the Five Principles gives the item particular importance." They were formally approved in a joint statement by Premiers U Nu and Chou En lai in Rangoon on June 29, 1954.

At the same time it was realised that the 'peaceful co-existence' did not constitute a "magic formula." The fact that a norm has been violated by one State does not *ipso facto* render the norm useless. The intrinsic merits of the principles of peaceful co-existence are that they provide a rational and orderly basis for the conduct of relations between States with different ideologies. Matters of nomenclature are of little significance. What matters is the content and the method of which it is applied in day-to-day relations. Many different nations, Asian, African as well as European, declared their attachment to the Five Principles of Peaceful Co-existence. The following nations have declared to carry on relations with other states on the basis of these principles: Afghanistan, Burma, Cambodia, Ceylon, Communist China, Indonesia, Laos, Nepal, Poland, Vietnam, Viet Minh, Soviet Union and Yugoslavia,<sup>12</sup> to name a few.

### *The Development of the Concept*

The Asian-African Conference of 29 countries at Bandung from April 18 to April 24, 1955 was another milestone in the development of the doctrine of peaceful co-existence.<sup>13</sup> The final communique of the Conference included a *Declaration on the Promotion of World Peace and Co-operation*, listing ten principles and omitting reference to peaceful co-existence.<sup>14</sup> In its place the term "Live together in Peace" was employed, obviously borrowed from the Charter of the United Nations (the Preamble). Chou En-lai's diplomacy both in and outside the conference rooms was directed at influencing colleagues sceptical of the peaceful intentions of his government. He was the delegate who even proposed substituting "live together in peace" for "peaceful co-existence."<sup>15</sup> He later told the standing Committee of the National People's Congress in Peking on May 13, 1955; that "in actual fact, for countries of different social systems to live together in peace is the same as peaceful co-existence. . . . ."<sup>16</sup>

What can be said is that, if China adheres to the Marxist or Maoist views on the development of socialism as the ultimate destroyer of and successor to capitalism, then it was perhaps a wise tactic of Chou En-lai to allay all fears by side-tracking a discussion on the real nature of the ideological

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<sup>12</sup> Fifield, *supra*, note 5. At the 12th session of the General Assembly of the United Nations, Gromyko stated that Russia had relations of peaceful existence with India, Indonesia, Afghanistan, Egypt, Syria, Finland, Switzerland and Austria.

<sup>13</sup> Fifield has also mentioned as an important event the declaration of Soviet leaders and groups at the 40th Anniversary of the Bolshevik Revolution which supported the idea of peaceful co-existence. *Ibid.* at 508.

<sup>14</sup> Ministry of Foreign Affairs of the Republic of Indonesia, Bulletin of the Asian-African Conference, No. 9, p. 6 (1955). See also G. M. KAHN, *THE ASIAN AFRICAN CONFERENCE*, 83-85 (1956).

<sup>15</sup> Fifield, *supra*, note 5 at 507.

<sup>16</sup> Quoted in KAHN, *supra*, note 14 at 63.

foundation of his State.<sup>17</sup> Moreover, *Panchsheel* is not conceived as temporary, but indeed as the ultimate and permanent state of affairs. Nor does it concern only to cover two or more hostile camps but purports to cover all, friends and enemies alike. Asian views are an extension of the doctrine or neutralism, non-commitment or non-alignment. Besides, the attachment of Asia to peaceful co-existence sprang from a commitment to a policy of "active" or "positive" neutralism which means precisely a rejection of the division of the world into two hostile systems,<sup>18</sup> and rather tries to bring the opposing groups to some measure of agreement.

Further, Asian States may have to examine more closely whether such a commitment or substitution "to live together in peace" indeed is enough ground and dependable proposition for real "peaceful co-existence." For instance, it is very likely that, if differences occur in the interpretation of these principles, states will fall back on their own interpretation of these principles, which may pose new problems. For example, Indonesia may, in such a case, probably refer to her own principles of *Pantja Sila*<sup>19</sup> which is mentioned in the constitution, and is made the basis of the state.<sup>20</sup> It provides the guiding principles for all foreign relations. The Indonesian *Pantja Sila* includes: 1. Belief in God; 2. Humanitarianism or internationalism;<sup>21</sup> 3. Nationalism; 4. Democracy, and 5. Social Justice. An effort to reconcile this concept with the communist doctrine might run into difficulties with regard to the first two principles.

