

Britain's Recognition of Bangladesh as a State In 1972

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ABSTRACT

Using the declassified documents FCO (Foreign Commonwealth Office reports), PREM (Prime Minister Office reports), CAB (Cabinet papers), from the National Archives, Surry, UK, this paper attempts to investigate why Britain recognised Bangladesh as a state in 1972. Among other things, the article examines the legal framework of recognition and the historical context of the crisis in brief. It focuses in detail on the diplomatic interactions surrounding recognition and argues that Britain moved toward recognition on the basis of trade and to compete with the Soviet bloc. It also argues that, while there is a legal framework for the recognition, the application of the framework is political.

KEYWORDS: *Britain, Bangladesh, Pakistan, Recognition, 1971.*

INTRODUCTION

International approval plays an important role in the existence of a sovereign state.^[1] Seeking formal recognition from other states is, therefore, essential. On 16 December 1971, when Bangladesh gained independence, she needed recognition to support her freedom. Although prior to 16 December 1971, Bangladesh had been recognised by her neighbouring countries, India and Bhutan, acknowledgement from the wider world was needed to make her status stronger. For obvious reasons, besides the recognition of other countries, Britain's recognition was important. Britain held an important position in world affairs as both a Commonwealth state and a liberal international power. Britain also enabled easy access to the rest of Europe. Britain initially adopted a neutral stance in reaction to struggle between East and West Pakistan. British Government documents show that Britain maintained a cautious policy towards the recognition of Bangladesh, on the one hand seeking to avoid antagonizing Pakistan and on the other to build good relations with the new country. Some scholars have examined this issue.^[2] Janice Musson highlighted the British recognition of Bangladesh both from the legal aspect and Britain's self-interest but the paper did not consider the internal political pressures within Britain which also affected British policy. Angella Debnath pointed out British responses to the crisis with authority and examined it from wider geopolitical context but the process of recognition by Britain has discussed only in brief. Therefore, there is scope to scrutinize British policy concerning the recognition of Bangladesh.

Conception of recognition

The issue of recognition has often been debated in the field of international law. The fact that there are several forms of recognition (*de jure*, *de facto*, and *premature*) makes it more complicated. However, theoretically in international law recognition is 'an act of policy as distinguished from the fulfilment of a legal duty'.^[3] Stefan Talmon defined it as 'an indication of willingness or unwillingness on the part of the recognising Government to establish or maintain official, but not necessarily intimate relations with the Government in question'.^[4] As the number of new states has increased, so the recognition question comes to the forefront of the agenda of the international community. While there were fifty states at the start of the twentieth century, today there exist almost two hundred states.^[5] With regard to whether or not there is a duty to recognise a new state, some opines that it is obligatory and some argues that it is optional and political act.^[6]

In general, recognition by a third state helps the new state to gain legal status and creates good relations with the recognising parties. This approach, however, does not always work. For example, In the 1960s, Biafra seceded from Nigeria and was recognised by four African states, namely: Zambia, Tanzania, the Ivory Coast and Gabon.^[7] But Biafra had to reintegrate into Nigeria. Again, despite having a very hostile relationship with Cuba, America did not withdraw its recognition to Cuba; instead it cut diplomatic ties with Cuba.^[8] Some new states attempts at gaining independence and recognition take only for a few months while some have to wait for longer. Slovenia, Croatia gained recognition rapidly by other country. In contrast, Somaliland has successfully separated from Somalia and governed itself since 1991 but has not gained recognition from the international community.^[9] As mentioned, it is the

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decision of the recognising parties as to when a new state will be recognised. It is undeniable that, along with the legal side, political matters also influence decisions to recognise emerging states. For this reason, it is argued that, law and politics appear to be more closely interwoven on the question of recognition.^[10]

British policy of recognition

From 1933 to 1980 in recognising a new state, Britain followed the lines of international law laid down in Article 1 of the Montevideo Convention (1933). The Convention sets out four criteria for statehood: a permanent population, a defined territory, a government, and a capacity to enter into relations with the other states.^[11] For *de jure* recognition, Britain generally put emphasis on a new regime's effective control over the state's territory along with its firm establishment. In 1951, the Foreign Secretary Herbert Morrison, announced the British policy on recognition in parliament:

HMG (His Majesty's Government) consider that recognition should be accorded when the conditions specified by international law are, in fact, fulfilled and that recognition should not be given when these conditions are not fulfilled. The recognition of Government *de jure* or *de facto* should not depend on whether the character of the regime is such as to command HMG's approval.^[12]

Following this policy, Britain recognised the Communist Government of China in 1951, the Kadar regime of Hungary in 1956, the Colonels' junta of Greece in 1967 and Pinochet's coup in Chile in 1973.^[13] In almost every case Britain relied on the effective control of the territory. British Foreign and Commonwealth Office files on the South Asian crisis of 1971 contain an untitled and unsealed note which set out the HMG's criteria for recognition. According to this note:

The British Government's criterion for recognizing a new state is that it should have achieved its independent position with a reasonable prospect of permanency. A revolutionary Government is not entitled to recognition as the Government of the state until it may fairly be held to enjoy, with a reasonable prospect of permanency, the obedience of the mass of the population and the effective control of much of the greater part of the national territory.^[14]

Britain changed her policy on recognition in 1980. The main reason behind this change was the criticism that Britain was facing over her recognition of the Pol Pot Government of Cambodia and the Rawlings Government in Ghana which considered formal recognition as equivalent to moral endorsement.^[15] In our discussed period Britain followed the Montevideo Convention. From the above discussion on the legal framework of recognition, it is understood that recognition is a legal matter, but in practice applying that framework is a political decision. It is not automatic.

