Canada and Red China: Problems of recognition.

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CANADA AND RED CHINA: PROBLEMS OF RECOGNITION

Submitted to the Department of Economics and Political Science of Assumption University of Windsor in partial fulfillment of the requirements for the degree of Master of Arts.

by

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1962
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ABSTRACT

Most students of international relations feel that recognition of a new government is primarily a political act. However, it has been contended notably by Professor Lauterpacht that the act is basically legal in nature. A study of the problem of Canadian recognition of Communist China shows that in Canada the question has been considered from a political rather than legal point of view.

In Canada there was agreement during the period under consideration, 1949–60, that certain criteria must be attained by a government before it can expect to be recognized. Once these conditions have been met, however, a government does not have a right to be recognized nor do other states have the obligation to recognize the new government. A state will accord recognition when it feels its national self-interests will be best served by that act.

Neither the Liberal nor the Conservative administrations which held office in the period felt that Canada could gain more than it lost by granting recognition to Red China. As a result the Peking regime was denied Canadian recognition. The C.C.F. party interpreted the political situation differently and decided that recognition would have been a wise course of action.

Several conditions in the political realm influenced the thought of Canadian political parties on this issue. The same realities, however, did not evince similar reactions. Among the factors which had to be considered were the attitudes of Canada's allies, the effect recognition would have on the rest of Asia and the possibilities of expanding Canadian trade.
Whatever the views of the political parties were, they were based on political motives. The problem of recognition of Communist China was not a legal problem in Canada.
PREFACE

There has been some dispute as to whether recognition is primarily a legal or political problem in the field of international relations. The purpose of this thesis is to attempt to show that as far as the Canadian consideration of recognition of the Central government of the Peoples' Republic of China is concerned the problem is primarily political in nature. A study of the positions of Canadian political parties on this matter will prove that political rather than legal arguments enjoy primacy.

Chapter I is an introductory chapter which will discuss the problem of recognition in international relations. Also included is a brief discussion of Sino-Canadian relations and Canadian foreign policy which is intended to provide some background material for the discussion. The next chapter will present an historical outline of the problem. Each following chapter will be devoted to the arguments of a particular political party with regard to the problem and an attempt to show that these arguments are politically rooted. Social Credit thought on the subject will be included as a section of the chapter on Progressive Conservative attitudes since it is most similar and does not warrant a chapter of its own. The period to be considered extends from October 1949 to the end of 1960.
ACKNOWLEDGEMENTS

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My thanks go out to the library staff of Assumption University of Windsor. Particular gratitude must be paid to Mr. Albert V. Mate, M.A., A.M.L.S., Reference Librarian and his assistant, Mrs. Elizabeth McGaffey who rendered me great aid in finding necessary material.

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# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABSTRACT</td>
<td>iii</td>
</tr>
<tr>
<td>PREFACE</td>
<td>v</td>
</tr>
<tr>
<td>ACKNOWLEDGEMENTS</td>
<td>vi</td>
</tr>
<tr>
<td><strong>I</strong> INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>1. The Question of Recognition in International Law</td>
<td>1</td>
</tr>
<tr>
<td>2. Sino-Canadian Relations</td>
<td>7</td>
</tr>
<tr>
<td>3. Canadian Foreign Policy Goals</td>
<td>10</td>
</tr>
<tr>
<td><strong>II</strong> HISTORICAL DEVELOPMENT OF THE PROBLEM</td>
<td>13</td>
</tr>
<tr>
<td>1. General Political Conditions - 1949</td>
<td>13</td>
</tr>
<tr>
<td>2. Chinese Aggression and its Aftermath</td>
<td>17</td>
</tr>
<tr>
<td>3. Economic Problems and their effect on the Question</td>
<td>21</td>
</tr>
<tr>
<td><strong>III</strong> THE LIBERAL POSITION</td>
<td>23</td>
</tr>
<tr>
<td>1. The Liberals in Power</td>
<td>23</td>
</tr>
<tr>
<td>2. The Liberals in Opposition</td>
<td>34</td>
</tr>
<tr>
<td><strong>IV</strong> THE CONSERVATIVE OUTLOOK</td>
<td>36</td>
</tr>
<tr>
<td>1. The Conservatives in Opposition</td>
<td>36</td>
</tr>
<tr>
<td>2. The Conservatives in Power</td>
<td>42</td>
</tr>
<tr>
<td>3. The Social Credit Attitude</td>
<td>46</td>
</tr>
<tr>
<td><strong>V</strong> THE C.C.F. Viewpoint</td>
<td>51</td>
</tr>
<tr>
<td>1. Pre-Korean War Period</td>
<td>51</td>
</tr>
<tr>
<td>2. Post-Korean War Period</td>
<td>56</td>
</tr>
<tr>
<td>3. The C.C.F. during the Conservative Administration</td>
<td>59</td>
</tr>
<tr>
<td><strong>VI</strong> CONCLUSION</td>
<td>63</td>
</tr>
<tr>
<td>BIBLIOGRAPHY</td>
<td>66</td>
</tr>
<tr>
<td>VITA AUCTORIS</td>
<td>69</td>
</tr>
</tbody>
</table>
I

INTRODUCTION

1. The Question of Recognition in International Law

The recognition of the new government of a state which has already been recognized is the free act by which one or several states acknowledge that a person or group of persons are capable of binding the state which they claim to represent, and witness their intention to enter into relations with them.¹

So reads Article 10 of the Resolution adopted by the Institute of International Law at Brussels, April, 1936 concerning the recognition of new states and new governments. This seems to be a fairly straight-forward doctrine not calculated to raise great controversy in foreign relations. However, the question is rendered much more complex by other considerations.

Whether or not a new state has actually begun to exist is a pure question of fact; and as international law does not provide any machinery for authoritative declaration on this question, it is one which every other state must answer for itself as best it can.²

The question, although usually answered easily, can present problems. Premature recognition constitutes interference in the internal affairs of the state and as long as a struggle continues, recognition is premature. "On the other hand mere persistence of the old state government in a struggle which has


obviously become hopeless is not a sufficient cause for withholding it."^3

Two schools of thought exist on just what recognition represents. One school (led by Professor Lauterpacht) holds that recognition is a constitutive act. Through recognition a government becomes an international entity, subject to international privileges and obligations. This interpretation leads to difficulties in many instances. For example, what is the position of a government recognized by some states and not by others? We might be forced to say that an unrecognized government has no rights or duties. Actual experience has shown us, however, that while non-recognition makes the enforcement of rights and duties more difficult, governments do have a legal existence before recognition.

The second or declaratory school of thought (including writers such as Brierly and Briggs) holds that recognition does not bring a government into existence but merely acknowledges the fact of its existence. Recognition acknowledges a hitherto uncertain fact and accepts the consequences of that acknowledgement. The granting of recognition does not affect the status of a government from which recognition has been withheld under international law. However, recognition is important in the domestic law of a state withholding it from another. If recognition is not present, a court in a non-recognizing country will not recognize the legality of the acts of the non-recognized government. Thus recognition here has a quasi-constitutive effect. International law, however, cannot refuse to recognize a fait accompli.

The present condition of international law makes possible different views on the application of law to the same realities. All interpretations are

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^3Brierly, p.130.
not equally correct, but there is no authority to determine who is right and who
is not. However, certain criteria have been set down which are a guide to
whether a state should be recognized or not. These are both positive and nega­
tive in nature. A government which is in effective control of a certain area of
territory and is capable of maintaining that control is said to be worthy of
recognition. It must be determined whether a government indeed can bind the
state to its commitments. On the other hand, certain conditions are irrelevant
in considering recognition. "What form of government a state should adopt and
whether it should replace an existing government, are domestic matters with
which other states are not concerned." On this same point, Brierly further
states that "for the recognizing state it is irrelevant that a new state may have
come into existence by civil war, or that a government may be a revolutionary
government."5

One over-riding consideration, however, places the finer points of
international law in a secondary position. This aspect is the fact that recog­
nition is a political act. Paul Reuter has this to say about it:

recognition in international law is not concerned with the relatively
simple de facto situations of private life. To recognize a power
(whether recognizing a state or recognizing a government) is always
in some part a creative activity. Power rests on collective psycho­
logy, and to 'recognize' from outside an internal situation as
existing helps to make it become a reality. Where there are
'situations' of this importance and of this kind, one cannot simply
say that recognition is a judicial act of a purely technical nature.6

Thus although recognition does not imply approval or disapproval of a

4Brierly, p.129.
5Brierly, p.139.
6Paul Reuter, International Institutions, trans. J.M. Chapman,
governmental system or the people composing a government, another state may withhold recognition because it dislikes that system. A government may choose to adhere to or ignore the particular facets of international law that are valid for the situation as best suits its political motives. "It is a rule of International Law that no new state has a right as against other states to be recognized by them, and that no state has a duty to recognize a new state." Each state is free to choose for itself whether or not to recognize a government and this choice is made usually on the basis of political self-interest. Recognition can thus be withheld to show disapproval or accorded to aid the stability of that government. The policy of President Wilson in Central America and of several nations in the present situation concerning Communist China illustrates that position. It might be added at this juncture that it is difficult to maintain non-recognition of a strong state.

Phillip Brown stresses the political nature of recognition even more strongly.

No branch of international law has been so badly misunderstood and needlessly confused as that of the recognition of new states and new governments. Recognition has been the football of diplomats who have made it mean anything that suited their purpose. It has certainly been grossly abused as a weapon of diplomatic pressure and intervention.  

Later, in the same article Brown goes on to say;

Another basic principle is the major premise that the function of recognition is a voluntary, free, political, diplomatic function. There is no supreme law, no legal compulsion to constrain any government to accord or refuse recognition.

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7Briggs, p.78.

8Phillip M. Brown, "The Legal Effects of Recognition", American Journal of International Law, XLIV (October 1950), 617.

9Brown, p.619.
The whole sphere of recognition is obscured by political considerations. It is delayed, refused or granted for other than legal reasons. For example, we may consider the withholding of recognition of the Soviet Union by the Western Powers after the revolution of 1917. Economic considerations were of the prime importance. Commercial agreements have the effect of a qualified recognition and such agreements were in existence between the Soviet Union and such Western Powers as Great Britain and France. The United States while refusing to recognize the Soviet Union still entered into direct negotiations with her and signed the Kellogg Pact of 1928 along with the Soviet Union.

These last remarks pose another question. How does one reconcile non-recognition with co-membership in a pact or international body? The method actually is quite simple. A nation simply states that its action, vis-a-vis the non-recognized government, does not imply recognition.

It has been generally held that the presence of non-recognized states and governments in the United Nations is to be regarded as a special conventional arrangement that does not imply full recognition by other members.  