However, the non-aligned States have not been involved in such terminological wrangles. They have continued freely to use the expression 'peaceful co-existence.' The expression has been specifically used in the Belgrade Declaration of Non-Aligned countries, held in September, 1961. This Declaration represents a considerable advance, in so far as concepts go, over the basic principles of peaceful co-existence, formulated in 1954. At Belgrade, the emphasis was laid on active international cooperation peoples. The right of self determination of colonial territories and independence and the free determination of forms and methods of econo-

<sup>17</sup> See J. J. G. SYATAUW, SOME NEWLY-ESTABLISHED ASIAN STATES AND THE DEVELOPMENT OF INTERNATIONAL LAW, 212-219 (1961). See also INTERNATIONAL AFFAIRS 75 (Moscow, 1959). A Chinese writer Yi Li-yu in an article on *People's China's Relations with Asian and African Countries* writes: "From the very first day of its existence the Socialist Chinese People's Republic, basing itself on the principle of peaceful co-existence, has strongly emphasized good relations with the 'nationalistic' states of Asia and Africa."

<sup>18</sup> See e.g. Mahadevan, *India's Policy of Non-Alignment*, 2 I.Y.I.A. 89-105 (1953); Morgenthau, *Neutrality and Neutralism*, 2 Y.B.W.A. 47-75 (1957); Fenwick, *The Legal Aspects of Neutralism*, 51 A.J.I.L. 71 (1957).

<sup>19</sup> "This Indonesian term, which is derived from Sanskrit, has been adopted by Nehru to indicate the Five Principles of Peaceful Co-existence, although now spelled in the Sanskrit way." See SYATAUW, *supra*, note 17 at 212-219.

<sup>20</sup> Hatta, *Indonesia's Foreign Policy*, 31 FOREIGN AFFAIRS 450 (1953).

<sup>21</sup> It is not in the sense of "cosmopolitanism" since "this denies the existence of such nations as Indonesia, Japan, Burma...." See Sukarno, *Pantja Sila - The Basic Philosophy of the Indonesian State*, 1 INDONESIAN REVIEW 15 (1951).

mic, social and cultural development were considered to be part and parcel of the principles of peaceful co-existence. The emphasis was laid on the more positive aspects.

The Charter of the Organisation of the African Unity adopted on the 25th May, 1963, at Addis Ababa relates to the propositions<sup>22</sup> covered by the concept of peaceful co-existence.<sup>24</sup> Once again, this Charter set the seal of approval on the content of "peaceful co-existence."

*Peaceful Co-existence and the United Nations*

The General Assembly of the United Nations decided on October 1, 1957, without any objection to inscribe on the agenda of its twelfth session on proposal of the Soviet Union requesting a declaration on the principles of peaceful co-existence.<sup>25</sup> However, there was discussion of the item in the term "peaceful co-existence." The argument was that the principles of peaceful co-existence were only a repetition of the provisions in the United Nations Charter, and consequently did not represent any new or significant contribution. The Western and pro-Western powers have continued to be concerned over the implications of the technical use of the term. Henry Cabot Lodge, United States Representative to the General Assembly of the United Nations, told the General Committee on September 30, 1957, in discussion on the inscription of the Soviet item on the Five Principles, that

"these principles, stated in another way, are what we are all committed to by our adherence to the charter of the United Nations. All men of good will approve such ideas."<sup>26</sup>

On December 14, 1957, the General Assembly, by a vote of 77 to zero with Nationalist China abstaining, adopted a resolution sponsored by India, Yugoslavia, and Sweden, calling, *inter alia*, for "peaceful and tolerant relations" and "friendly and cooperative relations" among states.<sup>27</sup> The expression "peaceful co-existence" was not used in the text due to cold war rivalry among the power blocs and mutual distrust. The fact that India sponsored such a resolution, did not pass unnoticed.<sup>28</sup>

The United Nations Charter embodies the essential aspects of the principles of peaceful co-existence. For instance, the preamble to the Charter, Articles 1, 2, 33, 55 and 56 contain provisions bearing upon the essential aspects of peaceful co-existence. At the 16th session of the General As-

<sup>22</sup> See Constitution of Indonesia.