Historical context of the crisis of 1971

Before considering why Britain ultimately decided to recognise Bangladesh and the process leading to that recognition, it is necessary to provide some historical context on the crisis of 1971. After the partition of British India in 1947, the then eastern part of Bengal became East Pakistan (now Bangladesh) by joining with the Pakistan state. However, this joining was a bitter experience to the Bengalis. The socio-economic, cultural and political disparities between the two parts of Pakistan provided an impetus for national movements.

The language movement of 1952 was the first successful protest movement of Bengalis which culminated in a national movement. Finally, the Bengalis showed their grievances in the general election of Pakistan in 1970, where the Awami League of East Pakistan (a Bengali nationalist political party, established in 1949) won all but two of the 162 seats and almost 72% of the vote in the National Assembly.^[16] Rather than handing over power to the democratically elected party, the West Pakistani Government declared the postponement of National Assembly meeting. Furthermore, Dacca was attacked in an operation on 25 March 1971 (codename 'Operation Searchlight'). In Dacca alone, 15,000 people were killed in the 24 hour operation.^[17] Immediately after the massacre, East Pakistan declared its independence, thus sparking off the Bangladesh Liberation War.

Formation of the Provisional Govt. of Bangladesh and seeking recognition

Large numbers of East Pakistanis started to leave their land to the neighbouring country of India, following the crackdown of 25 March 1971. Some senior Awami League leaders also fled to India and later they formed a Provisional Government over there. In that Governmental body Sheikh Mujibur Rahman was declared as the President of Bangladesh, in his absence Sayed Nazrul Islam selected as Vice President and Acting President and Tajuddin Ahmed was Prime Minister. The formal swearing-in

ceremony of the Provisional Government was held on 17 April 1971, in Kustia, an area that was still within the control of the freedom fighters of Bangladesh. The Government became known as the Mujibnagar Government. Although all the activities of this Government were administered under this name (Mujibnagar) but the capital in exile was in Calcutta.^[18] Following its formation, the main targets of the new Government were to gain independence for Bangladesh and to obtain recognition from other countries. *The Economist* commented 'the main purpose of setting up the Provisional Government is to get foreign recognition for Bangladesh'.^[19]

Two weeks after the formation of the Bangladesh Provisional Government, a letter signed by Nazrul Islam and Mustaq Ahmed on 24 April 1971, was sent to the Queen Elizabeth II seeking recognition. It stated:

In view of the friendly relations that traditionally exist between the fraternal people of Bangladesh and that of the UK, I request of your Majesty's Government to accord immediate recognition to the People's Republic of Bangladesh. The Government of Bangladesh will be pleased to establish normal diplomatic relations and exchange envoys with a view to further strengthen the ties of friendship between our own countries. Please accept, Excellency, the assurances of our highest consideration.^[20]

Initial stance of Britain

However, in accordance with British protocol, no reply was sent. The Foreign and Commonwealth Secretary (Alec Douglas Home) sent a telegram to other diplomat offices stating that they should not acknowledge nor respond to the letter.^[21] An instruction also came from the Protocol and Conference Department to the South Asian Department (SAD) saying, 'the procedure for dealing with such letters is for them to be returned to the country of origin and for an acknowledgement or reply to the writer at the discretion of the post concerned'.^[22] It was quite clear, therefore, that Britain would not respond to the letter. Even before receiving the formal letter, some British officials of SAD displayed similar attitudes in a discussion with the Counsellor of the Netherlands Embassy in London. They stated, 'HMG recognized the existing Government of Pakistan and could not be associated with any moves which appeared to accord any degree of recognition to a separate Bangladesh'.^[23]

Similar opinions came from Cabinet members, who urged that the Government of Pakistan was generally in effective control of the territory and there could be no question of considering recognition of Bangladesh at this stage.^[24] In another Cabinet meeting, noting that India and the USSR had not recognised Bangladesh, Cabinet members took the decision 'there could be no question of our taking action of recognition, since none of the attributes of Statehood were evident'.^[25] Following this line, the Foreign Secretary declared in parliament that, 'the administration declined to accord recognition on the ground that there is no state of Bangladesh which fulfils Britain's normal criteria for recognition'.^[26]

Activities of the British Labour party in favour of recognition

While British government took a neutral stance, the British political parties, especially the Labour party supported Bengalis. The Party's successful efforts led to the arrangement of a special debate on 14 May, 1971 over the issue and that Motion was backed by 300 MPs. Another Motion 'genocide in East Bengal and the recognition of Bangladesh' was submitted by Labour MP John Stonehouse on 15 June, 1971 and it was signed by 210 MPs.^[27] Though this Motion was never debated. On the very day of Bangladesh's independence (16 December, 1971) Stonehouse asked the British Government to recognise Bangladesh, to build a bridge with the new state.^[28] Another member put forward the importance of early recognition to safeguard a continuation of trade in raw jute for Tayside (Scotland) which was so important for employment in that area.^[29] Some other members asked the British Government to consider British commercial interests, particularly the interests of the trade in jute and the leather industry (much of the British leather industry at that time depended on skins coming from Bangladesh). According to them, delay on recognition might divert trade to other countries.^[30] The Foreign Secretary assured parliamentary members that successful arrangements concerning the trade of jute had been made and many thousands of bales were available, which would help in the short term.^[31]

Labour members argued that Britain had a major part to play in rehabilitation as well as in commercial interests such as jute and tea and, therefore, HMG should recognise Bangladesh.^[32] Thus the Labour party put the British government under constant pressure by initiating motions, placing oral and written questions to the House on the crisis and relief, seeking statements from the concerned ministers; and other activities. That had an indirect impact on British policy. These internal political pressures, alone, however were not sufficient to sway British decision.