In considering recognition, states are sometimes confronted with the problem of governments which seem to be unwilling to fulfill their international obligations. In such an eventuality should recognition be accorded? The case of the Soviet Union which got recognition although it would not accept the general principles of international law seems to indicate that non-conformity to international law does not always rule out the possibility of recognition. Soviet Russia was given the rights of international law (e.g., control over public property of the state in other states, not liable to law suits etc.) by those who accorded recognition but gave no indication of the intention to

\[10\text{Brown, p. 621.}\]
respect the legal rights of others. This state of affairs seems to point up the statement made above concerning the difficulty of failing to recognize a strong state.

A government for various reasons may not want to extend complete recognition to a new government. It must, however, recognize that government's existence. To deny this is against common sense. It is not a question of having relations, for relations must exist, but it is a question of the nature and extent of these relations. Implied recognition is more reasonably explained as merely the necessity of frankly admitting the existence of a de facto government. "It would seem clear that the recognition of a new government is of much greater significance from the political point of view than from the legal." If one makes any kind of acknowledgement of the de facto situation, some type of commitment will have to result from the relations which do exist.

There is not unanimity among students of international law that recognition is chiefly political. The strongest arguments for the legal nature of the act come from Professor Lauterpacht. Stated briefly his belief is that there are certain legal requirements that must be obtained by a government aspiring to recognition. Once the requirements are satisfied, that government has a right to recognition and all others have the duty to recognize it. This theory, however, does not seem to be in tune with the realities of the international scene and has been criticized on these grounds. In the words of Josef L. Kunz, "this assertion of a right to recognition and a duty to recognize, is certainly untenable as not being in accord with positive international law."

11Brown, p.633.
12Josef L. Kunz, "Critical Remarks on Lauterpacht's Recognition in International Law", American Journal of International Law, XLIV (October 1950), 713.
There is a difference between the political and legal aspects of recognition. The former is a strictly discretionary act of the state; the latter, a determination of whether certain requirements have been met. Once the determination of requirements has been made, it does not follow necessarily that recognition will be accorded or denied.

Lauterpacht is criticized for seeming to be a wishful thinker. If recognition is a purely political act, then that surely would be a defect in international law. Thus he sets out to prove the juridical nature of recognition. Being a member of the constitutive school of thought, Lauterpacht feels that an unrecognized state and its acts are nullities. His argument is that if there is no duty to recognize a government, the whole problem of recognition passes out of the sphere of law. It would seem that on a purely speculative level, Lauterpacht's views may have considerable merit. They cannot, however, be accepted in the light of the realities of international behaviour; e.g. Chinese Communist intervention in Korea was by no means a nullity.

When a realization of this cardinal principle, that recognition is primarily a political act, is gained, it is much easier to understand situations which on the surface seem to be irreconcilable to fact, e.g. recognizing the Nationalist government on Formosa as the government of all China. All considerations and evaluations concerning recognition in this paper will be based on the political nature of the act.

2. Sino-Canadian Relations

Sino-Canadian intercourse has never been very extensive. On the

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political scene, it has not been necessary to enter into protracted negotiations on any matter. Canada has been represented in China since 1906 though at that date the representation concerned matters of trade only. It was in that year that the first Commercial Office was opened in Shanghai. In 1909, Mr. Angus McLean became the first Canadian Trade Commissioner in China.

On the whole it may be said, despite the sparsity of Sino-Canadian relations, that an amiable attitude has existed on both sides. Such rapport as existed was evidenced in the goodwill of the citizenry of both countries rather than in the governments. This attitude was best exemplified by Canadians in their support of China in her wars against Japan in 1931 and again in 1937. Sympathy was displayed for China in many Canadian quarters. Many organizations tried to foster a boycott of Japanese trade.

Probably the chief cause of Canadian goodwill towards China was that many hundreds of Canadian missionaries representing several Christian denominations were at work in China. The missionary effort was quite large considering the size of Canada. Although the number of converts was unimpressive compared to the effort and expenditure put forth, the contribution in the form of universities, schools and hospitals was laudable. These concrete manifestations of help, along with the introduction of western culture instilled goodwill for Canada into the many Chinese who were affected. Probably the greatest boost in Sino-Canadian mutual goodwill was the sterling character and intellectual prowess of the missionaries themselves who represented some of the finest elements of the Canadian population. Their influence upon government must have counted for something. Chiang Kai-shek himself is a Christian. Even if the missionary effort was accepted as beneficial by most Chinese, and this is debatable, it would not impress the Communists.
If the general attitude of the Canadian populace was warm towards China, the attitude of the Canadian government was at best luke-warm. During the Manchurian crisis, Prime Minister Bennet said it was not wise to place blame anywhere since Canada knew little of the situation. China got no Canadian support at all since Canada wanted to retain Japanese friendship. The lead of the United Kingdom was followed and an arms embargo placed on both China and Japan in 1933. Later during the Sino-Japanese war, Canadian trade actually prospered because of that war and Canada did not overtly support China in the League of Nations.

The treatment of Chinese in Canada was not calculated to promote understanding. An early influx of Chinese into British Columbia aroused the white people of that area. Thus the government was prodded into passing discriminatory legislation in the form of a poll tax on Chinese and finally in 1923 the Chinese Immigration Act. This certainly could not have aroused anything but resentment among Chinese. The treatment often given visiting Chinese officials and distinguished people by immigration officials was again not calculated to foster amity. Chinese in British Columbia especially were denied civil rights, as they could not vote, hold office, etc. On the whole the treatment of the Chinese as immigrants and citizens is a rather shameful chapter in our history. "China has a standing grievance against Canada on account of the slight on her national honour."

Sino-Canadian trade has never been of any great magnitude. Prior to World War I this trade was almost insignificant and imports to Canada exceeded her exports. After World War I imports and exports reached a peak

in 1926. Exports were then substantially higher than imports and trade was of some significance. Ironically, British Columbia, and to a lesser extent the Prairies, were the chief beneficiaries.

Finally, it must be noted that China, under Chiang Kai-shek was an ally against Japan in World War II. No one can deny the tenacity with which she fought nor ignore the privations which she suffered. Many Canadians do not wish to repay Chiang Kai-shek with a slap in the face for his valiant effort in the fight against Japan.\footnote{A.R.M. Lower, \textit{Canada and the Far East - 1940}, (New York: International Secretariat, Institute of Pacific Relations, 1940), p.80.}

\section*{3. Canadian Foreign Policy Goals}

Taking note of Canada's historical relations with China, one could easily wonder what difference it made to Canada which government it recognized as the government of China. It must be said that this question of recognition takes on significance only as an aspect of foreign policy in general and the objectives of that policy. The question of entering into relations with China so as to be able to transact business is of little importance. As H.F. Angus pointed out, "But this was not an urgent reason for there was not much business to transact and the friendly services of the other Commonwealth countries were available."\footnote{H.F. Angus, \textit{Canada and the Far East, 1940-1953}, (Toronto: University of Toronto Press [under auspices of the Canadian Institute of International Affairs and the Institute of Pacific Relations], 1953), p.36.}

To attempt a discussion of Canadian foreign policy in a few brief paragraphs seems almost fruitless considering the scope of that field. However, a resumé of some of the more salient aspects of Canadian foreign policy will perhaps establish a frame of reference within which the more particular problem
of recognition of Communist China may be better evaluated. The first aim of any government in foreign policy is national self-interest and security. It is not necessary to quote statesmen to prove that this is as true of Canada as of any other country. Ordinarily a question of recognition of a new government would not be considered a matter vitally concerning national self-interest or security. This is not the case in respect of Communist China. Many possible ramifications which might stem from such recognition must be weighed.

It is also possible to state without fear of being challenged in other than Communist countries, that along with promoting national self-interest and security, world order and peace form the cornerstone of Canadian foreign policy. The quest for peace indeed encompasses national self-interest and security and is at one with these objectives. Thus one must ask himself what recognition will do to foster or disrupt the chances for peace.

The maintenance of a high level of friendship and co-operation in Canadian-American relations is a vital, if not the most vital, component of Canadian foreign policy. Not only is the United States our best customer, but she looks to Canada for support in all her undertakings in foreign policy. The United States on its part is remarkably willing to be conciliatory in her dealings with Canada. This situation is considered excellent by many Canadians who feel it gives to Canada a chance to temper American policy with the Canadian attitude at certain times. This is important for the whole Western alliance with which Canada must either sink or swim and which is led by our great neighbour. "And all Canadian foreign policy is subject to the overriding need to maintain the Western alliance led by the United States."\(^{16}\)

Canada must be wary of the effect her recognition of Communist China may have on the United States in view of the adamant position among most of its populace and officials against such recognition.

Recognition must also be considered in the light of Commonwealth relations. Policy-makers must ask themselves if recognition will strengthen harmony within the Commonwealth. The existing situation in which some Commonwealth members recognize Communist China while others do not, makes the decision even more complex.

Finally any decision on recognition must take into consideration the effect that decision will have on Canada's self proclaimed role as one of the leaders of the so-called Middle Powers. In direct connection with this the reaction of the Afro-Asian nations must be gauged correctly in order to make the proper decision regarding recognition. It is not over-emphasizing the importance of the problem of recognition of Communist China to call it a major foreign policy decision.

To achieve its purpose this thesis must investigate the problem of recognition of Communist China in the light of conditions at home and abroad in the 1949–60 period.
THE HISTORICAL DEVELOPMENT OF THE PROBLEM

No Canadian government or opposition party could frame a policy on recognition of Red China without regard to the relationship such a policy would bear to the general picture of world conditions. If the decision were to be based on legal considerations then one could agree that the proper course of action would have to be followed without taking note of the strategic implications of the move. However, when the problem is considered to be primarily political it must be admitted that any solution must take cognizance of the effects the policy will have on the world situation in general or on specific Canadian foreign or domestic interests. For this reason it is felt that a description of the salient factors on the Canadian foreign and domestic political scenes from 1949 to 1960 is necessary to enable the reader to gain a better perspective of what is involved in the recognition of Red China.

1. General Political Conditions 1949

The Central Government of the People's Republic of China was proclaimed in Peking on October 1, 1949. This government invited recognition on the basis of equality, friendship, respect for territorial integrity and withdrawal of recognition from the Nationalist government. Thus the question of whether to recognize the new government was first posed to the Liberal administration then in power in Canada.

It could be seen immediately that this matter would be more than just
one of a routine extension of recognition. It would be considered as a move in
the cold war and as such could not be taken lightly. Thus the effect that recog-
nition of Red China would have on the Western position via-a-vis the Commu-
nists came to be a major determinant of the policy of all Canadian political
parties although it will be seen later that the possible effects were interpreted
differently.

