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A HISTORICAL REVIEW OF PAKISTAN'S TIES WITH CHINA UNDER THE FRAMEWORK OF THE 1973 CONSTITUTION

Abstract. Pakistan commemorates the 50th anniversary of promulgating its 1973 Constitution, which symbolizes the country's unwavering commitment to democracy, peace, harmony, and development. This research paper seeks to evaluate the effectiveness of Pakistan's foreign policy over the past 50 years, focusing on its relationship with China within the framework of its 1973 Constitution. The Constitution sets clear foreign policy guidelines, including fostering brotherly ties with Muslim nations, maintaining cordial relationships with neighboring countries, and contributing to global peace and development. Pakistan has been actively engaged in various international initiatives, such as the Organization of Islamic Cooperation (OIC), peace efforts in Afghanistan, and signing international treaties that advance global protocols for peaceful engagement with countries. The Constitution places a high priority on protecting the rights of minorities and prioritizing domestic development while maintaining collaboration with other nations. Pakistan and China have enjoyed a multifaceted and close relationship since 1973, with shared interests in promoting regional stability, economic development, and strategic cooperation. The 1973 Constitution's foreign policy guidelines have played a crucial role in shaping Pakistan's relationship with China. By assessing the successes and challenges of Pakistan-China relations within the context of the Constitution, this paper will provide insights into how Pakistan can continue to strengthen this essential partnership in the coming years.

Keywords: Pakistan, China, the 1973 Constitution, foreign policy, comprehensive and strategic partnership.

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Отношения Пакистана с Китаем в свете Конституции 1973 года: исторический обзор

Аннотация. Пакистан отмечает 50-летие принятия своей Конституции в 1973 г., которая символизирует непоколебимую приверженность страны демократии, миру, гармонии и развитию. В данной статье предпринимается попытка оценить эффективность внешней политики Пакистана за последние 50 лет и уделяется особое внимание пакистано-китайским отношениям в свете Конституции 1973 г. Конституция устанавливает четкие направления внешней политики страны, включая укрепление братских связей с мусульманскими народами, поддержание дружественных отношений с соседними странами и содействие глобальному миру и развитию. Пакистан активно участвует в различных международных инициативах, таких как Организация исламского сотрудничества, мирные усилия в Афганистане и международные договоры, продвигающие глобальные протоколы мирного межгосударственного взаимодействия. Конституция уделяет первостепенное внимание защите прав меньшинств и отдает приоритет внутреннему развитию при поддержании сотрудничества с другими странами. С 1973 г. Пакистан и Китай поддерживают многогранные и тесные отношения; они разделяют общие интересы по содействию региональной стабильности, экономическому развитию и стратегическому сотрудничеству. Принципы внешней политики Конституции 1973 г. сыграли решающую роль в формировании отношений Пакистана с Китаем. Оценивая успехи и проблемы пакистано-китайских отношений в контексте Конституции, данная статья дает представление о том, каким образом Пакистан может продолжать укреплять это важное партнерство в ближайшие годы.

Ключевые слова: Пакистан, Китай, Конституция 1973 г., внешняя политика, всеобъемлющее стратегическое партнерство.

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Introduction

Pakistan's 1973 Constitution is a significant milestone in its history, marking 50 years since its promulgation and celebrating the federation's success. The Constitution provides a framework for the country's foreign policy, guiding the parliament and executive to pursue domestic and international peace. It reflects the aspirations of the Pakistani public, allowing the government to cultivate positive relationships with its immediate neighbors, Muslim nations across the world, and the global community at large. Over the past five decades, Pakistan has faced numerous challenges, including political instability, economic crises, martial laws, and Constitutional hurdles. Despite these obstacles, the country has diligently sustained its foreign relations, maintaining its commitment to international partners and sending a message to the public that Pakistan is a reliable and credible actor on the world stage, even amidst internal challenges.¹ As we mark the 50th anniversary of the Constitution, it is an opportune time to evaluate the effectiveness of Pakistan's foreign policy under this Constitutional framework over the past half-century and to evaluate the relationship with the People's Republic of China and its engagement in Shanghai Cooperation Organisation as a regional multilateral institution.