Various factors that shaped British policy about recognition

Throughout the crisis, Britain did not become embroiled with the issue; however, in 16 December, 1971 when Bangladesh became independent, the question of recognition came to the fore. The British Government closely observed the situation and considered the legal issues. The information that was being provided to London from the sub-continent enabled Britain to decide whether the conditions of international criteria were being actualized. Diplomats also gave their opinion about the situation, which influenced the Government. These legal issues were considered alongside Britain's own interests in the subcontinent.

By December, British policy makers were predicting West Pakistan's defeat and arrival of a new state. Heath commented, 'in the future we have to deal with three countries'.^[33] British officials also predicted the same thing that new state and Government might well be established that could meet the necessary criteria for recognition.^[34] The issue became more pressing when the new Government of Bangladesh revised the status of foreign consulates as foreign mission, until the new state would be recognised by their respective countries.^[35] These issues put the recognition question into fore.

Mujib's visit to London

Mujib's (the Awami League leader and President of Bangladesh Provisional Government) sudden visit to London after his long period spent in prison also brought the recognition question into the limelight. In fact, Heath was the first statesman who met with Mujib after his nine month prison sentence.^[36] In his meeting with Heath, Mujib called for recognition by Britain and urged Britain to encourage other friendly nations to recognise Bangladesh.^[37] Two days after this meeting, Heath sent messages to different Governments such as Zulfikar Ali Bhutto (Pakistan), Richard Nixon (America), Georges Pompidou (France), William McMahon (Australia) and Pierre Trudeau (Canada) about his meeting with Mujib, describing it in a very positive way.^[38] In the Cabinet meeting Heath stated that he was impressed by Mujib and authorised the Foreign and Commonwealth Secretary, Douglas Home, to arrange for recognition when he felt that the appropriate time had come.^[39]

Pressure of different groups

Different groups also applied pressure on the British Government. Many of Britain's 100,000 immigrant Bengalis were trying to persuade the Government for recognition. Such a vast number of immigrant Bengali's pleas could not be completely ignored. Furthermore, by the latter half of 1967 the immigration issue had become an important one in British politics. It was held in fourth position of importance by the voters in the election campaign of 1970.^[40] Other groups, British businessmen voiced some anxiety which the Government could not ignore, because they had a substantial investment in East Pakistan. British officials tried to allay fears and they gave assurance to the businessman that all the factors would be considered by the HMG.^[41] The British Tea Association members, who were involved with tea business, visited 12 of the estates in Sylhet (Bangladesh) early in the new year of 1972 and hoped that these damages caused by the war could be repaired.^[42] All these issues compelled Britain to take the recognition question seriously.

Commercial factors

The trading of jute and tea alongside other commercial matters were a major factor which prompted the Government to take a decision on recognition. Britain had established a good business network with both countries (India and Pakistan). In the 1960s, India was the fifth most important recipient of British direct investment.^[43] Although the amount of trade with India did diminish, post the 1960s Britain's economic investment and trade remained comparatively larger in India than they did in Pakistan. Britain also had a careful watch between the two countries (India and Pakistan) where British economic interests had suffered much. From J L Pumphrey (British High Commissioner to Islamabad) reported that 'in Pakistan British business has not suffered as much as might have been expected, partly because the commercial centre is in Karachi, out of the political main stream'.^[44] From India, Sir Terence Garvey (British High Commissioner to Delhi) reported that 'British exports in the first ten months of 1971 were up some 86 percent on the same period for the previous year'.^[45] Commercial factors were clearly in policy maker's mind around the time of recognition.

Commercial matters had priority at first meeting with Mujib held in 8 January 1972, where Sutherland discussed on various commercial issues.^[46] At the same time, some British officials put forward strong arguments for early recognition considering the trade and commerce. From Dacca, the British High Commissioner noted that the Bangladesh Government wanted to re-establish trade and commercial links with the UK and wanted to be a member of the Commonwealth.^[47] This further

displayed the importance of British recognition. Sir Terence Garvey, in his telegram, reminded the British Government of the Soviet bloc's influence over there and put his point that if recognition were unduly delayed, it could make things difficult.^[48]

Economic arguments in favour of recognition were also made by the British High Commissioner of Dacca. He reminded the British Government of the tea gardens of the East Pakistan and gave suggestions of how the manufacturing companies could look forward in the future to a modestly expanding market. In his telegram, he put importance on the prospects of invisible earnings from shipping, jute baling and merchandising and tea broking. Giving information on the Bangladesh Government's wish to use London's banking facilities for external transactions; he warned the British Government that delay in recognition could divert a high proportion of these invisible earnings to India. He also added that 'Bangladesh is the larger of the two countries in terms of population and that, in normal circumstances, earned just as much foreign exchange on visible exports'.^[49] Officials of FCO also pointed out the difficulties of moving too slowly on the question of recognition. They suggested:

If we are too slow and particularly if we are pre-empted by the Eastern bloc countries, we shall do a great disservice to ourselves and to Mujib. Non-recognition also creates considerable problems for British business in East Pakistan and for the resumption of aid. We should ideally move towards recognition in days rather than weeks.^[50]

Of all these sending information it showed that Britain had strong commercial interests were in the region.

Communism fear

Besides commercial matters, there was another issue which worried the British Government. The British Government got information that other countries especially some Communist countries were considering recognising Bangladesh. In a telegram of 8 December 1971, from Delhi which mentioned Bhutan's recognition of Bangladesh Terence Garvey wrote, 'there are persistent rumours here that East Germany, Czechoslovakia and Hungary and possibly other East European countries, but not the USSR, will recognize Bangladesh within a matter of weeks'.^[51]

In another telegram, which noted Poland's recognition, Terence Garvey put the total figure of recognizing countries at six, namely Poland, India, Bhutan, the German Democratic Republic, Bulgaria and Mongolia.^[52] Another telegram described the growing interest of some Communist countries to build a bilateral relationship with the new state. From Warsaw, Henderson, the British High Commissioner, reported that following official recognition as an independent and sovereign state, the Polish Government wished to enter into diplomatic relations with the people's republic of Bangladesh and to exchange diplomatic missions.