Communism had been checked in Europe by the creation of N.A.T.O.
However, events in Europe were still of prime importance as the emphasis on
Asia had not taken on the urgency so evident in later years. Chinese communism
was not looked upon as the same as that of Eastern Europe which had been insti-
tuted by force of Russian arms. Indeed, some C.C.F. members\(^1\) believed
that the revolution in China was in large measure the result of agrarian discon-
tent. This in itself prompted many of them to support recognition. Again in
Asia, the Communist guerilla fighters in the Philippines and Malaya were being
dealt with satisfactorily although they still constituted a threat especially in the
latter country. The importance of China as a base of Communist operations
was realized but China was not considered strong enough at the time to pose a
real threat to the configuration of states in South East Asia. However the evalu-
ation of the Chinese danger to South East Asia soon changed especially because
of her aid to the Viet Minh forces of North Viet-Nam in the French Indo-China
conflict.

Victory in China was certainly the most important step forward for the
Communists in Asia. The question Canadian policy makers had to decide with
regard to recognizing Red China was whether recognition would augment that

\(^1\)See the statement of Mr. Stewart on p. 58.
victory or non-recognition might somehow detract from it. It could also be conjectured that recognition might help win over the Chinese from the Communist camp while non-recognition would further alienate them from the West. It can be seen that the situation left many avenues for speculation and most have been explored at one time or another.

By early 1950, Britain and India had recognized Red China. Thus two countries with which Canada has very close ties had taken the step which Canada was only contemplating. The Canadian populace included many traditionalists who still clung to the view that Britain's foreign policy should form the criterion that Canada must follow in external affairs. Was this to be so with regard to recognition of Communist China? In the case of India one witnessed the leading country of free Asia recognizing Peking. Both Britain and India were Commonwealth partners of Canada and this tended to compound the dilemma.

The advantage of presenting a common Commonwealth front in foreign affairs was realized by the Canadian government. On the other hand Canada, like her sister Commonwealth states, had her own special problems and could not automatically follow the Commonwealth lead. Mr. Pearson, the Canadian Secretary of State for External Affairs, attended a Commonwealth Conference of Foreign Ministers at Columbo, Ceylon in January, 1950. This afforded him the opportunity of learning first hand the positions of countries which had recognized Red China. By that time four Commonwealth members, Britain, Ceylon, India and Pakistan, had accorded recognition to the Peking regime.

Canada's position of membership in both N.A.T.O. and the Commonwealth presented problems. On one hand she could not afford to do anything to enhance Communism but on the other she wished to be in a position of
leadership among the so-called Middle Powers of which India, Pakistan and Ceylon were important examples. Thus the position of Asian Commonwealth members on recognition must have seemed enticing as a means to gain broader popularity for Canada in that area.

In contrast the position of the United States provided a restraint on recognition of Peking by Canada. President Truman had announced that the United States would not aid in the defence of Formosa. This touched off a furious debate in the United States where the loudest outcry came from the Republicans led by Senator Knowland and General Douglad MacArthur who argued that defence considerations demanded the maintenance of Formosa as a base for the containment of Communism and protection of the West. Defence of Formosa naturally precluded recognition of the Peking regime which claimed that island.²

Canada was then caught in a position where she had to choose sides between her two closest allies.

Ottawa would have to decide whether to move forward in accepting what appeared to London to be the facts and necessities of the case, or to refuse recognition on the divergent reading of Washington.³

It is little wonder that Mr. Pearson called for a cautious policy. China was a testing ground for Communism in Asia and conditions in that part of the world could change rapidly.

In Canada itself the question of recognition of Communist China seemed almost academic. Diplomatic recognition is accorded so that contact is available to transact business, commercial or otherwise. "But this was not an


³Harrison, p.167.
urgent reason for there was not much business to transact and the friendly services of other Commonwealth countries were available." Thus, Canada did not have to consider recognition as an expedient for protecting commercial interests as Britain had been forced to do. At that time Canada was in a period of great prosperity and trade was booming. While few would discount the advantage of gaining Chinese markets, Canada was well enough off for large numbers of people to say that we should not sacrifice principles for trade. On the other hand those calling for increased Chinese trade did not have an urgent economic condition to underline their demands.

2. Chinese Aggression and its Aftermath

With the outbreak of the Korean War in June 1950 the problem assumed a new perspective. Red Chinese intervention in that war, in October 1950, showed conclusively that Peking did indeed pose a military threat in China. The situation now called for a decision on recognizing a government which was overly hostile to Canada. The immediate reaction was to make recognition of the Peking regime impossible while the war was on. All parties concurred in that belief. Recognition at that time would have been particularly unpopular, both in the United States and Canada.

At that time recognition of Red China was becoming more closely tied to the question of which group would sit in the Chinese seat at the United Nations. On September 19, 1950, the Indian delegation introduced a resolution to seat Red China. It was argued in the United Nations that solutions to far Eastern problems would be facilitated by the adoption of the resolution. It

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would be better to have diverse opinions stated from within the United Nations rather than outside it. It was difficult for non-recognizing nations to acquiesce with the North Koreans committing aggression concurrently. Canada abstained from voting on the resolution and introduced her own resolution suggesting that a special committee study the problem. Abstention on the Indian measure could be interpreted to indicate that Canada had no active objection to seating Communist China. More likely Canada was loath to vote against an Indian resolution on the grounds that such action might alienate India to some extent. For Canada there could be no thought of Red Chinese entry into the United Nations before the Korean situation was in some way ameliorated.

In June and July of 1951, truce talks in Korea were undertaken. This heralded the cessation of hostilities and hopes for a peaceful denouement to Far Eastern problems were engendered. Recognition of the Peking regime came to be associated with the search for peace. The Red Chinese had been branded aggressors and a suitable Korean settlement seemed mandatory if that stigma was to be lifted. Until such time as Red China had helped to solve the problems she had caused, many felt recognition would be premature.

Formosa also came to be considered more urgently. It had been neutralized by the presence of United States naval units in the Straits of Formosa. Both Chinese governments claimed that Formosa was part of China. The Communists felt that recognition by another country must entail support of their claim to Formosa if Peking was to reciprocate. This clearly could not be a condition of Canadian recognition of the mainland government. The problem then of finding an amicable settlement was extremely difficult and indeed is no closer to a solution at present.

American opinion on recognition had been made even more unyielding
by the Korean War. The faction led by Senator Knowland was outraged by even
the consideration of such a policy. A rift in Angle-American relations had
occurred because of the British recognition. The prospect of strained
Canadian-American relations was not a happy one and therefore Canadian
policy-makers had to understand the American attitude.

As in Canada, many in the United States before the Korean War had
been favourably disposed towards recognizing the Peking regime as the lawful
government of China. Had the Korean War not occurred recognition might
have been extended and the Anglo-American cleavage would not have developed.
The effects of American recognition would have been far-reaching. Canada
and many other states would have followed the American lead. The Commun­

ist regime would have had the right to represent China in international organi­
izations and would have had claim to all Chinese public property, bank
balances, ships, planes etc. that were held by the Nationalist government.
The Nationalist government of course would have no longer been recognized as
the government of China and Formosa would have come under Chinese autho­

rity as agreed at Cairo in 1943. Peking would have replaced the Nationalist

Red China’s aggression in Korea, however, ended such speculation
and hardened American opinion against recognition. By 1953-54 the United
States was committed to use the veto in the Security Council against Red China’s
bid to enter. If Red China was accepted into the United Nations, Senator
Knowland of the United States had vowed to introduce a resolution in the Senate
to withdraw the United States from the United Nations. What merit was there
in the American attitude? It was true that no doubt existed as to who controlled
the mainland but it had been proven that Peking had not shown any willingness
to act as a responsible world citizen. The British experience provided proof that recognition had not achieved any useful diplomatic results. By her failure to be a good world citizen, Red China provided the United States with some legal footing on which to base her purely political view of recognition. Recognition might still have come when the world situation became less tense and the new government began to show signs of accepting the international status-quo, with its accompanying obligations, as the case had been with the Soviet Union. The need for negotiations had led to a quasi-recognition already, as evidenced by the Sino-American ambassadorial talks in Warsaw in 1955. Still the question had not been answered as to what the United States would do if a Korean settlement was concluded.

The French failure to repulse the Communists in Indo-China ended with the French defeat at Dien Bien Phu on May 7, 1954, and set the stage for the Geneva Conference of 1954. At these discussions Red China came to confront the Western Powers who had been forced to deal with her. To many, (e.g. C.C.F. in Canada), this implied a tacit admission of recognition. At any rate the situation had been reached where there was no alternative but to enter into discussions with the Peking regime.

It was hoped that at Geneva the groundwork would be laid for the future eradication of tension in the Far East. This atmosphere of hope may have well given rise to a feeling that perhaps recognition might provide yet another step to establish a lasting peace. The C.C.F. certainly felt that recognition would aid discussions with Red China.

After Geneva and moving into the later years of the 1950's the pockets of tension in the world shifted to the Middle East and Africa. This led to a lessening of the immediate urgency of recognition of Red China by Canada.
3. Economic Problems and Their Effect on the Question

Between the Conservative election victory of June 1957 and 1960 there was a decline in the tempo of Canadian economic growth with the resultant effects on employment and general prosperity. In such circumstances the necessity of expanding trade to further economic recovery became more pressing. The huge market potential of China was indeed inviting for Canadian exporters. Thus the claim that recognition would lead to greater Sino-Canadian trade took on added significance.

Points of serious friction in Asia which had existed a few years previously were far less volatile in the late 1950's, and the argument of the need for recognition to facilitate negotiations lost much of its former urgency. In these circumstances the problem could settle into a discussion of what was to be gained or lost by recognition, based generally on pragmatic grounds. Trade and the possibilities of furthering it thus came out as a very important element in the discussion.

With the shift in the area of greatest world tension away from the Far Eastern area temporarily, Canada's relationship with China could be considered with a less emotional approach. A purely economic approach seemed a wise one to some elements especially in British Columbia which stood to benefit most by trade. In any event the call for increased trade with Red China certainly would find a better reception in a period of unemployment and recession than it would have in previous years of record prosperity.

In addition to this the period after the Conservative victory of 1957 showed some tendency to a greater nationalist feeling. This feeling reacted against the purported American domination of Canadian foreign policy. The position of Canada with regard to Red China was considered a prime example
of this supposed American interference. Recognition then could be accorded and thus Canadian independence in foreign policy would have been asserted. Perhaps the feeling of nationalism could also in part be attributed to economic distress as there may have been a tendency to blame the United States for essentially Canadian problems.