<sup>23</sup> With the exception of sub-paragraph concerning "absolute dedication to the total emancipation of the African territories which are still dependent" of Article III.

<sup>24</sup> See Article III of the Charter of OAU, 25th May, 1963.

<sup>25</sup> For the text of the Soviet proposal, see U. N. Doc. A/3673, September 20, 1957.

<sup>26</sup> See 37 U. S. DEPT. OF STATE BULL. 693 (1957).

<sup>27</sup> For text of resolution as adopted, see U. N. Doc. A/3802, December 14, 1957.

<sup>28</sup> See The New York Times, December 15, 1957.

sembly several States (including Asian-African States) were in favour of the General Assembly taking up, at its 17th session (in 1962), the question of

"Consideration of principles of international law relating to peaceful co-existence of states."<sup>29</sup>

This particular formulation was suggested by Afghanistan, Cambodia, Ceylon, Ghana, Indonesia, Iraq, Libya, Mali and the U.A.R. among other States. Again, it was decided to drop the term "peaceful co-existence" before the adoption of the formulation of the resolution 1815 (XVII) on the subject in 1962. Western diplomats and jurists objected to the inclusion of the expression for the same reasons and on the almost same pattern they had insisted upon in 1957 of the U.S.S.R. proposal requesting a declaration on the principles of peaceful co-existence.<sup>30</sup> Their contention regarding these principles (of peaceful co-existence) is that they are formulated at a very high level of generality and abstraction.<sup>31</sup> They have doubts about the sincerity and approach of the Soviet juridical concept of Peaceful Co-existence.<sup>32</sup> According to Western and Pro-Western thinking the Soviet juridical propositions as to 'Peaceful Co-existence' are cloudy and vague, which created the suspicion that they were being advanced for reasons of Cold War propaganda advantage rather than as a serious basis for inter-Bloc scientific study and discussion.<sup>33</sup> This led Western jurists at the International Law Association reunions,<sup>34</sup> and, in their turn, official Western governmental delegations to the United Nations General Assembly at its Sixth (Legal) Committee to oppose the Soviet Bloc campaign for an immediate act of codification of the "Law of Peaceful co-existence"; they preferred instead to press on to empirically-based studies of the main, actual, tension-issues of East-West relations, such studies being designed to develop, by process of induction from particular problem-situations, the principles of international law concerning "friendly relations and cooperation among states in accordance with the Charter of the United Nations."<sup>35</sup> This has finally commended itself to the United Nations Sixth (Legal) Committee.

<sup>29</sup> See A/C 6/L. 492 and Corr. I. and Add. I.

<sup>30</sup> U.N. Doc. A/3673, September 20, 1957.

<sup>31</sup> McWhinney, *supra*, note 7.

<sup>32</sup> *Ibid*; See also Hazard, *Codifying Peaceful Co-existence*, 55 A.J.I.L. 109 (1961).

<sup>33</sup> *Ibid.*; In relation to the concept of peaceful co-existence as developed, specifically, in the International Law Association, see REPORT OF THE 47TH CONFERENCE, I.L.A. 1956, 17-63 (London, 1957); REPORT OF THE 48TH CONFERENCE, I.L.A., 1958, 417-506 (1959); REPORT OF THE 49TH CONFERENCE, I.L.A., 1960, 332-384 (1961).

<sup>34</sup> See the debate on Co-existence at the 50th biennial reunion of the International Law Association, held at Brussels in 1962. And see the Report of the Committee on Juridical Aspects of Co-existence, including the Report of American Branch Committee on peaceful Co-existence, American Draft Code of Peaceful Co-existence, and Statement submitted by Chairman of Canadian Branch Committee on Peaceful Co-existence. 50th Conference, International Law Association, 1962 (London, 1963).