Recognition by various Communist countries had made Britain alert to the situation and policy makers felt the need to take this matter seriously. In a meeting it was said, 'It would be contrary to our interests if the Soviet Union and the East European countries recognized whilst the Western countries did not'.^[53] The role of anti-communism in shaping British policy became apparent when Heath wrote to other Western European Governments. Mentioning their common Communist enemy, Heath tried to sway them in favour of early recognition. He wrote:

If Mujib receives early recognition and support from the West, it will help him to consolidate his position and improve his chance of keeping the country out of the hands of the extremists, if we delay too long the Communist countries will get a start on us in the East and the position of their friends there will be strengthened.^[54]

Thus the fact that there were a growing number of Communist countries giving their recognition was a cause for concern to the British Government.

Slow and cautious steps of Britain

But in December 1971, Britain was not in favour of recognition as Britain's normal criteria (as laid down in Montevideo convention) had not been fulfilled. Despite the continual requests of the Bangladesh Provisional Government representatives, Britain remained silent. Even recognition by India and Bhutan did not change the British administration's decision. P F Walker of SAD suggested 'our public line therefore remains that the necessary criteria for either *de facto* or *de jure* recognition have not been satisfied on present evidence'.^[55]

Similarly, the Cabinet also discussed whether the continued presence of Indian troops in Bangladesh to maintain order might complicate the question of Britain's eventual recognition of the new state.^[56] In response to questions asked by the German Ambassador about the likely timing of Britain's

recognition of Bangladesh, Denis Greenhill (Permanent Undersecretary of State for Foreign Affairs) argued that the presence of large numbers of Indian troops in East Bengal complicated the situation.^[57] The situation caused policy makers to hesitate and questions rose included whether Britain should either seek to encourage the new state's early establishment or favour a period of Indian administration.^[58] Moreover, some suggestions came from officials to rebuild relations with Pakistan. As different suggestions were coming from the officials, so the Heath Government was not prepared to be pushed into making a quick decision.

Following their slow and cautious steps on recognition, Britain wanted to rebuild good relations with Pakistan. Heath praised Bhutto's wise decision for releasing Mujib.^[59] The British Government did not want to break its relationship with Pakistan and also wanted to give Bhutto time to talk with Mujib, as Bhutto was claiming there was a possibility of a loose federation with East Pakistan. Bhutto strongly expressed his view that 'East Pakistan is an inseparable and an indissoluble part of Pakistan. Moslem Bengal will always be part of Pakistan'.^[60]

Unsuccessful effort of Heath to convince Bhutto

Heath believed that what Bhutto wanted was not possible. Although Bhutto was urging for a united Pakistan, he understood that things would never be same again. Heath commented, 'Bhutto's release of Mujib indicates that, while he cannot yet acknowledge it, he himself recognizes that the unity of Pakistan cannot be maintained'.^[61]

Heath tried to convince Bhutto of this reality. He wrote in a telegram to Bhutto that 'division is now a fact and it is difficult for us to move forward together until we have both come to terms with the realities as they now exist'.^[62] Furthermore, he pointed out that this would be the first instance of Britain accepting and endorsing the dismemberment of a Commonwealth country achieved through aggression.^[63] In the same letter, Bhutto suggested that British interests could be maintained in East Pakistan without the formal recognition of Bangladesh, citing the example of East Germany with whom Britain maintained commercial and financial relations without recognising that country. He also warned the British Government not to set a dangerous precedent for the future.^[64]

Reports also came from the British High Commission in Islamabad that Pakistan would regard recognition of Bangladesh as a hostile act.^[65] Due to this, the British Government considered delaying recognition. Douglas Home suggested that British interest would be best served by a short delay. A further suggestion came from the British High Commission, Islamabad, to give Bhutto at least 72 hours advance notice on the recognition matter.^[66] Furthermore, Bhutto mentioned his hope of a meeting with Mujib. He received assurance from Heath that this meeting could be held in the London were Mujib to agree.^[67]

British wish of concerted action

To avoid antagonising Pakistan and to reduce the risk of Pakistan leaving the Commonwealth, Britain wanted a collective effort of recognition by European countries or a number of Commonwealth countries.^[68] In a Cabinet meeting, Douglas Home reported that five or six substantial powers were ready to join with Britain. He hoped that if Britain proceeded in this way, the reaction in West Pakistan would not be unduly sharp.^[69] A similar suggestion came from Sutherland, who suggested that the British position would be much stronger if the French, German and a number of Commonwealth Governments agreed in principle to recognise Bangladesh at the same time.^[70] Douglas Home, still delayed for recognition 'to get a clear idea of the likely reaction of the West Pakistan Government'.^[71]

Bhutto's continued delaying tactics in pursuit of negotiation with Mujib and the recognition of other countries in the end prompted Britain to take action. British officials suggested that Britain should be guided by the British criteria for recognition rather than by waiting for Bhutto's negotiation. British High Commissioner, from Islamabad, urged Britain to pay less regard to Islamabad's susceptibilities and to be directed in considering the timing of recognition, by British normal criteria. In his telegram, he criticized Bhutto saying that, 'if Bhutto cannot give a lead in public recognition of the facts of life, he should at least not hold it against those that do'.^[72] In response to Bhutto's messages of 14 and 19 January 1972, Heath admitted that,

The British Government have never advocated nor wished to see the division of Pakistan. However, following the bloody events of March 1971, it was not easy to see how the status quo ante could ever be restored. As the wider section of the international community is now in favour of recognition, it would be pointless for Britain to stand aside for much longer.^[73]

In the meantime, Bhutto, in a message of 28 January 1972, invited Douglas Home to visit Pakistan and he hoped that decision on the recognition would not be taken by HMG until they had exchanged views. He also expressed his hope to the British High Commissioner in Islamabad, for a delaying of action by the HMG till his return from a visit to China.^[74] The FCO pointed out the disadvantages to the administration of accepting such request and strongly suggested not to turn down Bhutto's request.^[75]

Alongside this, officials suggested to inform the Pakistani Government that if the Foreign Minister cannot manage a visit on 4 February 1972, he would be able to call on his way back from East Asia around 19 February 1972; but that recognition would have to go ahead.