The shift in emphasis in foreign affairs, however, lessened the importance of recognition as a factor in total Canadian foreign policy. Trade could then assume a greater importance since arguments which claimed that dealing with Red China represented an abdication of principles carries less weight when no current situations were coming to a head in the Far East. In general, under the Conservative administration the problem of recognition never assumed the importance it sometimes attained in previous years.
III

THE LIBERAL POSITION

1. The Liberals in Power

From the inception of Communist China to June of 1957 the Liberal party formed the government of Canada. Lester B. Pearson carried the external affairs portfolio in that administration. He was therefore the man responsible for the policy of non-recognition of Red China which was maintained during that period. His considerations of the question as they can be interpreted from public statements he made, clearly show that Pearson viewed the issue as a political rather than a legal matter.

In the first statement on this issue that Pearson made to the House of Commons (on October 25, 1949), he stated that the government would view recognition in the light of international law. The criteria for recognition would be independence for foreign control, effective control over the territory and a well defined territory. If these requirements were met consideration should be given to recognition. The implication was clear that should Red China fulfill the demands of international law she would be entitled to consideration for recognition but not necessarily recognition itself. If recognition were a legal problem then a situation in which a government conforms to international law would surely lead directly to recognition. Since, however, Pearson said that consideration of recognition would follow from fulfillment

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of certain requirements it must be deduced that legal considerations are only pre-requisites for a question of recognition to merit investigation. The final disposition of the problem would depend on other factors which are political in nature.

When the issue of recognition is placed in a political framework its disposition becomes the result of subjective evaluations rather than an objective judicial decision. Thus Pearson had to weigh carefully the possible ramifications of a verdict in either direction. It was clear that Canadians were strong in their condemnation of communism but could this be used as an excuse to ignore the controlling influence that the Peking regime had over 450 million Chinese? Pearson certainly did not want to adopt any stance which could be construed as approving of communism. Thus he strongly denied that recognition implied anything more than an acknowledgement of an existing government.

if the fact of communist control of China is confirmed and an independent - I stress the word 'independent' - Chinese government, able to discharge its international obligations is established and accepted by the Chinese people, then in due course and after consultation with other friendly governments, we will have to recognize the facts which confront us. If we indicate in the future, recognition of the Chinese government, that will not indicate any approval of communism in China any more than our recognition of the communist states of Eastern Europe indicates approval of their form of government. It however should help maintain the contact between the Canadian and Chinese peoples which I have mentioned.²

Government policy was non-committal as it assumed a wait-and-see attitude. The lack of unanimity in policy among Canada's allies, the uncertainty of how conditions would turn out in the Far East and the absence of any pressing business to pursue with China all led to a cautious approach to the

²Debates, November 16, 1949, p.1838.
matter. The government was caught between two directly opposed views on recognition embodied in the Conservative and C.C.F. parties and their cautious approach satisfied neither. The C.C.F. which advocated recognition chastised the government for withholding it while the Conservatives on the other hand complained of indications that the Liberal government favoured recognition.

Pearson seemed more disposed, however, to defend the government against Conservative remarks than against C.C.F. allegations. He reviewed some of the legal pre-requisites for recognition and asserted that de facto and de jure recognition had to be distinguished. Recognition and diplomatic representation were not synonymous he added. One had also to discern whether a government's authority was being challenged or if it was in complete control. Pearson argued that these conditions as described by international law were never meant to be rigid and without exception. For instance a government's acceptance by the people is not necessarily evidenced by freely expressed popular approval. Resistance of the people to the new government or support of movements against the government can be termed indicative of approval by the people. In this respect it seems that Pearson might have been intimating that the Communist victory over the Nationalists and the lack of any widespread revolt in China against the new regime implied that the majority of the Chinese populace accepted the Peking government.3

To charges that recognition would endanger Viet-Nam, Pearson answered that Britain, India and Pakistan had recognized Red China and no evidence proved that their actions had caused the situation to deteriorate in Viet-Nam. He further stated that Soviet boycotting tactics in the United Nations would not intimidate Canada into a decision favouring Peking. However,

the situation in the United Nations which saw a growing number of member states which recognized Red China posed a perplexing question. What would Canada do if she were to find herself in an organization in which a majority of states had recognized Red China? If Red China were to sit in the same body as Canada, Pearson felt it impossible to walk out in emulation of the Soviet tactics but to remain and work with Peking's representatives would be a form of recognition.

In early 1950 the government policy was still one of non-recognition but not violently so. It was a cautious appraisal of the situation and the position the government was in could shift either way. No definitive statements had been made, the need to consult with allies and in general the importance of making any decision, Canadians would regret was stressed.

At this point one might question the necessity of exercising caution in the rendering to a government its legal right to be recognized or carrying out the obligation to recognize. That the government of the day exercised such caution indicated that it believed no such rights or obligations existed. Caution was necessary due to the political implications of the problem.

The official government policy was non-recognition coupled with a constant review of the case but within the Liberal party one could discern support of recognition. H.A. Mackenzie (Lamton-Kent) was an outspoken advocate of recognition. He had served with a U.N. relief organization in China and could testify to the corruptness of the Nationalist government. The lack of democracy in that country he felt had doomed the old system to disaster. In his opinion the Chinese were not particularly pro-Russian and thus there

4 Debates, March 7, 1950, p.516.
was no cause to suppose a permanent Sino-Soviet accord. Canada thus would be best served by recognizing Red China in order to prevent her from being driven into the arms of Soviet Russia.\footnote{Debates, pp.1875-79.}

The Korean War ended the possibility of recognition for the time being. "There can be no question even of considering it while the Chinese defy the United Nations in Korea and fights our forces there."\footnote{L.B. Pearson, statement of May 7, 1951 quoted from External Affairs, June 1951, p.203.} Even before the Chinese Communists actively entered the war it seemed evident that they approved and supported the North Korean aggression. Under these conditions the arguments against recognition seemed to carry more weight. For instance it could be seen that Britain had received little as a result of recognition. Peking had not even deigned to exchange envoys.

Pearson admitted that recognition of Red China would help in reaching solutions to Far-Eastern problems but added that this was incompatible with the Chinese position in Korea:

\begin{quote}
I feel however that the Far Eastern problems could be more easily solved if diplomatic relations existed with the government of China which has the whole of the mainland under its control. But the Peking government can hardly expect recognition now from those member states of the United Nations whom they are fighting in Korea. The remedy for the situation now lies with the communists themselves. They should not think they can bludgeon or blackmaill their way into recognition or into the United Nations.\footnote{Debates, February 2, 1951, p.55.}
\end{quote}

Again it was the pressure of political events that prevented Canadian recognition. The legal considerations had not been altered by the Korean conflict yet recognition which could be considered before the war was thought to

\begin{footnotes}
\item[5]Debates, pp.1875-79.
\end{footnotes}
be an impossible policy during the war. This is still further proof that the legal factors in the issue were of secondary importance to the over-riding political circumstances.

The apparent logic of many arguments in favour of recognition were offset by the predictability of certain adverse results which would arise from recognition. Thus while one side was saying it was absurd to regard Chiang Kai-shek as the spokesman for the Chinese people the other side maintained that it was not in Canada's best interests to strain relations with the United States (a certain result of recognition) even if recognition did seem the wisest course to follow. In the light of this it is not hard to understand the ambivalent attitude exhibited by the government. Its policy was non-recognition but Pearson often seemed to favour the opposite approach.

What was needed the government maintained was an attitude of open mindedness. A rigid outlook would not be correct, and to say that recognition should never be accorded was folly. Pearson's experience in the field of diplomacy had taught him that bargaining could not be successful if either side begins negotiations with an inflexible attitude. This caused him to reject the idea set forth by Mr. Green (Vancouver-Quadra), a Conservative foreign affairs critic, that the West make it clear that Formosa could never be handed over to the Red Chinese. No avenue of discussion regarding Formosa or any other aspect of the recognition problem should be closed off.

Among the supporters of recognition both within and without the administration there was a feeling that no matter what situation existed on the mainland there was little support for the Nationalist regime. Any move to re-instate Chiang Kai-shek on the mainland would do great harm to Western prestige in Asia. It was also agreed that it was through the Nationalists' own failings,
rather than any lack of support from or betrayal by the United States, that the Communists achieved their victory on mainland China. Western intervention in China was looked on as a dangerous policy because in Mackenzie's words;

by associating counter-revolution, which can develop indigenously, as the whole history of China shows, with foreign intervention and foreign assistance we may strengthen rather than weaken communist regimes.  

A consideration that had to be borne in mind by the government was that Canada's decision with regard to Red China was of little consequence when considered in isolation. It was only when the Canadian decision on recognition was looked upon as a political move of an important member of the Western alliance that the significance of the matter could be fully appreciated. It was in this context that the issue had to be deliberated.

Another possibility, that of exercising our influence on the United States by taking the lead in recognizing Red China, found some support in Canada.

Perhaps the most valuable Canadian contribution will be a point of view, a healthy detachment, untrammeled by strong domestic feeling or vital overseas territorial and economic interests, a detachment and candour that tries to balance political and legal realities with the strategic requirements of the free world in the Pacific and the need for some brake on aggressive Chinese Communism in Asia.  

Such a position was probably quite similar to the views of Pearson.

The Liberal position of maintaining non-recognition as a policy but at the same time admitting that it might aid world peace caused them to be the target of both Conservatives and the C.C.F. The former charged that the


9Maxwell Cohen, "Communist China - To recognize or not to recognize" International Journal, VIII (Autumn, 1953), 271.
government was about to embark on a dangerous and detrimental policy while the latter complained that the administration had admitted the value of recognition but did not have the courage to carry out that policy. Statements by the government did little to calm the storm.

A prime example of the government's stand can be seen from statements made by Prime Minister St. Laurent during and after his world tour of 1954. It was alleged that he had said that the Chinese people accepted the Communist government. There was an uproar over that comment and the Prime Minister apologized for making the wrong choice of words and giving that impression. However, he added that Western countries would sooner or later have to recognize and deal with the effective government of China. Such recognition would not necessarily be diplomatic in nature but might be a change from the attitude of ignoring Communist China. The results of the Geneva Conference and the views of Canada's allies would have to be weighed but a position that recognition would never be extended could not be taken. Communist Chinese presence at Geneva did not indicate recognition but only a cognizance of the power controlling the mainland. As long as the Peking regime controlled China that group had to be included in vital discussions.