One of the most important aspects of Pakistan's foreign policy journey over the past 50 years since the promulgation of the 1973 Constitution has been its relationship with China. The two nations share a multifaceted and close relationship that has evolved over time, with shared interests in promoting regional stability, economic development, and strategic cooperation. The relationship between Pakistan and China has been characterized by mutual trust and respect, with both nations supporting each other on several occasions. The 1970s were a crucial period for Pakistan-China relations, marked by the signing of the Treaty of Friendship, Cooperation, and Good Neighborly Relations in 1972, which laid the foundation for a comprehensive and strategic partnership between the two nations. Since then, Pakistan and China have collaborated on several initiatives, including infrastructure development projects, military cooperation, and economic partnerships.

Pakistan and China have enjoyed a robust relationship over the past seven decades, and the relationship has remained beyond any challenge

¹ Notezai, Muhammad Akbar. The Dilemma of Pakistan's Foreign Policy // *The Diplomat.com*, August 12, 2016. URL: <https://thediplomat.com/2016/08/the-dilemma-of-pakistan-foreign-policy/> (accessed: 08 May, 2023).

and continued to thrive. However, as Pakistan received its solid foreign policy directions through the Constitutional provisions since the promulgation, the relationship with China has witnessed a further booster and upward trajectory during five decades, built on a foundation of mutual interests and cooperation. In recent years, this partnership has grown even stronger, with both nations engaging in high-level exchanges and joint ventures in various fields. China's Belt and Road Initiative (BRI) has been a game-changer in the region, providing Pakistan with significant economic opportunities and access to new markets. The China-Pakistan Economic Corridor (CPEC), a flagship project under the BRI, is a significant example of this cooperation, which aims to connect Pakistan's deep-water port of Gwadar to China's northwestern region of Xinjiang via a network of roads, railways, and pipelines. The project is transforming Pakistan's infrastructure and economy, creating jobs and enhancing regional connectivity.

The Constitution of Pakistan is a binding commitment to protect human life, safeguard civil liberties, promote minority rights, and advance the country's development agenda. These fundamental principles have also guided Pakistan's foreign policy, as the nation has pledged to extend moral and material support to oppressed and marginalized people worldwide. By upholding these principles, Pakistan has established itself as a principled and compassionate actor on the world stage, working tirelessly to promote peace, human rights, and dignity. The visionary leadership of Pakistan's founder, Quaid-e-Azam Muhammad Ali Jinnah played a crucial role in shaping the country's Constitution and foreign policy. Quaid-e-Azam (the Great Leader) believed that Pakistan's foreign policy should be characterized by friendliness and goodwill towards other nations. He emphasized that Pakistan had no aggressive designs against any country. Instead, he advocated for Pakistan to contribute to global peace.

Over the past seven decades, Pakistan has consistently upheld this principle and has developed enduring friendships with nations around the world, including the People's Republic of China. As Pakistan's foreign policy has evolved, it has embraced new practices of diplomacy, including the use of soft power and public diplomacy [Sayed Rahman]. While the country's foreign policy and diplomacy once focused primarily on issues of economy and security during the Cold War, today, they encompass a much broader range of concerns, from culture, cuisine, and sports to religion, people-to-people relations, tourism, and trade diplomacy. Throughout this evolution, the 1973 Constitution of Pakistan has served as a cornerstone for the country's

foreign policy, laying out a clear foundation for its guiding principles under Article 40.

The significance of Pakistan's relationship with China goes beyond economic and strategic interests. The two nations share a deep-rooted friendship strengthened over the years by a shared history of struggle against imperialism and colonialism. China has consistently supported Pakistan on the international stage, including on the Kashmir issue, and both countries have played a crucial role in promoting peace and stability in the region. Furthermore, the two countries share cultural and social ties, with a significant population of Chinese living in Pakistan and vice versa. The China-Pakistan friendship is often called an "all-weather" friendship, reflecting the depth and resilience of their relationship.