In fact, the decision on recognition had already been taken. In the message of 29 January 1972, Heath wrote bluntly to Bhutto that, '...we are on the point of instructing our High Commission to inform you that we would recognize the new state of Bangladesh and do so on 4 February 1972'.^[76] Heath also requested Bhutto to let him know of any new factors which might affect the timing. Heath boldly concluded that 'I must be clear that we could not delay recognition by more than a few days'.^[77] It is noteworthy that Heath mentioned to Bhutto about the effect of the timing, not about the effect of the decision itself. It showed that the decision already had been taken no matter what Bhutto wanted.

Commonwealth issue

The British desire to preserve Commonwealth unity was a factor in the timing of recognition. There was a rumour throughout the crisis that Pakistan would leave the Commonwealth and this has had an influence on the decisions made by Britain. Jamaica and Cyprus wrote letters of anxiety to the Commonwealth Secretariat.^[78] Britain encouraged Pakistan to remain in the Commonwealth in many ways. At first policy makers decided to recognise Bangladesh in the third week of January, however, later they changed their timing, after considering Pakistan's decision on the Commonwealth issue. Douglas Home suggested, 'if there is a clear indication that recognition by HMG would result in West Pakistan leaving the Commonwealth or serious damage to our interests, I accept that we must wait longer'.^[79]

As the two countries (Pakistan and India) were Commonwealth members, the question of mediation by the Commonwealth arose. Srimavo Bundernaik (President of Ceylon) was the first head of Government who put the matter of Commonwealth mediation formally in a letter written to the Commonwealth Secretariat. Arnold Smith (the then Commonwealth Secretary) in his memoirs, claimed that he was actively working on this.^[80] However, officials' comments suggest that they did not have much confidence in Smith. In response to the American official's question on Commonwealth mediation, Lord Cromer (British Ambassador in Washington) replied that 'Arnold Smith's efforts did not seem likely to be very effective'.^[81] Smith planned for a Commonwealth team which would send messages to both Governments and visit Islamabad, Dacca and Delhi, was not warmly received by Douglas Home.^[82] Sutherland later commented that 'Smith had indulged in wishful thinking'.^[83]

Smith tried to keep Pakistan in the Commonwealth and he went to Pakistan in order to persuade Bhutto to remain in this organization. However, Bhutto declared the withdrawal of Pakistan from the Commonwealth just two hours before his meeting with Smith.^[84] However, Britain did not want Pakistan to leave the Commonwealth and messages show that they were cautious about it. Pakistan eventually withdrew its Government from the Commonwealth on 30 January 1972.

Was British policy influenced by U.S?

British policy in early 1972 was also shaped by its relationship with the US. Britain kept in contact with America as the possibility of recognising Bangladesh emerged in early 1972. Britain believed that the new state was likely to remain. In the Bermuda meeting (20 December 1971), the British authorities expressed this view to the American delegates.^[85] But the Nixon administration was reluctant to accept an independent Bangladesh. Sutherland, in his letter written to K. M. Wilford (FCO Assistant Undersecretary of State), made a comment that America needed to realize the truth and must accept Bangladesh.^[86] On the recognition question, the Nixon administration considered the temperament of the Government of West Pakistan. Nixon said, 'We must never recognise Bangladesh until West Pakistan gives us the go ahead'.^[87] Kissinger, in his conversation with the Chinese Ambassador in New York leaders stated that they were not going to negotiate and recognise Bangladesh.^[88]

Britain maintained close contact with America on this issue as America had a good relationship with Pakistan. Heath requested an attempt to convince Bhutto to accept the inevitability of recognition of Bangladesh, as Heath believed that 'Nixon's views weigh heavily with Bhutto'. In a telegram of 15 January 1972, Heath outlined some positive reasons for early recognition to Bangladesh and hoped that

America would join in this. He continued, '...I believe that, jointly we use all the influence at our disposal to maintain our position and interests in the subcontinent'.^[89]

Although Britain was maintaining close contact with America and shared their view on the Bangladesh issue, British decision making on the timing of recognition was not influenced by the US administration. Rather, the Nixon administration was sure that Britain would recognise Bangladesh prior to the US. Even in an official meeting, the US official William P. Rogers (United States Secretary of State) expressed this view to British officials.^[90] Kissinger tactfully wanted to stall the British recognition. He remarked to Lord Cromer (British Ambassador to the US) that Heath had undertaken at Bermuda not to recognise Bangladesh before Nixon's visit to China. Heath confirmed to officials that he had given no such undertaking.^[91] In the Cabinet, Heath firmly declared 'although it was right that the views of the United States Government should be sought, we were under no obligation to them in the matter'.^[92]

Britain accorded recognition a full two months before the US. Though Nixon shared Heath's view to reinforce Mujib's hand against extremists, they were investigating their position on recognition. Nixon wrote:

We want to defer any decision until we have a clearer picture of how it will relate to the broader situation in South Asia. Principally, we consider how our recognition will affect a number of basic factors in the subcontinent, including the relationship between the new regime in Dacca and India.^[93]

The Nixon administration at that time was very interested to open their link with China, and Pakistan was playing a mediatory role, therefore, America took sides with Pakistan. As China had a hostile relationship with India, so it was also supporting Pakistan and therefore did not want to recognise Bangladesh. American and Chinese policy was in favour of Pakistan and so on in the matter of recognition.^[94] America's decision on recognition took final shape only after Nixon's visit to China. After returning to his own country, Nixon told Kissinger that 'I am just going to drag my feet on it'.^[95] By contrast, Britain gave its recognition in early 1972.