Even though he saw the necessity of negotiating with the Red Chinese the Prime Minister asserted that: "under present conditions I do not see any reason why we should consider diplomatic recognition of China." Dislike of a government, however, could not be a permanent roadblock against recognition. An open mind had to be kept in regard to future contingencies. Thus the government and its Liberal supporters felt it was folly to compare talking

with the Chinese Communists at Geneva to the flight of Chamberlain to Munich as had been done by the Conservatives.¹²

"Legal recognition is something you give for your own national advantage in your own national interests, which includes as the most important objective of all, maintaining and strengthening the peace."¹³ That statement by Pearson leaves no doubt that he considered the problem a purely political one. An implication that can be derived from that statement as well, is that recognition would be a good policy even if it benefited the Communists as long as it benefited Canada to a greater degree. Pearson was seemingly moving closer to recognition while denying that such a move was imminent. His statements indicated that any movement toward resolving Far Eastern problems would cause a reconsideration of the Canadian position.

It became more evident that Pearson would have liked to discover a way to extend recognition to China. In various speeches¹⁴ he repeated that, should Red China show a spirit of cooperation, Canada should consider recognition.

Certainly the absence from negotiations and discussions at the United Nations or elsewhere of the de facto power on the Chinese mainland makes impossible, without the consent of the regime, the effective settlement of disputed matters around that country's periphery: Korea, Formosa or Indo-China.¹⁵

The major drawback of course was finding a way to recognize Peking without

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¹⁴e.g. In the second of his Stafford Little Lectures at Princeton University in April 1955; in a speech to the Women's Canadian Club of Vancouver in August 1955.

precipitating a major rift with the United States.

To avoid friction with one's closest ally was a concept readily understood by Pearson. Thus it was a matter of prudence rather than subservience which caused Canada to defer to the United States on this issue. Editorial comment, however, was more prone to take note of the purported barrier to Canadian independence of action. Perhaps it was this type of pressure plus his own predilections which prompted Pearson to sound out American opinion.

In the Stafford Little lectures referred to above (p.40) he made a first effort at convincing the Americans that recognition after all was not such a bad idea. More specifically he wrote in an article in Look magazine that the West could negotiate with Peking when necessary without approving of the regime or weakening our position against communism. At that time he was trying to impress Dulles and Eisenhower with the logic of recognition. However an election year in the United States (1956) was not an apt one to ask an American administration to make such a controversial decision. Thus Canada was informed quite strongly at the White Sulphur Springs conference in April 1956 that recognition was out of the question. Pearson later admitted that the issue was not worth causing a first class row with the United States.

A domestic situation of some political significance also had an

16Blair Frazer, "Will we play me too China?" Macleans (October 24, 1955), p.6.


important bearing on the deliberations concerning recognition. The recognition of Communist China, for example, was strongly distasteful to most French-speaking Canadians who exhibited on this issue a more solidly united opinion than was evident elsewhere in the nation.\textsuperscript{19}

It was quite possible that Pearson could not have won a Cabinet argument over recognition because of opposition from Quebec. In their opposition to recognition, the French-Canadians were joined by Eastern-European immigrants and others who found special cause for grievances against the Communists. That Pearson went ahead and intimated support of recognition may indicate that he felt capable of coping with these domestic political factors.

From all available evidence, one would have to conclude that it was the position of the United States that influenced Canada not to accord recognition. This could by no means be considered a legal consideration but was of course purely political. Coupled with this was the amount of opposition in Canada to recognition and the political strength of that opposition. That the government did not accord recognition despite its own feelings about the merits of such a policy and the pressure from many quarters in favour of recognition, indicates that the problem was not considered important enough to risk tension with the United States or political repercussions in Canada. There were no impelling reasons to accord recognition. Hopes for trade were not strong nor were the needs for diplomatic contact important, as they were provided by our Commonwealth partners. No obstacles prevented Canadians from traveling in China and thus many journalists and businessmen did so. Even the Minister of Fisheries, Mr. James Sinclair, visited China without upsetting

the policy of non-recognition. In short the responsible policy-makers of the
time did not feel it politically advantageous to accord recognition to the Peking
regime at that time and therefore recognition was not accorded.

2. The Liberal Position as an Opposition Party

The Liberal party, and especially its leader, Mr. Pearson, who had
framed the foreign policy of the previous administration, found themselves in
an uncomfortable situation as the Opposition. Their position had been that
recognition was a good idea but not important enough to create a rift with the
United States. Now that they were out of power it might have been expected
that their views could be a little less restricted since they would not be trans­
lated into official policy. The drawback was that if they had advocated recog­
nition they would have been faced with the question of why they had not
accorded it in the period 1949-1957. Still without being so bold as to say it
openly, Mr. Pearson certainly gave the impression of favouring early re­
cognition. He asked how long we could support United States position that
United Nations membership for Red China should not even be discussed.
Besides that, could we really expect Peking to accept disarmament with con­
trol and inspection while still not recognized diplomatically by many nations
within the U.N.? The argument that we would be abandoning Asia to commun­
ism lost its force when it was seen that most Asian countries recognized
Peking. Recognition would have been pointless and worse than useless if we
did not support the Red Chinese claim for a United Nations seat. It was the
ambiguous position of the United Kingdom in this respect which had cost her
any chance of benefiting for the recognition she had extended. Recognition
might not increase trade as much as many expected but Canada could not
expect trade to expand as much without recognition.
Out of his appraisal of the situation, Mr. Pearson came up with the following suggestions. A trade mission should be sent to China to explore the possibilities of sales. Recognition or not, Formosa should not be handed over to China before the people of Formosa had a chance at self-determination. This was not the same as a "Two China" policy since that was unacceptable to both Chinese governments but Canada could not hand over the Formosans to Peking against their will. The United States should be persuaded to have the Nationalists evacuate the offshore islands. The maintenance of large numbers of troops on these islands seemed to constitute a threat to the mainland and to remove that threat would quiet the situation in the Formosan straits. Lastly, he said that we should work out a common policy with other non-recognizing countries. A time for decision might be drawing close and we should have worked towards a better position for making our choice.20

In summing up the Liberal record on the subject of recognition of Communist China, one cannot fail to notice that political considerations were all important in framing policy. Legal arguments were only pre-requisites for making the problem worthy of attention. That is, certain legal requirements had to be attained before the political criteria for recognition would be applied to the issue. Mr. Pearson as chief foreign policymaker of the Liberal regime was cognizant of the fact that it was not the legal rights of China nor the legal duties of Canada that were involved in this issue but rather the national self-interest of Canada which was preponderant.

IV

THE CONSERVATIVE OUTLOOK

From 1949 to 1957, the Conservative party formed the official opposition. In June of 1957 the federal elections brought them into power which they maintained for the duration of the period under consideration in this paper. To discover the motives which led to the Conservative policy on recognition of Communist China will be the purpose of this chapter. A study of these motives and the policy which they generated will show that political factors most influenced the Conservatives in framing a stand on the question of recognition.

The Social Credit viewpoint is also included in this chapter. This party had an outlook which was similar to the Conservatives in many ways. It will be seen that the Social Credit party also based its views about recognition on political arguments.

1. The Conservatives in Opposition

From the very outset the Conservative party opposed the recognition of Red China. Basic to this policy was the view that Canada could in no way countenance the ideology of the Peking regime. Following from this it was evident that no move should be undertaken that would in any way enhance the spread of communism. Recognition, the Conservatives felt, would aid the Chinese Communist in spreading their influence in Asia.

Due to the non-committal policy of the government the Conservatives (who were the official opposition party) seemed in no hurry to make definitive
statements in the months immediately following the creation of Red China. They were waiting in hopes of finding an issue on which to pillory the government. Accordingly, Mr. Flemming questioned Pearson, in the Committee on External Affairs, as to whether Parliament would be consulted before a decision was made.¹

George Drew, leader of the official opposition, tried at first to prove that under the principles of international law, Red China was not entitled to recognition. He leaned heavily on quotations from Lauterpacht to lend credence to this view but showed no inclination to follow Lauterpacht's theories completely. It was argued that consent of the population of the state to the government seeking recognition must be present to warrant such action. Spain, which was kept out of the United Nations because Franco was not representative of the people, was cited as an example. Furthermore, he considered that the action of the United Nations in that case had become part of international law.

Having made this attempt at marshalling legal arguments in defence of a policy of non-recognition, Drew moved to safer ground by outlining the political drawbacks of recognition.

This is not only a question of the formality of recognition; this is not only a question of what recognition means to us. It is a question of what recognition means to the Chinese, to the Russians, and to those countries in South-East Asia which are still doing all they can to hold the vile flood of communism from their countries.²

Recognition he felt would jeopardize the freedom of the countries of South-East

¹Canada, Parliament, House of Commons, Minutes, Proceedings and Evidence of the Standing Committee on External Affairs, November 18, 1949, pp.24-25.

Asia. Therefore Soviet blackmailing tactics at the United Nations in favour of Red China had to be resisted rather than appeased. Recognition, in Drew's opinion should not precede the working out of a common Western strategy concerning Red China.

During the Korean War the Conservative Party could relax in its efforts to prevent recognition of the Peking regime since the government had avowed that no recognition would come while the Red Chinese were engaged in combat with Canadians. However, the policy of non-recognition was still actively supported. W.J. Browne (St. John's West) was especially demonstrative in his speeches against any move towards recognition. He described Red China as a tyranny and warned that we should not offer her any aid in enlarging their control. This he felt would have been an effect of recognition. Browne voiced opinions that frightened calmer heads, in that he appeared to be advocating the widening of the Korean conflict into mainland China. Once again it must be pointed out that Browne was not in all probability voicing the policy of the Conservative party. Although his views generally coincided with the party attitude, he seemed to be more radical in his outlook.  

The position of Canadians in China gave the anti-recognition groups ammunition in their struggle to prevent recognition. As of March 10, 1951, one hundred and sixty Canadians were still in China. A few hundred had left the country prior to that date. Certain Canadians had been subjected to arbitrary arrest and had been held incommunicado. The most celebrated case was that of the five nuns who had been arrested on trumped up charges and were tried publicly in Canton on December 2, 1951.  

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3*Debates*, May 14, 1951, pp. 2980-83.

Catholic elements in Canada and made Quebec, which was against recognition from the beginning, even more hostile to the Red Chinese regime. Public opinion in Canada at this time was strongly against recognition. Canadians were more disposed to consider that they had troops fighting in Korea than to consider legal or diplomatic questions.\(^5\) "No government in Peking committing aggression can hope to be taken into the community of nations."\(^6\) In stating this Drew made clear his view that recognition, rather than being a precondition for negotiations, could be accorded after Red China had curbed her aggressive tendencies and aided in the discovery of ways to end tension in the Far East. No solution, however, was conceivable to the Conservatives which would give Formosa to the Red Chinese. Legal considerations supporting Communist claims notwithstanding, the freedom of Formosans could not be sacrificed nor could the Pacific defensive network be altered in such a manner.