The enduring relevance of the 1973 Constitution's foreign policy guidelines can be seen in Pakistan's relationship with China, which has grown stronger over the past 50 years. Both countries share a mutual interest in promoting regional stability, economic development, and strategic cooperation. The 1973 Constitution's emphasis on building brotherly ties with Muslim nations, maintaining cordial relationships with neighboring countries, and actively contributing to global peace and development has significantly shaped Pakistan's relationship with China. Today, Pakistan's foreign policy reflects these ideals, as evidenced by its active engagement in international organizations such as the Shanghai Cooperation Organisation (SCO). The country's foreign policy also prioritizes economic cooperation and regional integration, as demonstrated by its participation in initiatives such as the CPEC and its efforts to deepen ties with Central Asian nations [Sadiq Ullah, Mumtaz Alam, Zulfiqar Ali Baig]. Pakistan's current foreign policy is a testament to the enduring relevance and importance of the guiding principles laid out in the Constitution of 1973.

Constitutional Guide to Foreign Policy

The visionary leadership of the first Governor General and founder of Pakistan, Quaid-e-Azam Muhammad Ali Jinnah, played a pivotal role in shaping the spirit of the Constitution and laying the groundwork for foreign relations. According to Quaid's vision, the guiding principle of Pakistan's foreign policy is rooted in the values of equity, integrity, and mutual regard. Per his guidance, the country is committed to fostering peace, harmony, prosperity, and progress among nations. This philosophy finds expression in

Article 40 of the Constitution, which outlines the fundamental principles of foreign policy.¹

While closely analyzing the Constitutional history of Pakistan, we observe that the 1951 Constitution of Pakistan should have explicitly mentioned the country's foreign policy approach. It primarily focused on the distribution of powers between the federal and provincial governments. The 1965 Constitution of Pakistan, on the other hand, highlighted the country's commitment to international peace and security and the promotion of friendly relations with all nations based on the principles of respect for sovereignty, non-interference in internal affairs, and equality of rights. The Constitution called for establishing a joint defense system with other Muslim countries to promote peace and security in the region.

Regarding differences, the 1956 Constitution did not mention foreign policy at all. In contrast, the 1962 and 1973 Constitutions explicitly highlighted the importance of foreign policy in promoting peace and security at the international level. The 1962 Constitution also emphasized establishing a joint defense system with other Muslim countries [Maryam Khan]. In contrast, the 1973 Constitution focused more on building friendly relations with neighbors and Muslim countries and promoting international cooperation for peace and development. The 1973 Constitution had a more comprehensive and detailed approach to foreign policy compared to the previous Constitutions. The 1973 Constitution² also emphasized the protection of human life, civil liberties, and minority rights in both domestic and foreign policy.

The shift in focus from vague references to international cooperation in the 1951 Constitution to a more detailed section on foreign policy in the 1965 Constitution reflects the growing importance of foreign policy in Pakistan's national discourse. Similarly, the comprehensive framework laid down in the 1973 Constitution suggests that Pakistan had become more mature and strategic in its approach to foreign policy.

Article 40 of 1973 Constitution

In the 1973 Constitution of Pakistan, article 40 is mentioned as “The State shall endeavor to preserve and strengthen fraternal relations among Muslim countries based on Islamic unity, support the common interests of

¹ Foreign Policy — Ministry of Foreign Affairs / Ministry of Foreign Affairs, Government of Pakistan, n.d. URL: <https://mofa.gov.pk/foreign-policy-2/#:~:text=Guiding%20Principles,/> (accessed: 08 May, 2023).

² The Constitution of the Islamic Republic of Pakistan / National Assembly of Pakistan. May 31, 2018. URL: https://na.gov.pk/uploads/documents/1549886415_632.pdf / (accessed: 08 May, 2023).

the people of Asia, Africa, and Latin America, promote international peace and security, foster goodwill and friendly relations among all nations and encourage the settlement of international disputes by peaceful means.”¹ This article in the Constitution is one of the most crucial provisions concerning foreign policy. It stresses the importance of promoting fraternal relations among Muslim countries based on the principles of Islamic unity.