Reports of British diplomats in favour of recognition

British recognition was of particular importance to Bangladesh since it gave a lead to many other countries. In fact, most of the Scandinavian countries recognised Bangladesh on the same day of Britain (4 February 1972).^[96] In December 1971, Bangladesh had gained recognition only by two countries. Within two months, Bangladesh had gained recognition from 32 countries.^[97] Britain was one of them. From January 1972, positive remarks concerning recognition were coming from British diplomats.

The British Deputy High Commissioner of Dacca, Rae Britten, reported that, the takeover after the initial confusion was remarkably orderly.^[98] As the British Government was concerned about the Indian troops, he added:

It has of course to be admitted that the Indian army is the power behind the scenes. It has however in Dacca at least, withdrawn to barracks and is careful not to interfere in civil affairs. ...but I don't think one could justifiably say that the Indians are running the country.^[99]

Rae Britten clearly urged in favour of recognition and hoped that this recognition by Britain would greatly strengthen the hands of those individuals in the Government who were pro-west.^[100] From Pakistan Phumphrey argued, 'I submit that inhibitions which have so far restrained the HMG are considerably reduced and arguments for moving fairly smartly towards British recognition are correspondingly strengthened'.^[101] From Delhi, Garvey, expressed his view more sharply:

If, as I believe, the point of no return has been passed in the separate evolution of Bangladesh, time has surely come up to stop beating around the bush. If you see concrete reasons for continuing to sit tight I should be grateful for enlightenment.^[102]

Douglas Home, in a telegram dated 11 January 1972, gave his view that 'it now seems possible that recognition of Bangladesh may be closer than we thought'.^[103]

This shows that from January 1972, the decision on recognition had basically been made; however, there was still the issue of timing. In fact, the Heath administration was facing the problem 'not so much whether to recognise but when to do so'.^[104] Douglas Home, informed the House that the

question of recognition was under close consideration and the British administration had been in touch with a number of Commonwealth and other Governments.^[105]

So, in January, when the situation became calm and the British Government had received positive information from their diplomatic postings and having had discussions with other allied partners, Britain took the decision of recognition. Giving the news of the British Government's recognition of Bangladesh, Heath wrote to Mujib:

..... I look forward to working with you for the strengthening of the good relations which already exist between our two peoples. I am sure that your Government will do everything it can to promote peace and good relations with the other countries of the subcontinent; I can assure you of our strong support in this.^[106]

On 4 February 1972, in parliament, Foreign Secretary declared the HMG's decision and hoped that recognizing the new state of Bangladesh would, for Britain, be the beginning of a new epoch of friendship and co-operation with all the countries of the subcontinent.^[107] The Foreign Secretary also explained the time taken for recognition. He said, 'Britain was trying to time its recognition of Bangladesh at a point when there would be no rupture in bilateral relations and the maximum harmony created for the three countries of the sub-continent to come together'.^[108] The FCO officials were also put under pressure to declare Britain's position in public. The officials wanted to make a declaration of this decision prior to Douglas Home's visit to Pakistan in order that they could avoid the pressure of Pakistan or persuasion by India.^[109]

Conclusion

The British Government considered the recognition matter in the light of the reports from the area, concerted action with other Commonwealth or European countries, while, of course, keeping emphasis on their own interests. Britain explained these causes to the Pakistan Government which came through the Foreign Commonwealth Office. It pointed out two main causes which led to Britain opting for recognition: to protect British trade interests and to minimise Communist influence over the new Bangladesh Government. They also wanted to be in a position to exercise influence over Mujib in the direction of negotiation and accommodation with West Pakistan.^[110] It is true that, besides the legal niceties, both political and economical considerations played a critical role in determining the position taken by the UK with regard to Bangladesh.

British recognition was based on the implementation of international criteria. On recognition question though Britain was operating within international law, the application of those criteria was influenced by a range of factors, particularly the fear of Communism, and the desire to protect commercial interests. Decisions were not taken in a vacuum, but were shaped by non-governmental opinion and the international context. Although it was important that these provisions were being upheld, it was always in the minds of the British Government that consideration would have to be given to how the recognition of Bangladesh would affect Britain's political and economic matters.

Recognition of the new country by some Communist countries and their desire to build bilateral relation with Bangladesh prompted Britain in the timing of the announcement of recognition. British Officials came to the conclusion that an economically profitable Bangladesh and friend of India would be much more beneficial for Britain. Britain tried to keep Pakistan in the Commonwealth. Similarly, Britain knew very well that, though Pakistan had left Commonwealth, it would not terminate its relations with Britain. The British recognition was welcomed in this new state. While America was condemned for its action, Britain became popular in Bangladesh. This study reveals that although recognition is a legal matter that uses a legal framework, applying such a framework is a not automatic and can be implemented through political and economical, rather than legal decisions.

NOTES:

1. Catellino, *International law and self-determination*, 168.
2. Musson, *Britain and the recognition of Bangladesh in 1972*, 125-144; Debnath, *British perceptions of the East Pakistan crisis 1971*, 421-450.
3. Lauterpacht, *Recognition in International law*, 7.
4. Talmon, *Recognition of government in the international law*, 23.
5. Crawford, *The creation of states in international law*, 4.