The Conservative policy then was based on a firm belief that the Communist Chinese would have to repudiate their aggressive tendencies before they could be considered worthy of recognition. At the same time, however, Canada could not merely take Peking's word that Red China was ready to reform. A Pacific defensive network was necessary for the security of Canada and the West and in line with this necessity Formosa could never fall into the hands of the mainland government. Unless one were prepared to argue that Canada had a legal right to a Pacific defensive network if it was to accord recognition to Red China, we must discern that the Conservative policy was based on what were considered to be the political realities of the situation.


In addition if legality were to be considered then the merit of the Red Chinese claim to Formosa would at least have had to be considered. Nevertheless, Drew had pointed out the immorality of any action designed to place the Formosan populace under communist control. In this view he was joined by the Liberals and even the C.C.F. who favoured recognition. Morality in international relations would be considered of course from the subjective view of a national state. Thus it would be a political consideration.

For the Conservatives no arguments, whether based on legalism, realism or optimism, could override the morally influenced political attitude that Red China's policies had vitiated any chance of recognition under the then existing circumstances. A statement by John Diefenbaker (Prince Albert) who later became Prime Minister, typified this position.

Certainly recognition will be hard to justify, however much it may appeal legalistically to students of international law, so long as the people's government continues its programme of virtual annexation of North Korea, supplying arms in Indo-China and apparently doing everything it can to spread communism and disruption in other parts of Asia. While it is impossible to say with finality that China should never be recognized, a good case has not been made for recognition.7

Again we can see that even if the legal validity of recognition was admitted, (as it was tacitly in Diefenbaker's statement) in themselves they could not be considered a primary reason to extend recognition as far as the Conservatives were concerned. It was one thing to recognize evil as existing but quite another to garb it in the cloak of international respectability. Drew added this strong moralistic view; "I hope that in this house we will say that our moral sense forbids us to accept Chou-En-lai, Mao-Tse-Tung or any of the communist

hierarchy who are murdering their countrymen in the name of China today." Because of their opposition to recognition the Conservatives were quick to attack Prime Minister St. Laurent's poor choice of words during his world tour in 1954. His words, they said, had made recognition seem inevitable and Canada would soon have to support Peking's claim for China's United Nations seat. How, they asked, could we let Red China shoot her way into the United Nations? There was no reason for recognition at that time as far as the Conservatives were concerned and the future should be dealt with as conditions arose. It was wrong, they felt, to give Red China hope that recognition would come later. There was no use contemplating future contingencies and recognition should not even be considered. Diefenbaker summed up these views by stating:

This is no time to give a fillip to Communism in Asia by giving Communism to believe that aggression will, if not rewarded, at least will be considered as worthy of recognition in the international world of the present.

Drew made it quite clear that he was disturbed by implications he had gathered from speeches by Pearson. The opposition leader felt that Pearson had implied that a conciliatory pose by Red China at Geneva might prompt recognition. This type of thought was called appeasement by Drew. He could place no faith in Communist promised and warned that any reliance on Communist good faith would constitute a dangerous policy.

Any hope that China would be won away from Russia was ill founded.

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9 See above p. 30.
11 Speeches made by Pearson in Washington, Chicago and Windsor on March 15, 19 and 22, 1954 respectively.
12 Debates, March 26, 1954, p. 3373.
in Drew's opinion. Recognition would only aid communism and indeed communist parties throughout the world had been told to aid in achieving it. Neither would trade be benefited by recognition according to the Conservative viewpoint. Trade with Russia had proven to Canada's disadvantage and there was no reason to believe it would be otherwise with China. The Conservatives contended that Britain had gained nothing in the way of trade by recognizing Peking. In any event they felt that we should not sell our principles for trade. Finally recognition would be interpreted by peoples behind the Iron Curtain as an abandonment of their cause. 13

Arguments against recognition which were most often put forward by the Conservatives in opposition asserted that recognition would be wrong since it would aid the communists while Canada would gain little. Legal considerations faded into the background after Drew's early attempt at formulating a legal case against a policy of recognition. Only the political questions raised had any significance and behind these problems lay the tremendous differences in political ideology between Communist China and Canada. It must be concluded that opinions based on ideological factors in the final analysis determined the Conservative outlook on recognition.

2. The Conservative Party in Power

The last period under discussion in conjunction with Conservative policies started with their election victory in June of 1957 and extends until the end of 1960. What differentiates this period from the prior one is not so much a change in policy but a change in policymakers and to some extent a

change in the factors which influence policy. The party now in power was the one which for eight years had been supporting non-recognition. It was not likely they would change their stand. It was also a party which had used an appeal to Canadian nationalism as a weapon in its election fight and as such the official policy became one of non-recognition because of national self-interest and not non-recognition in deference to American opinion.

The difficulty of Canada's position because of the United States policy was not ignored but rather ways of getting around it were explored. "In the face of the depth of American opinion on this issue, Canadian policy could not have a truly independent character." 14 But Mr. Diefenbaker was not satisfied to just follow the United States, he tried to sell wheat and refused to become involved in the offshore islands dispute.

In late 1957 an official visit to mainland China by a Canadian trade official was undertaken. Of this Prime Minister Diefenbaker said; "There is nothing inconsistent about endeavouring to trade and at the same time not recognizing the government of that country." 15 He also re-iterated that the position of his government would not change until Red China had expiated her sins. "Recognition under international law in the past used to be a juridical act" 16 but was not a political act which would be understood by Asian countries as a recognition of communism and would consequently weaken Asian resistance to the communist menace.

Thus the Prime Minister was faced with the dilemma of agreeing with

15 Debates, November 1, 1957, p.654.
16 Debates, November 1, 1957, p.654.
the United States policy of non-recognition but not wanting to appear to be merely following the United States lead. Had the problem been a legal one there could have been no criticism of following an American viewpoint if that attitude had legal merit. Since, however, the problem was political, criticism was directed at the Conservative government for supporting the American stand.

On February 26, 1958, Sidney Smith, the new Minister for External Affairs, made a definitive statement of the official government attitude towards recognition of Communist China. He said the legal factors which applied in any case of recognition had to be separated from the national and international considerations. Legality deals with control over territory and stability of a regime as well as its willingness to comply with duties assumed by its predecessor in international affairs. Smith admitted there was little doubt that Peking commanded the obedience of the bulk of the Chinese population. As for their willingness to adhere to international law, the Communists had declared they would not be bound by any agreements entered into by their Nationalist predecessors. Yet Peking had done as much in fulfilling its obligations as many other governments (e.g. other Communist countries) then recognized. "It must be admitted, therefore, that most of the legal requirements for recognition have been fulfilled by the government of the People's Republic."¹⁷ The attainment of legal requirements, however, did not lead automatically to recognition.

A decision had to be based on furthering Canada's national interests. Trade in his opinion was not a pressing argument for recognition. There was

¹⁷Debates, February 26, 1959, p.1405.
no proof that recognition would lead to an increase in trade. Red China was not above using trade as a political weapon as had been shown in her relations with Japan, Malaya and Singapore.18

The views of Howard Green, after he became Minister of External Affairs should be noted. This is not to say that these views were any different than the previous official policy. "The Canadian government does not believe that Red China should be recognized under present conditions."19 The adherence to the old policy had to continue to make sure we do not let our Asian friends down. Recognition could only complicate matters for Canada in view of the following statement by Chou-en-lai.

Taiwan is an inalienable part of Chinese territory. We are determined to liberate Taiwan, Penghu, Quemoy and Matsu. All U.S. armed forces in the Taiwan area must be withdrawn. The Chinese people absolutely will not tolerate any plot to carve up Chinese territory and create two Chinas. In accordance with this principle any country that desires to establish diplomatic relations with our country must sever so called diplomatic relations with the Chiang-Kai-shek clique and respect our country's legitimate rights in international affairs.20

Green felt that there was no reason to accord recognition.

Even if the United States were to accord recognition, it did not follow that Canada would. If Canada saw no advantage in recognition what would be the sense of giving it. Canadian supporters of recognition were a bit overbearing, in Mr. Green's opinion, because they felt the Canadian policy was

18 Debates, February 26, 1959, p.1405.


just a reflection of the American point of view. 21

The conclusions to be drawn from this period are the same as in the preceding periods. Recognition will be accorded on the basis of its political advantage to Canada not because of any legal requirements which have been met. It was admitted that certain legal requirements existed and that Red China had fulfilled them but this did not lead to recognition.

The chief political reason for non-recognition between 1957 and 1960 was the attitude of the party in power which abjured recognition. The reasons for this attitude have been given. Trade obviously was not considered an important enough motive to extend recognition since it did grow without it. Our seeming subservience to American policy in foreign relations still rankled many people. "The prevailing Canadian view was that the U.S. policy was unrealistic, excessively ideological and dangerously emotive." 22 Yet the government was not about to change its own policy merely because it coincided with the American policy. The Conservative attitude had been framed with a regard to what it felt to be the salient political conditions and only a different set of conditions could lead to a change in that policy.

4. The Social Credit Attitude

Social Credit ideas on recognition of Red China were, like the other political parties, primarily political. These political ideas were based on a strongly moral attitude against the Communist regime in China. Social Creditors also seemed generally to have a high respect for Chiang-Kai-shek

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and the views of Senator Knowland and the China Lobby in the United States.

Rev. E.G. Hansell, (McLeod) clergyman and Social Credit member, espoused his objections to recognition of Peking in high moral platitudes. Legality within the framework of international law lacked significance, his main approach being resoundingly political. The degree to which his political views were immersed in considerations of religious morality are illustrated by his view that recognition should not be granted merely to facilitate trade. This would be selling out our principles. He also added a condition of recognition which was reminiscent of the doctrine of the idealist, President Woodrow Wilson of the United States, by stating that a period of time should elapse after a revolution in order that we may determine if the government to be recognized is free and democratic.

The attitude of the Social Credit party, a unique splinter party, was openly aggressive. It in many ways mirrored the views of the China Lobby in the United States. With regard to Korea, Solon Low, leader of the Social Credit Party in the House, advocated marching right up to the Yalu River. He said we should not be afraid of war with China as we took that risk when we went to Korea in the first place. He deplored the blunders of the West in dealing with China and felt that we could have prevented China from falling to the Communists. He intimated the Nationalist defeat was not Chiang-Kai-shek's fault. Low agreed that China should not be allowed to shoot her way into the United Nations. However, Canada had to avoid showing unfriendliness to the

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23 A very powerful organization which promoted Chinese Nationalist interest in the United States Congress. It was often termed one of the strongest lobbies ever to exert pressure on Congress. Senator Knowland, Republican leader of the Senate was its leader in Congress.