The Constitution encourages the Pakistani state to support the common interests of people across continents like Asia, Africa, and Latin America and work towards international peace and security. Additionally, it emphasizes the need to foster goodwill and friendly relations with other states, regardless of their religion or culture. In this context, Pakistan aims to encourage all states to resolve their disputes peacefully, emphasizing the importance of diplomacy and dialogue over the use of force. The Constitutional provisions of the 1973 Constitution illustrate the commitment of Pakistan to the values of peace, respect, and cooperation in its foreign policy approach.²

Apart from article 40, other articles in the Constitution of Pakistan guide and explain the foreign policy of Pakistan. Some of these articles include Article 38(d). This article states that the State shall “promote international peace and security, maintain just and honorable relations between nations, foster respect for international law and treaty obligations in the dealings of organized peoples with one another, and encourage the settlement of international disputes by arbitration. Then there is Article 257. This article states that “when the people of the State of Jammu and Kashmir decide to accede to Pakistan, the relationship between Pakistan and that State shall be determined by the wishes of the people of that State.”³ Then we have Article 259 — This article deals with the territories of Pakistan. It states that “the Constitution shall be construed without prejudice to the status of the territories of Pakistan.” These articles, along with Article 40, guide various aspects of foreign policy, including promoting international peace and security, respecting international law and treaty obligations, settling disputes peacefully, and promoting the economic well-being of the people.

The directives above illustrate that a well-defined ideology guides Pakistan's foreign policy to achieve national goals and objectives. The country places significant emphasis on religious diplomacy with other Muslim nations, as well as economic diplomacy to reap the benefits of trade with neighboring countries, particularly China, and other promising markets such as

¹ The Constitution of the Islamic Republic of Pakistan / National Assembly....

² Ibid.

³ Ibid.

the United States and Europe.¹ These goals are also aimed at projecting a positive and benign image of Pakistan through soft power diplomacy.

Following Pakistan's national goals and objectives, the primary focus of its foreign policy is to ensure peace and stability through international collaboration. Foreign policy further highlights the importance of economic diplomacy, enabling the country to capitalize on the opportunities presented by globalization and to meet the challenges of the 21st century. Additionally, Pakistan's foreign policy aims to protect the country's image as a progressive and moderate society.²

By the Constitution, Pakistan adopts internationally recognized diplomatic norms to govern inter-state relations. These norms include non-aggression, non-interference in internal affairs, respect for sovereignty and territorial integrity, and peaceful settlement of disputes. Pakistan is committed to promoting peace and stability in the region and beyond by adhering to these norms and values.

International Commitments

Pakistan is a signatory to various international conventions, agreements, and treaties that impact its foreign policy. The Constitution of Pakistan lays down the foundation for its foreign policy, and it explicitly states that Pakistan shall conduct its relations with other states following the UN Charter and the norms of international law. Pakistan has also ratified the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, and the Geneva Conventions on the Conduct of armed conflict. Pakistan is a member of the UN, the OIC, the SAARC, the Commonwealth, the SCO, and other regional and international organizations that shape its foreign policy. These memberships and commitments have a significant impact on Pakistan's foreign policy and guide its actions on various global issues.

As an important member of the UN, Pakistan has committed to upholding the principles outlined in the UN Charter, which include promoting peace, security, and human rights. Pakistan is playing a constructive role by supporting the cause of the UN and its values. Pakistan, while strongly believing in the multilateral approach to its foreign policy, is one of the founding members of the OIC, which aims to promote solidarity among Muslim

¹ Foreign Policy — Ministry of Foreign Affairs / Ministry of Foreign Affairs, Government of Pakistan, n.d. URL: [https://mofa.gov.pk/foreign-policy-2/#:~:text=Guiding%20Principles/\(accessed: 08 May, 2023\).](https://mofa.gov.pk/foreign-policy-2/#:~:text=Guiding%20Principles/(accessed: 08 May, 2023).)

² Ibid.

countries and safeguard their common interests. Pakistan's continent to promoting free and fair has also led the country to join as a member of the World Trade Organization (WTO). One of the important commitments that Pakistan has made is the CPEC which is a significant infrastructure development project that aims to connect Pakistan's Gwadar Port to China's northwestern region of Xinjiang. These international and regional commitments are based on the principles of the 1973 Constitution and reflect Pakistan's commitment to promoting peace, cooperation, and development domestically and internationally.