6. Lauterpacht, *Recognition in international law*, 75; Brownlie, *Principles of public international law*, 88.
7. Orakhelashvili, "Statehood, recognition and the UN system, 6; Harris, *Cases and materials on international law*, 131.
8. Warbrick, *The new British policy of recognition of government*, 569-592.
9. Coggins, "Secession Recognition and the international politics of statehood", 3.
10. Lauterpacht, *Recognition in international law*, v.
11. Dixon, et al., *Cases and materials on international law*, fifth edition, 133.
12. Parliamentary Debates (Hansard), House of Commons, fifth series, Vol. 485, col. 2410-2411, 21 March 1951.
13. Warbric, *The new British policy of recognition*, 570.
14. FCO 37/902, 13 Dec. 1971.
15. Talmon, *Recognition of Government in international law*, 6.
16. For details see, Government of India, *Bangladesh Documents*, vol. 2.
17. Chowdhury, *Genocide in Bangladesh*, 129.
18. Ahmed, *Bangladesh: Constitutional quest for autonomy 1950-71*, 244.
19. *The Economist*, Vol. 239, no. 6660, April 17, 1971, 32.
20. FCO 37/888, from Syed Nazrul Islam, Acting President of the People's Republic of Bangladesh to Her Majesty Elizabeth the Second, the Queen of United Kingdom and of her other realms and territories, 24 April 1971.
21. FCO 37/870, telegram from FCO to Islamabad, no. 1017, 11 June 1971.
22. FCO 37/888, Letter from Protocol and Conference Department to South Asian Department, 8 June 1971.
23. FCO 37/883, telegram from FCO to the Hauge, no. 75, 16 April 1971.
24. CAB 128/49, CM 71, 21st Conclusions, 22 April 1971.
25. CAB 128/49, CM 71, 32nd Conclusions, 17 June 1971.
26. Parliamentary debates, House of Commons, 5th series, vol-820, col. 26, 28 June, 1971.
27. FCO 37/888, Early Day Motion no 592, 'Genocide in East Bengal and the recognition of Bangladesh', 15 June, 1971, enclosed in the Foreign Secretary 23 June 1971, House of Commons debate notes on East Pakistan.
28. House of Commons debate, vol. 828, col. 848, 16 Dec. 1971.
29. *Ibid*, vol. 829, col. 218, 18 Jan. 1972.
30. Among 9 contributors to the debate, 6 members argued for early recognition and other members urged for aid, transport supply, set up a special commission in Dacca for the transition period, etc. For details see Parliamentary Debates (Hansard), House of Commons, Vol. 829, col. 218, 18 Jan. 1972,
31. *Ibid*, Vol. 829, col. 220, 18 Jan. 1972
32. FCO 37/1019, telegram from Dacca to FCO, no. 66, 10 Jan. 1972.
33. PREM 15/571, telegram from FCO to Washington, no. 3170, 13 Dec. 1971
34. FCO 37/902, from P. F. Walker to Wilford, 9 Dec. 1971.
35. FCO 37/902, telegram from Delhi to FCO, no. 3383, 31 Dec. 1971.
36. FCO 37/1041, Note of a meeting at 10 Downing Street, 8 Jan. 1972; FCO 37/1041, 'message to Nixon from Heath', telegram from FCO to Washington, no. 82, 13 Jan. 1972.
37. FCO 37/1041, Note of a meeting at 10 Downing Street on Saturday, 8 Jan. 1972.
38. FCO 37/1041, 'Sheikh Mujib: message from the PM', from Sutherland to Wilford, 10 Jan. 1972.
39. CAB 128/48, CM 72, 1st Conclusions, 11 Jan. 1972.
40. Spencer, *British immigration policy since 1939*, 140-143.
41. FCO 37/930, telegram from Karachi to Islamabad, no. 333, 18 Dec. 1971.
42. FCO 37/1052, 'British tea interests in Sylhet', from Dacca to FCO, no. 78, 12 Jan 1972.
43. Davenport et al. ed. *British business in Asia since 1860*, 7.
44. FCO 37/1135, letter from Pumphrey to Douglas Home, 1 Jan. 1972.
45. FCO 37/1093. From Garvey to Douglas Home, 10 Jan. 1972.
46. FCO 37/1041, Note of a meeting at 10 Downing Street, 8 Jan. 1972.
47. FCO 37/902, from Dacca to FCO, 27 Dec. 1971.
48. FCO 37/1046, telegram from Delhi to FCO, no. 69, 7 Jan. 1972.
49. FCO 37/1019, telegram from Dacca to FCO, no. 42, 6 Jan. 1972.
50. FCO 37/1041, note for the Secretary use in the Cabinet
51. FCO 37/902, telegram from Delhi to FCO, no. 2993, 8 Dec. 1971.
52. FCO 37/1019, telegram from Delhi to FCO, no. 112, 13 Jan. 1972