24 Debates, November 16, 1949, pp.1863-64.
Chinese people and try to support their hopes for a better life. He opposed Chiang-Kai-shek's return to the mainland at that time. The phrase "at that time" indicates however, it might be a future course of action. The United Nations should defend Formosa and prevent it from falling to Peking.25

Among the Social Credit members there was a strong feeling that recognition, rather than leading to peace, would provide an impetus for a continued advance of communism in Asia. Hansell said that the Prime Minister had been influenced too much by Mr. Nehru. In addition he charged that the Department of External Affairs had for some time been looking at the advantages of recognition. Furthermore, Nehru's policy, Hansell felt, was looked upon favourably by St. Laurent and the Minister of External Affairs during the Liberal administration. This policy was not concurred in by the other Asian countries and he quoted United States Senator Knowland as his authority on this matter. It was the Social Credit contention that any policy of appeasement to Red China (in the form of recognition) would have led to an ultimate loss of freedom. Hansell made the foregoing comments by way of introducing into the record of the House of Commons the resolution on recognizing Red China passed by the Alberta Social Credit convention in 1953. Recognition would result in the loss of Asia and the enslavement of millions of people. Any hope of counter-revolution in China would be discouraged. North America itself would be placed in danger. The Red Chinese record of aggression and the probable results of recognition (as they saw them) elicited on the part of the Convention an unalterable position against recognizing the Peking regime. Hansell's faith in the views of Senator Knowland was evidenced

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by his concluding comments in which he urged Canada leave the United Nations should Red China enter. 26

If Hansell's views seem extreme they pale by comparison to the opinions held by his fellow Social Credit member John H. Blackmore (Lethbridge). If the China Lobby had had a Canadian branch this gentleman would have undoubtedly been its leader. The first familiar refrain he brought up was the argument that the revolution in China was not a genuine Chinese movement but rather a product of Russian backing. The revolution had been aided by the many Communists in the Truman administration who blocked aid to Chiang-Kai-shek. These Communists later went to work for the United Nations. The result of Canadian recognition would be that other countries would construe it as a surrender to Russia. What other answer could be arrived at if it is admitted that the Peking regime is not truly Chinese and that recognition cannot possibly influence the Communists to cease aggression? Canada would thus have given comfort to its enemies and would have dismayed its friends. Canadians would have consulates full of spies in their midst and non-citizens of Chinese background in our country would pass under communist control. The countries of Asia would have been told to make a deal with Peking. The military question was also important as Formosa would make a good base from which to attack China. 27 It seemed Blackmore was more prepared to go to war against Red China than recognize her.

The sampling of Social Credit thought seen above is representative of the attitude of that party for the whole period from 1949 to 1960. Legal considerations were relegated to a minor role. Anti-communism and right wing

self-righteousness, were the basis of Social Credit policy on recognition.
Unlike the other political parties in Canada the C.C.F. was strongly in favour of recognition of Red China throughout the period except when active hostilities were going on in Korea. Basically they appealed for what they felt was a realistic approach to the problem. Recognition was necessary to help the cause of world peace. Legal considerations were discussed especially by Mr. Coldwell, the party leader. However, the political considerations drastically affected the C.C.F. policy on recognition.

1. Pre-Korean War Period

Alistair Stewart (Winnipeg North) called for a realistic policy on recognition. He pointed out that the Nationalist government did not deserve Canadian support as they were a corrupt and autocratic group. It was further stated by him that the Communist regime in China was not under Russian domination. Recognition, he felt, was the correct policy from the Canadian standpoint and such a policy would be beneficial if it were well-timed. It should not be accorded at a moment when it would greatly enhance the prestige of the Peking regime but on the other hand it should be accorded before it is too late for Canada to benefit from the act.¹ This was another way of saying recognition must serve Canadian political ends but not those of Peking.

¹Debates, November 17, 1949, p.1874.
Mr. Coldwell, leader of the C.C.F. party, framed his argument with emphasis on the legal aspect. His legal argument indeed seemed to controvert the idea that recognition of a government is primarily a political act.

There are some who maintain that, all this notwithstanding, recognition is merely a discretionary act of policy - an act of grace which may be withheld at pleasure and may legitimately be used as a weapon of political intervention or of economic pressure. There is no support for any such view in the bulk of the practice of this and other countries. On the contrary, overwhelming authority points to the fact that provided the conditions presented by international law are fulfilled, there is a legal duty to recognize.

Fortifying his belief in the justness of granting recognition to Peking, he attempted to show how the Communists did indeed live up to the conditions of recognition. He noted that the Nationalists had no chance of regaining control of the mainland, that consent was no longer part of the law and that no assurance was needed that obligations will be respected by the government to be recognized.

Concerning Coldwell's remarks it should be first noted that he adhered to an argument which had only minority support (Lauterpacht) in the field of international law as is shown in the introductory chapter of this paper. Yet, minority opinion or not this argument remains a legal one in substance. However, to call this a purely legal argument I feel we must be satisfied that it is being put forward so that Canada will be in a legally correct position, the political situation notwithstanding. Phrased in the interrogative this might read: "Would Coldwell have advocated recognition on purely legal grounds if that recognition were to be plainly detrimental to Canada?" If the answer was in the affirmative then we must admit him to be a legalist.

\(^{2}\)Debates, March 7, 1950, p.525.
However, if the answer was in the negative we must draw the conclusion that the legal arguments are put forward to further a political end. Thus basically the argument would be political in nature with the legal aspect providing the means to attain certain results. The record of Coldwell's statements and those of members of his party sufficiently prove, I believe, that Coldwell and the C.C.F. were more concerned with the effects recognition of Peking would have on Canada than with rendering justice to that regime. The remarks of Mr. Stewart already noted\(^3\) seem to bear out this contention.

This is not to admit the validity of Coldwell's (and Professor Lauterpacht's) arguments. When Coldwell said the "bulk of the practice" did not support the position of those who felt recognition is primarily a political act, he must have been referring to the fact that in most cases governments change in a peaceful, constitutional fashion and recognition is automatic. This would not cause too much controversy. He failed to go further however, and see that it was in the exceptional cases, where extra-legal changes occur, that the difficulties in recognition occur. It was in the special cases that the political nature of the act asserts itself. The situation in China could in no way be classified as being typical change in government and thus Canada was forced to consider the matter in the light of her own best interests. Positive international law thoroughly proves that in cases such as China, each country has the right to decide for itself whether legal conditions have been met and if recognition will be accorded on those grounds. It would be difficult to find an example of recognition in a case such as this being granted in the interests of justice rather than self-interest.

\(^3\)See above, p.51.
In addition, we must consider the alternatives to a legal duty to recognize if the conditions are not met. In this case we either have the choice of according recognition even though the pre-requisites are lacking or we have a duty to refrain from recognizing the government. If we have a choice on what other grounds but political ones will we extend recognition? On the other hand if we have a duty not to recognize a government when it cannot meet the legal criteria, we are obligated to withhold recognition from or cut off diplomatic relations with, such governments. Thus, if independence was a condition we could not have recognized the governments of Eastern Europe. If a readiness to fulfill international obligations was necessary (even though assurance of that intention was not) we should withhold recognition from countries which had proven that they would ignore these obligations to Canada or any other state. This alone was enough of a legal argument to bar Communist China from recognition if legal arguments were to be dominant.

Clarence Gillis (Cape Breton South) questioned where the responsibility reposed for writing, interpreting and enforcing international law. He stated, however, that all these fine points of law did not interest him. What did interest him was his contention that China now had a communist government because the people felt anything would be better than the previous regime. If this is the case Canada must be wary of cutting off China and throwing her into the Soviet camp. He also felt that it would be a long time before anyone had complete control of China. The British recognition of Peking was a smart move which Canada should follow for various reasons including the establishment of trade. Red China would eventually enter the United Nations and Canada should try every means to solve the mess in China. Gillis was glad that Pearson was trying to gauge public opinion but this public opinion had been confused because of all the double
talk. Canada, he concluded, should accord recognition when the conditions Pearson outlined were attained and thus attempt to keep close to the Chinese people.⁴

Stewart re-iterated some of the views he had voiced the previous November to the effect that we should recognize Communist China before it is too late to gain advantage from it. It was not a matter of ideology but of facts. In reference to Drew's plea for a concerted Western policy on recognition, he said, "I would suggest further that common action is impossible in a world of national sovereign states, where what will most appeal to a state is its national interests."⁵ The British had recognized for trade motives while the Americans had not for many reasons including prestige. Although the Mao regime was imposed by force, it was accepted by the mass of Chinese peasants, workers and intellectuals. The Nationalists had lost this acceptance and Formosa was suffering from their rule and would eventually fall.

He stated that it was in Canada's best interests to recognize Peking but could not say exactly when this should be done. Recognition was described as a strategic play in the cold war. Non-recognition might surrender by default leadership in Asia to Russia. China could not be made into a Soviet satellite as the other states of the Soviet bloc but neither could she be an ally of the West. Our policy therefore, should be to insure her neutrality. Nationalism is a stronger force in Asia than communism. Drew's legal arguments were dismissed as being invalid and were rather moral than legal. Mr. Stewart wished to get down to the basic realities which would in his opinion


⁵*Debates*, p.555.
make the folly of non-recognition obvious.

Chinese intervention in Korea forced the C.C.F. to abandon temporarily its arguments for recognition. Recognition could hardly be extended to a government which was engaged in combat with Canadian troops. However, Canada, in legal terms, was not at war with Communist China. If purely legal criteria were being used by the C.C.F. to promote recognition, since the situation had not changed there was no reason to change its policy. That there was a shift in the C.C.F. stand indicates they were motivated primarily by political considerations.

2. The Post-Korean War Period

When the situation in Korea had been stabilized enough to start thinking in terms of a cease fire and peace settlement, the C.C.F. which had joined the other parties in refusing recognition after the Chinese intervened in Korea, did not take long in returning to their original theme. They were entirely against the United Nations resolution which had branded Red China an aggressor. Such action, they felt, could only drive Peking into closer ties with Russia. Stewart spoke of the importance of insuring peace and removing any hindrances thwarting the chance for negotiation.

At the same time there was another difficulty experienced by certain nations, ours amongst them. There was the difficulty we had in trying to talk to China when China was not a member of the United Nations. It was in refusing such recognition that the first blunder was committed.6

The United States was at fault for this state of affairs in Stewart's opinion. She had never had to retreat and could not do it graciously then even though that would have been the wisest policy. China was not Canada's real enemy

in the world at that time but rather it was the Soviet Union that posed the threat to Canadian security. It was only American pressure which was making Canada follow an unwise course.