Peaceful Neighborhood

Pakistan has demonstrated its commitment to pursuing peace with its neighboring countries, despite inheriting a troubled neighborhood. In the west, Pakistan shares a border with Afghanistan, which has been plagued by terrorism for years. In the east, India has historically been hostile toward Pakistan, seeking its dismemberment. Despite these challenges, Pakistan has fostered cordial relationships with Afghanistan over the years, even helping Afghanistan defeat the imperial Soviet Union and its invasion. This demonstrates Pakistan's determination to maintain peaceful relations with its neighbors and work towards regional stability [Muhammad Fahim Khan and Sajid Ali]. After the 9/11 attacks, Pakistan played a crucial role in assisting Afghanistan in its fight against terrorism. Despite the challenging circumstances and regional instability, Pakistan has maintained cordial relations with Afghanistan. Pakistan has consistently supported Afghanistan in its efforts to achieve peace and stability and has been actively engaged in facilitating the peace process in Afghanistan. In this regard, Pakistan has been instrumental in brokering a peace deal between the Afghan Taliban and the US. It expects the parties to fulfill their commitments to root out terrorism from the region. Pakistan's commitment to promoting a peaceful neighborhood is reflected in its proactive approach toward resolving conflicts and promoting regional stability.¹

Pakistan-China Relations-SCO, CPEC, and Beyond

In 2021, Pakistan and China celebrated the 70th anniversary of establishing diplomatic ties between China and Pakistan, cementing a deep-rooted friendship that has withstood the test of time. Despite changes in the international landscape, the relationship between China and Pakistan has grown into a towering tree with an "All-Weather Strategic Cooperative Partners-

¹ Gul, Ayaz. US Hails Pakistan's Role in Advancing Afghan Peace Process // VOA. September 14, 2020. URL: https://www.voanews.com/a/south-central-asia_us-hails-pakistans-role-advancing-afghan-peace-process/6195885.html (accessed: 08 May, 2023).

hip” firmly established in the hearts of the two nations' peoples.¹ Throughout the tumultuous era of anti-imperialist and anti-colonial movements, China and Pakistan maintained a steadfast bond of mutual empathy and encouragement. It was in the immediate aftermath of Pakistan's independence in 1947 and the foundation of the People's Republic of China in 1949 that the seeds of diplomatic collaboration between the two nations were sown.

In 1951, the two countries formally established diplomatic relations, with Pakistan emerging as a trailblazer in the Islamic world by being among the first nations to recognize the legitimacy of New China. Since then, the relationship between China and Pakistan has only strengthened, propelled by shared aspirations of political sovereignty, economic development, and regional stability. The Bandung Conference made a significant build-up in bilateral relations resulting in high-level visits and exchanges between the two countries, exchanges between countries, and continues building up despite different political systems and economic models. In the 1960s and 1970s, China and Pakistan's relations quickly warmed up due to the changing political climate in South Asia and the world. The signing of the 1963 Boundary Agreement between China and Pakistan paved the way for the further development of their relations [Farhana Kosar].

Pakistan played a crucial role in supporting China during its times of hardship, such as breaking the blockade, regaining its seat in the United Nations, exploring foreign relations, and opening up. Pakistan's position as the first Islamic country to establish diplomatic ties with China allowed it to act as a bridge-builder between China and other Islamic nations, including Iran and Saudi Arabia. In return, China supported Pakistan's independence, sovereignty, territorial integrity, and national dignity, providing it with sincere and selfless assistance for economic and social development. China's unwavering support for Pakistan's national security and dignity has won the hearts of the Pakistani people.