<sup>35</sup> See United Nations General Assembly, Sixth Committee, 17th Session, agenda item 75, A/C 6/L. 524 (December 11, 1962); A/C. 6/L. 524/Corr. 1 (December 12, 1962); A/C. 6/L. 524/Add. I (December 12, 1962).

Thus, at its 17th Session in 1962, the General Assembly adopted its resolution on

"Consideration of principles of international law concerning friendly relations and cooperation among states in accordance with the Charter of the United Nations."<sup>86</sup>

By this resolution the General Assembly recognised the paramount importance, in the progressive development of international law and the promotion of the rule of law among nations, of the principles of international law concerning friendly relations and cooperation among States and the duties deriving therefrom, embodied in the Charter of the United Nations which is the fundamental statement of those principles. The same resolution set forth the seven principles and resolved to undertake a study of these principles,

"With a view to their progressive development and codification so as to secure their more effective application."

This is a very significant step in the development of the principles of co-existence. This item on "Friendly Relations" has since been inscribed on the agenda of the General Assembly which merits evaluation.

#### *Principles Concerning "Friendly Relations"*

General Assembly Resolution 1815 (XVII) referred to the following seven principles of international law in regard to the subject of friendly relations and cooperation and cooperation among States as a result of the consideration of 'peaceful co-existence' for codification:

(a) The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

(b) The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered;

(c) The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter;

(d) The duty of states to cooperate with one another in accordance with the Charter;

(e) The principle of equal rights and self determination of peoples;

(f) The principle of sovereign equality of States;

(g) The principle that States shall fulfill in good faith the obligations assumed by them in accordance with the Charter.

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<sup>86</sup> See General Assembly Resolution 1815 (XVII) of 1962.



In order to secure their effective application, the General Assembly resolved by the same Resolution (1815-(XVII)) to undertake, pursuant to Article 13 of the Charter, a study of these principles. In a further resolution,<sup>37</sup> the General Assembly decided "... to establish a Special Committee on Principles of International Law concerning friendly relations and cooperation among States... that the principal legal systems of the World should be represented"<sup>38</sup>... The special Committee was called upon to study the first four principles mentioned above and to draw up a report containing, for the purpose of the progressive development and codification of the four principles so as to secure their more effective application.<sup>39</sup> This special Committee failed to arrive at a consensus, it is interesting to note that there was close cooperation among the Asian and the African Members of the Committee.<sup>40</sup>

The 1966 Special Committee met at United Nations Headquarters from 8 March to 22nd April, 1966.<sup>41</sup> The Committee was required to submit<sup>42</sup> a comprehensive report on the results of its study of the seven principles set forth in resolution 1815 (XVII), including its conclusions and recommendations, with a view to enabling the General Assembly to adopt a declaration containing an enunciation of these principles. The Committee could adopt the unanimous recommendations of its drafting committee on formulation of points of consensus on only two of the seven principles assigned to the Committee by the General Assembly. These two principles concern the sovereign equality of States and the peaceful settlement of disputes.

The special Committee held its third session in Geneva from 17 July to 19 August, 1957,<sup>43</sup> in which its consensus was reached in the Drafting Committee on the formulation of principle of cooperation<sup>44</sup> and on the principle of good faith.<sup>45</sup> However, the Special Committee did not formally adopt the report of its Drafting Committee with regard to these formulations. The General Assembly at its 22nd session considered the Report of the 1967 Special Committee and adopted a Resolution<sup>46</sup> which contained the mandate for the 1968 session of the special Committee.

<sup>37</sup> See General Assembly Resolution 1966 (XVIII) of December 16, 1963.

<sup>38</sup> The President of the General Assembly, pursuant to the Resolution 1966 (XVIII) of December 16, 1963, appointed the following Member States to serve on the Special Committee: Afghanistan, Argentina, Australia, Cameroon, Canada, Czechoslovakia, Dahomey, France, Ghana, Guatemala, India, Italy, Japan, Lebanon, Madagascar, Mexico, Netherlands, Nigeria, Poland, Romania, Sweden, U.S.S.R., U.A.R., U.K., U.S.R., Venezuela and Yugoslavia.