53. FCO 37/1019, India /Pakistan /Bangladesh, West European Union Council meeting, 12 Jan. 1972.
54. FCO 37/1041, 'Heath's message to Pompidou, 15 Jan. 1972.
55. FCO 37/902, 'Recognition of Bangladesh', from P. F. Walker to Wilford, 9 Dec. 1971.
56. CAB, 128/49, Cabinet meeting (CM) 71, 63rd Conclusions, 14 Dec. 1971.
57. FCO 37/902, India/Pakistan, from T. L. A. Daunt to SAD, 31 Dec. 1971.
58. FCO 37/930, 'India /Pakistan', from Ian Corl to Secretary of State, 15 Dec. 1971.
59. PREM 15/751, From FCO to Islamabad, no. 41, 'message from Heath to Bhutto', 7 Jan. 1972.
60. *The Scotsman*, 21 Dec. 1971, no. 40114, 1.
61. FCO 37/1041, Heath's message to Nixon, 15 Jan. 1972.
62. PREM 15/751, telegram from FCO to Ankara, no. 102, 24 Jan. 1972.
63. PREM 15/751, High Commissioner for Pakistan, London to 10 Downing Street, Bhutto's message to Prime Minister, 19 Jan. 1972.
64. PREM 15/751, Letter from Bhutto to Heath, 19 Jan. 1972.
65. FCO 37/902, 'recognition of Bangladesh', telegram from FCO to Canberra, no. 1314, 24 Dec. 1971.
66. PREM 15/751, telegram from FCO to Islamabad, no. 144, 21 Jan. 1972.
67. PREM 15/751, telegram from FCO to Ankara, no. 102, 24 Jan. 1972.
68. PREM 15/751, telegram from FCO to Islamabad, no. 145, 21 Jan. 1972.
69. CAB 128/48, Cm 72, 3rd Conclusions, 20 Jan. 1972.
70. FCO 37/1041, 'Sheikh Mujib: message from the PM', from Sutherland to Wilford, 10 Jan. 1972.
71. FCO 37/1019, telegram from FCO to Bonn, no. 18, 12 Jan. 1972.
72. FCO 37/1019, 'Recognition of Bangladesh', telegram from Islamabad to FCO, no. 115, 11 Jan. 1972.
73. PREM 15/751, telegram from FCO to Ankara, no. 102, 24 Jan. 1972.
74. PREM 15/751, 'Bangladesh: Message from Heath to Bhutto', telegram from FCO to Islamabad, no. 184, 29 Jan. 1972.
75. PREM 15/751, from FCO to No. 10 Downing Street, 29 Jan. 1972.
76. PREM 15/751, 'Bangladesh', telegram from FCO to Islamabad, no. 184, 29 Jan. 1972.
77. PREM 15/751, 'Bangladesh' telegram from FCO to Islamabad, no. 184, 29 Jan. 1972.
78. Musson, *Britain and the recognition of Bangladesh*, 136.
79. PREM 15 /751, telegram from FCO to Islamabad, no. 144, 21 Jan. 1972.
80. For details see Arnold Smith, *Stitches in time: the Commonwealth in world politics*, 130-153.
81. FCO 37/907, telegram from Washington to FCO, no. 2656, 6 Aug. 1971.
82. Smith, *Stitches in time*, 134-137.
83. Musson, *Britain and the recognition of Bangladesh*, 138.
84. Smith, *Stitches in time*, 144.
85. PREM 15/1268, Record of conversation between the Foreign and Commonwealth Secretary and Henry Kissinger at the Princess hotel, Bermuda, 20 Dec. 1971.
86. FCO 37/1041, 'Sheikh Mujib; message from PM', from Sutherland to Wilford, 10 Jan. 1972.
87. Foreign Relations of the United States, (FRUS) Vol. XI, Document No. 266. Also available on www.state.gov/r/pa/ho/frus/nixon
88. Burr, (ed.), *The Kissinger transcripts*, 56.
89. FCO 37/1041, Heath's message to Nixon, 15 Jan. 1972.
90. PREM 15/1268, Record of a plenary meeting between the UK and the US delegations led by the Prime Minister and President Nixon at Government House, Bermuda, 21 Dec. 1971.
91. FCO 37/1041, from Sutherland to Wilford, 'Sheikh Mujib; message from the PM, 10 Jan. 1972.
92. CAB 128/49, CM 72, 1st Conclusions, 11 Jan. 1972.
93. FCO 37/1041, 'Nixon message to Heath', telegram from FCO to Washington, no. 295, 4 Feb. 1972.
94. Habib Sidky, *Chinese world strategy and South Asia*, 956-980.
95. Transcript of telephone conversation between the President's Assistant for National Security Affairs (Kissinger) and President Nixon, Washington, 3 March 1972, FRUS, Documents on South Asia, 1969-76, vol. E-7, Document 407. Also available on www.stse.gov/r/pa/ho/frus/nixon/e7/index.htm
96. <http://www.norway.org-bd/news-and-events/press/celebrating-40-years-of-freedom-and-freindship> 4 February, 2012; <http://www.nccib.com/2012/02/06-scandinavian-embassies-celebrates-40-years-of-recognition-of-bangladesh/>
97. Catellino, *International law and self-determination*, 167.
98. FCO 37/1019, telegram from Dacca to FCO, no. 42, 6 Jan. 1972.

99. FCO 37/1019, telegram from Dacca to FCO, no.42, 6 Jan. 1972.
100. FCO 37/1019, *Ibid*.
101. FCO 37/1046, telegram from Delhi to FCO, no. 69, 7 Jan. 1972.
102. FCO 37/1019, telegram from Delhi to FCO, no. 102, 11 Jan. 1972.
103. FCO 37/1019, telegram from FCO to Islamabad, no. 64, 11 Jan. 1972.
104. FCO 37/1041, 'message from Heath to Nixon', 15 Jan. 1972.
105. Parliamentary Debates (Hansard), House of Commons, Vol. 829, col. 216, 18 Jan. 1972.
106. FCO 15/751, telegram from FCO to Dacca, no. 153, 3 Feb.1972.
107. Parliamentary Debates (Hansard), House of Commons, Vol. 830, col. 823, 4 Feb. 1972.
108. *Ibid*, col. 825, vol. 830.
109. PREM 15/751, from FCO to No. 10 Downing Street, 29 Jan. 1972.
110. PREM 15/751, from Alec Douglas Home to PM, 72/1.

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