Apart from the 1973 Constitution of Pakistan giving a framework and guidelines for building relations, Prime Minister Zulfikar Ali Bhutto played a significant role in building China-Pakistan relations. Bhutto was the first Pakistani leader to recognize the strategic importance of China in the region and initiated diplomatic efforts to strengthen ties with China. The 1973 Constitution of Pakistan provided a framework for the country's foreign policy direction to engage with the countries for economic cooperation and

¹ Sattar, Huma. China and Pakistan's All-Weather Friendship // *The Diplomat*, March 12, 2015. URL: <https://thediplomat.com/2015/03/china-and-pakistans-all-weather-friendship/> (accessed: 08 May, 2023).

regional integration, which aligned with China's foreign policy objectives.¹ In 1971, when India and Pakistan were at war, China provided critical support to Pakistan, which further strengthened the relationship between the two countries. Bhutto played a key role in establishing a strong bond with China and became the first Pakistani head of state to visit China in 1974. During his visit, the two countries signed several agreements, including a treaty of friendship, which laid the foundation for long-term cooperation. Several high-level visits from both sides followed Bhutto's visit, and China became Pakistan's closest ally in the region.

The 1973 Constitution of Pakistan also provided a legal framework for implementing the CPEC a flagship project of China's BRI. The project aims to connect China's western region to the Gwadar Port in Pakistan through a network of highways, railways, and pipelines. CPEC has the potential to transform the economic landscape of Pakistan and enhance regional connectivity. The project has been described as a game-changer for Pakistan's economy, with the potential to create millions of jobs and attract foreign investment. This year as the BRI is celebrating its decades, and CPEC is thriving. After remaining as an observer in SCO since 2005, in 2017, Pakistan joined SCO as a permanent member. Having 20 % of the world's GDP, 75 % of the world's energy resources, and covering 42 % of the world population with four declared nuclear powers, SCO is growing its presence in the world [Uzma Gul, Sana Zainab, and Maryam Mansoor]. The organization is going through a comprehensive growth and evolutionary process. Apart from primarily focusing on security, the SCO has exceptional potential for deeper economic opportunities between member states. Both countries continued to cooperate at the bilateral and multilateral levels. The relationship has withstood the test of time and has become a cornerstone of Pakistan's foreign policy. The two countries have worked together to promote regional peace and stability, economic cooperation, and people-to-people exchanges [Ibid.]. The CPEC is a testament to the strong bond between the two countries and the potential for long-term collaboration.

Both China and Pakistan share the goal of achieving national rejuvenation and building prosperous societies. Quaid-i-Azam Muhammad Ali Jinnah, the founder of Pakistan, recognized the importance of united efforts in turning ideals into reality, and this has also been laid down by the 1973 Constitution as well. It is widely believed that China-Pakistan cooperation will be key to the success of this mission, leading to a closer community of shared future in the new era. The partnership between China and Pakistan has alre-

¹ The Constitution of the Islamic Republic of Pakistan / National Assembly....

ady yielded significant achievements, ranging from infrastructure development projects like the CPEC to military cooperation and cultural exchanges [Sameer P. Lalvani]. These efforts have not only benefited the people of both countries but also helped to promote regional stability and prosperity. As the two nations continue to work together towards their shared vision of a better future, it is expected that their cooperation will become even more fruitful and beneficial to all.

Conclusion

This research paper has thoroughly examined the critical role played by the 1973 Constitution of Pakistan in shaping the country's foreign policy, particularly in its relationship with China. The paper has explored the historical events that have led to the strengthening of this relationship, from the early days of the Bandung Conference in 1955 to the signing of the CPEC in 2013. The incorporation of Article 40 in the 1973 Constitution has emphasized the importance of fraternal relations among Muslim countries based on Islamic unity, guiding Pakistan's foreign policy with a set of principles and values that have been enshrined in its Constitution.

Despite the challenges posed by its neighbors, Pakistan has remained committed to seeking peaceful relations and played an instrumental role in the region, including helping Afghanistan in its war with the Soviet Union and combat terrorism after 9/11. The paper concludes that Pakistan's relationship with China under the framework of the 1973 Constitution has been one of cooperation and shared benefits, promoting regional and global stability and prosperity. Furthermore, Pakistan's commitment to various international agreements and initiatives, such as the Sustainable Development Goals, demonstrates its willingness to promote global cooperation and address common challenges facing humanity.

Pakistan's foreign policy is guided by a set of principles and values that are enshrined in its Constitution, providing a framework for navigating the complex world of international relations and working towards achieving its national goals and objectives.

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