Thus it seemed that the viewpoint of the C.C.F. had swung full pendulum from eschewing recognition of an aggressor to advocating it once more as a means of maintaining peace. This change came in a very short time and it seemed to show that the C.C.F. never really changed its original opinion at all but merely judiciously refrained from stating it at a time when it would have been very unpopular. They felt the Korean War should not be allowed to mushroom into anything larger and thus it was useless to hurl recriminations at and shun Red China. Coldwell summed up his party's attitude.

The C.C.F. does not doubt that the invasion of Korea by the Chinese armies was unjustifiable and contrary to U.N. policy. But at this moment every effort must be made to prevent a general war. We must not give way to resentment or hysteria or assume that war is inevitable.\(^7\)

Coldwell maintained his praise of the British position as a realistic approach. He condemned the Chiang regime for its corrupt record and called for an end to supporting it. If Canada were to negotiate with the Chinese Communists we must recognize the Peking regime. When peace in Korea was achieved we could then support the Red Chinese entry into the United Nations. Once that entry was accomplished work could begin on peaceful solutions to all Far Eastern problems. Included in this would be an agreement for Formosan self-determination. It seemed to Coldwell that to have peace we must negotiate but to negotiate we must recognize Red China and if we should recognize her we must do everything possible to seat her in the United Nations.

\(^7\)Debates, February 1, 1951, p.31.
Stewart did not let the statements of W.J. Browne pass without comment. He called Browne a reactionary and a China Lobbyist. The Chinese, Stewart felt, feared American intentions; perhaps a Korean peace would have paved the way for a Nationalist invasion from Formosa. The West should have endeavoured to make the Chinese Communists believe that there was no intention of overthrowing them by force. Furthermore, he disagreed that Russia controlled China. The Chinese revolution was "revulsion against misery, a revolution against foreign domination." China and Russia had areas of conflict and it was our best policy to let these conflicts grow rather than driving China into Russian arms because of fear of the West. This argument of Stewart's shows the extent to which the C.C.F. was confident that Chinese Communists were more Chinese than Communist. The C.C.F. theory has not been proven correct as the Peking regime has shown since that time the common tendency of new converts, to be extremely fanatic.

Coldwell was not about to let the Prime Minister forget his words of March 25, 1954 which intimated the efficacy of recognition. Recognition, Coldwell felt, should have been accorded in 1949 but was not and the Korean War made it impossible to grant recognition after that, but with fighting ended in Korea and negotiations scheduled for Geneva, the time was then ripe. The Prime Minister, Coldwell argued, had presented a good case for extending recognition. He had pointed out things the C.C.F. had been saying for years. After illustrating so many good reasons for recognition, however, the Prime Minister had backed away from it. Moreover, Coldwell was inclined to

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8See above p. 38.

9Debates, March 27, 1952, p. 852.
believe that by negotiating at Geneva with Red China we are by inference admitting recognition of the fact it is the government of China. However, this view was unwarranted, as opponents pointed out, as there are precedents which clearly show contacts such as at Geneva did not constitute recognition if a state was not willing to grant recognition at the time.

The C.C.F. party looked upon recognition as a pre-condition to fruitful negotiations leading to the establishment of peace. Recognition they felt should be accorded because any other policy hurt the chances of finding solutions for Far Eastern problems. This was the basic reason for their support of recognition. Political motives surely formed the foundation of the C.C.F. argumentation in favour of recognition.

3. The C.C.F. During the Conservative Administration

The relative prosperity which had prevailed until 1957 gave way to a recession and general slowdown in economic growth for the next few years. This, of course, made its impression on the political scene and on the question of recognition of Red China. Trade with China was not a more pressing need in the eyes of the advocates of recognition. This was especially true in the case of British Columbia which stood to gain most. A good deal of agitation for recognition came from that province. How much of that was due to the situation that some outspoken C.C.F. proponents of recognition in the House of Commons represented British Columbia ridings, is problematical. It would be safe to say, generally, the province was in favour of recognition, especially in the light of the harsh effects in that area of the recession.

With respect to the issue of trade the C.C.F. party members were as one. Recognition was a pre-requisite to improving trade relations and for this reason Canada should have abandoned her blind adherence to a faulty American policy.

The agitation for recognition was not silenced by the change in government and many political analysts still wrote favourably of recognition. John D. Harbron, a political commentator, called the policy of non-recognition a blemish on Canada's otherwise good record in international affairs. If Canada wanted to assume the role of a mediator in the world it could mediate through trade with China according to Mr. Harbron. Many American businessmen and public figures wanted more American trade with China. The feelings of British Columbia exporters were well known and increased trade in non-strategic articles was possible. That writer failed to mention that neither Red China nor the United States wanted Canadian mediation at that time and that opinion in the United States was again becoming more militantly opposed to Peking.

Others, such as Marcus Long, who wrote for the Canadian Commentator, felt that Canada in its position as the closest ally of the United States could recognize China and not upset the Americans too much. "With such an ally so beloved by Americans, so far beyond suspicion, why should Canada continue to support the fiction M. Faure has so thoroughly scotched." The fiction referred to was the belief that the Nationalist government represented


all of China and M. Faure, a former prime minister of France had attacked this idea. "If the Canadian government had the courage of its convictions it would speak its piece without fear of consequences. Our prestige depends on our honesty and independence." Commentators like Harbron and Long who held to this type of opinion were appalled at the refusal of Canada to recognize a concrete reality and instead to hold to the myth of Nationalist control.

The C.C.F. party maintained its position in favour of recognition and came up with several new and interesting arguments. Frank Howard (Skeena) contended that the United States would one day alter its policy and gain trade with Red China while Canada would be left in the cold. He pointed out that British trade with Red China doubled since the end of the Korean War. Beyond the question of trade, Canada had a moral obligation to recognize the de facto government of China. This was the first time morality entered as an argument for recognition rather than against it. An independent foreign policy and thus recognition of the mainland government continued to be a favourite weapon of the C.C.F.

Harold Winch, (Vancouver East), again outlined his party's views. He pointed out that lack of recognition is an insult to a proud people. We could not depend on the overthrow of the Peking regime as it was solidly entrenched and had fostered progress even though through very harsh means. The argument that China was won by force and that it was not now a peace loving state were not important enough to halt recognition as they could be applied to numerous states that has been recognized. Norman Robertson, the

13 Long, p.5.

14 Debates, May 20, 1958, p.262.

American Undersecretary of State for Far Eastern Affairs, was strongly against recognition and had come to Canada in early 1959 to specifically outline the American position. However, Winch felt we would be better served by listening to prominent Canadians who had travelled to China than American public servants. We could not ignore China merely because American policy called for the maintenance of the Nationalists. To illustrate his remarks Winch noted that James Muir, president of the Royal Bank of Canada, had returned from China to report that trade opportunities were present even without recognition must come. Dr. Mackenzie, president of the University of British Columbia, was reported by Winch as having said that Canada had to get closer to the Orient by recognizing the Peking regime. Many other peace loving countries had recognized China; by December 3, 1958, thirty-eight countries had done so. Canada had recognized other communist victories and did not tell those countries to expiate their crimes. That was the time, he felt, to cease being an American satellite by according recognition to the Red Chinese. Trade would result from this for the benefit of Canada and especially British Columbia. The time had come to face the facts and realize that recognition was in Canada's best interests.¹⁶

In the period 1957-1960, the C.C.F. had made the extension of trade an important argument for according recognition to Communist China. There was no legality involved in the C.C.F. desire to increase Canadian markets. As in all other cases the C.C.F. was motivated by political considerations.

CONCLUSION

The conclusion to be reached from the study of Canada's consideration of recognition of the government on the mainland of China is that political considerations take precedence over legal ones. This view seems to be substantiated by the implicit admission in many statements of opponents of recognition that the Red Chinese government does fulfill the legal requirements for recognition but that this cannot in itself be an excuse to accord recognition. Those who do not admit the legality of the communist position go to the other extreme and try to cloak their political arguments in legalistic garb. One thing that seems evident, however, is the unwillingness of politicians to completely divorce themselves from legal arguments. Legality is much more appealing than political pragmatism. Despite this, in the final analysis, the realities of world and domestic conditions are the guidelines which are invoked in making a decision such as the one that has faced Canada since 1949.

With a realization that political factors are the dominant causes of a decision for or against recognition of a new government, it is almost a truism to state that the attitude towards such a decision will vary according to world and domestic conditions. This indicates how far from a legalistic attitude the particular problem of recognition in positive international law has gone. From a legal point of view, what is right in 1949 is also right in 1951 given that the law does not change in the interim. The political attitude, however, may change with the times. Thus we note that even the rabid C.C.F. support of
recognition in 1949 had yielded to a realization that such action was not possible in 1951 considering the state of world affairs.

In the majority of cases the recognition of a new government would render no problem and indeed would almost be automatic. The complexities of a strategy imposed by the cold war have dictated that such cannot be the case with respect to a communist government and especially of one so powerful and contentious as Red China. A further complication arises from Canada's relationships with different nations in the world and the variance of the approach to recognition of Communist China on the part of these. Thus Canada is pulled in opposite directions by the vigorous opposition to recognition of its strongest ally, the United States, and the staunch support of that policy by Commonwealth countries with which Canada wishes to maintain close ties. A usually routine facet of international life has thus been turned into a consideration in the highest realm of policy.

In the particular case of Canada and Red China, the domestic overtones cannot be overlooked. The possibilities of huge markets on mainland China become a strong argument for recognition in times of economic distress in Canada. This is especially true in British Columbia which potentially seems in the best position to gain from trade. On the other hand the French Catholic population of Canada would feel it morally inexcusable to recognize the Communist regime in China. (This is a generalization of course as one could find numerous French Canadians supporting recognition). The relative inability to effectively measure public opinion on this issue was one reason for the seemingly hesitant attitude of the Liberal regime until 1957. Many nationalist sentiments have been raised because of the feeling that recognition is withheld merely to follow blindly the United States lead in foreign affairs. We can see
that a variety of domestic conditions must also be weighed in considering recognition.

Thus in summary of the whole problem one must conclude that in the question of Canadian recognition of Red China we have a situation in which the usually easily dealt with matter of recognition has become a matter of some political importance. This has been caused by the fact that it was not a matter of legality but rather one of political expediency. The labyrinth of conflicting political considerations, both domestic and international which are all the more confusing because they are not static has prevented a decision which is satisfactory to the whole nation. One would almost have to surmise that this will be a problem inherent in recognition as long as political considerations are considered more important than legal ones.
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VITA AUCTORIS

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