<sup>39</sup> See the operative paragraph 1 of the General Assembly Resolution 1815 (XVII).

<sup>40</sup> Special Committee met in Mexico City from 27 August to 1 October, 1964.

<sup>41</sup> See General Assembly Resolution 2103 (XX) of December 20, 1965.

<sup>42</sup> *Ibid.*, See the Operative paragraph 4 of the December 20, 1965 Resolution.

<sup>43</sup> See General Assembly Resolution 2182 (XXI) of November 12, 1966.

<sup>44</sup> See Doc. A/6799, par. 161.

<sup>45</sup> *Ibid.*, par. 285.

<sup>46</sup> See General Assembly 2327 (XXII) of December 18, 1967.

At its fourth session held in New York from 9th to 30th September, 1968, the Special Committee adopted a report<sup>47</sup> by its Drafting Committee containing a number of agreed statements on the principle of non-use of force in international relations and a number of formulae advanced with a view to providing some basis for discussion. This special Committee report was submitted to the 23rd session of the General Assembly, where it was inscribed on the agenda of the Sixth (Legal) Committee. On the report of the Sixth (Legal) Committee the General Assembly adopted a Resolution<sup>48</sup> on December 20, 1968 which enjoined the Special Committee<sup>49</sup> to meet in 1969 in order to continue and complete its work relating to the formulation of the said seven principles of "Friendly Relations."

## CONCLUSIONS

The foregoing indicates how the lamp of the principles of "Peaceful Co-existence" is kept burning from year to year, and untiring efforts continue to be made to obtain agreement of all powers, big and small, to the formulation of the "seven principles" concluded therefrom, and which are of fundamental importance in inter-State regulation with a view to the evolution of world public order. Though this aspect should not be exaggerated, yet it cannot be omitted as a modern trend, howsoever nascent it may be in its existence today, for it has vast potentialities of development in future. The very existence of international organisations helps in the formulation of world public opinion and the modern trend of developing international organisations will, therefore, not only foster the growth of world public opinion but also help in its efficacy since no individual or State is prepared to face criticism in public which is exactly what happens when a member State is criticised on the floor of the broad-based assembly of an international organisation.

The application of *Panch Sheel* or the Five Principles of Peaceful Co-existence, was for Asia not directly linked to the existence of Russia and the Communist philosophy. Asia contributed significantly to the popularity of the doctrine of peaceful co-existence. There is one evident advantage of the Asian concept of peaceful co-existence. Unlike the Soviet doctrine it is not suspect in Western countries. They might, therefore, be more willing to accept the Asian *Panch-Sheel* as basis for mutual international relations, both inside and outside the forum of United Nations, and thus enlarge considerably the number of States adhering to the Five Principles. It is not rigid, less theoretical, unsophisticated, even naive, but precisely for these reasons its chances of success are greater.

It is true that world public opinion takes time to formulate. It may

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<sup>47</sup> *Ibid.* Operative paragraphs 4-7.

<sup>48</sup> See General Assembly Resolution 2463 (XXIII), December 20, 1968.

<sup>49</sup> As reconstituted by General Assembly Resolution 2103 (XX).

also be correct to state that it is not effective in each and every case. However, this new trend is gathering momentum, and in several cases it has demonstrated its efficiency. The most recent Lusaka Conference of sixty three non-aligned countries,<sup>50</sup> mostly Afro-Asian, is a living example to substantiate our thesis.<sup>51</sup> The emphasis has shifted from the cold war to the distinctive problem posed by the participation of the Afro-Asian States in international society. These states differ greatly from one another in almost every respect, but they share the fate of being latecomers to the modernization process and they are resentful of legal rules which they perceive as the residue of the colonial system. This form of participation is bound to have its impact on the formulation of such human norms towards the development of the course of international relations, as well as international law, within and outside the United Nations, for which the Asian concept of "Peaceful Co-existence" was enunciated.

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<sup>50</sup> Lusaka Conference held from September 8 to 10, 1970.

<sup>51</sup> See e.g. Resolutions passed against colonialism and racial discrimination.