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SADRUDDIN AGA KHAN AND THE 1971 EAST PAKISTANI CRISIS

REFUGEES AND MEDIATION IN LIGHT OF THE RECORDS OF
THE OFFICE OF THE HIGH COMMISSIONER FOR REFUGEES

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“We are only doctors trying to nurse an injured person without knowing who is responsible for the injury.”¹

“A deeply disturbed man.”²

INTRODUCTION

The Indian sub-continent under British Mandate was partitioned on 15 August 1947 along religious and ethnic³ lines between India and Pakistan. The latter was composed of two entities – East and West Pakistan – separated by more than 1,000 miles of Indian territory. On 16 December 1971, Dacca surrendered to the Indian army that had advanced into East Pakistan virtually unopposed since the beginning of the month. A new regime was established, the first of an independent Bangladesh. This put an end to a 24-year long cohabitation between the two parts of Pakistan hindered by numerous obstacles: cultural and linguistic differences, economic gaps and political misunderstandings⁴.

Since its creation, Pakistan was a country made of migrants⁵. The ‘birth of the Bangladeshi nation’ was again characterized by major flows of population: around 10 million Bengali people fleeing the West-Pakistani repression sought refuge primarily in the Indian States of West Bengal, but also Assam, Meghalaya, Bihar, Uttar Pradesh and Madhya Pradesh between March and December 1971, adding themselves to the large number of people having escaped the floods and the cyclone that hit the country in the Summer and the fall of 1970. Others went into exile in Nepal and Burma⁶.

The United Nations High Commissioner for Refugees, Sadruddin Aga Khan, played a multidimensional role in this episode, which was “a test of UNHCR’s claim to be a non-political refugee protection agency”⁷: his Office became the ‘Focal

¹ Sadruddin Aga Khan quoted by Claude Torracinta (Torracinta, C. “Solutions: Not Assistance!”, *Schweizer Spiegel*, December 1970).

² J.N. Dixit reflecting on Sadruddin Aga Khan, in: Dixit, J.N. 1999. *Liberation and Beyond. Indo-Bangladesh Relations*. Delhi: Konark Publishers, p.77.

³ The ‘ethnic’ concept is constructed through history. Cf. Berman, B.J. 1998. “Ethnicity, Patronage and the African State: The Politics of Uncivil Nationalism”. *African Affairs*, Vol. 97, No 388, pp.305-341 and Chrétien, J.-P. and G. Prunier. 1989. *Les ethnies ont une histoire*. Paris: Karthala.

⁴ For a short introduction to the history of East Pakistan under Pakistani rule, see Bhattacharya, F. 2000. “Le Bengale oriental entre islam et identité régionale”, in: Jaffrelot, C. (dir.). 2000. *Le Pakistan*. Paris: Fayard, pp.71-107.

⁵ According to the 1951 Census, one inhabitant out of 10 was a *mohajir*, a migrant (Jaffrelot, *op. cit.*, p.9).

⁶ Between 12.000 and 60.000 people according to François Cochet (UNHCR Officer in Dacca) in his “Final Report on UNHCR Activities in Dacca”, 24 August 1972, Part I, 4: “The Problem of Refugees”, p.2. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 1].

⁷ Oberoi, P. 2006. *Exile and Belongings. Refugees and State Policy in South Asia*. New Delhi: Oxford University Press, p.104.

Point' of the relief action undertaken at the request of the Indian government by the United Nations system. This task, which required both logistical and political dexterity, represented an important step in the progressive humanitarian management by the United Nations of man-made and natural disasters.

Moreover, the High Commissioner himself took part in the mediation attempt undertaken by the UN Secretary-General U Thant, that aimed at a political and pacific solution to the crisis, in line with the dual responsibility of the United Nations as stipulated in the provisions of its Charter: to respect the national competences of the States (art. 2§7), and to work, within the framework of international economic and social co-operation, to help promote and ensure human well-being and humanitarian principles (art. 1§3).

Indeed, refugees, civil war and international conflict may have rarely been so mingled as in the East Pakistan case: first, refugee movements were a consequence of internal strife, and the reconciliation between the East and West wings of Pakistan was seen as the key to voluntary repatriation; second, because of the burden imposed on India, refugees were both the trigger and pretext for the war waged between New Delhi and Islamabad at the end of the year. In this regard, the 1971 Indo-Pakistani war can be compared, with all due difference in mind, with other refugee-related wars, like Vietnam's intervention in Cambodia in 1978, the 1979 war between Uganda and Tanzania, or the 1996 Rwandese invasion of Zaire⁸.

Based partly on untapped archival materials, this study emphasises the interconnected nature of the phenomena by examining the relations between humanitarian and political action, and between assistance and mediation. It aims at answering two key questions related to the identity of UNHCR as well as to the essence of the crisis itself:

- in the highly inflammable context, and while being the subject of personal attacks, did the High Commissioner – and thus the Office he embodied – manage to maintain neutrality? While Sadruddin kept officially advocating his strict adherence to the non-political focus of UNHCR, he obviously lost or failed to gain the Indian authorities' confidence during the negotiation.
- if the set of arguments and tactics used by the Prince in his mediation attempt could not bring about tangible results in the resolution of the crisis and decisively influence the actors' behaviour, what does this failure reveal about the motivation of the latter?

⁸ Differences can particularly be found when comparing the East Pakistani crisis with the Rwandese invasion of Zaire: the sending state attacked the receiving state, as noticed by Sarah K. Lischer in: Lischer, S.K. 2001. "Refugee-Related Political Violence: When? Where? How Much?" Working paper No 10, Center for International Studies, Massachusetts Institute of Technology, Cambridge, p.8. Otherwise, the three unilateral non-UN sponsored interventions in East Pakistan, Cambodia and Uganda during the Cold war share three similarities: "Humanitarian intervention was not the major thrust of any of these actions (...). In all three cases the targeted regime was toppled (...). In all three cases, refugees (...) were able to return home (...) [and] the official international condemnations were on the whole ritualistic and muted in light of the undeniable fact that the interveners had halted widespread massacres and flight" (Dowty, A. and G. Loescher. 1996. "Refugee Flows as Grounds for International Action". *International Security*, Vol. 21, No 1, p.62).

This paper will first look at the general context of the crisis and particularly highlight the role played by the refugees (I). Then, the action of the United Nations and UNHCR in the emergency assistance will briefly be studied (II), before discussing the details of the Prince's own mediation attempts in Persepolis and then in Islamabad (III).

PART I - THE SETTING: REFUGEES, KEY TO RECONCILIATION, WAY TO WAR

1. 'SEARCHLIGHT'

The East Pakistani population's dissatisfaction with its marriage with the West was nothing new when the first free elections of the unified country were held on 7 December 1970 under the martial rule of General Yahya Kan⁹. In East Pakistan, the Awami League of Mujibur Rahman won with an overwhelming majority. In the West, the Pakistan People's Party of Zulfikar Ali Bhutto (PPP) took the lead, but could not muster a majority in the Constituent Assembly to be convened. The three major actors pursued various aims that were not irreconcilable at the outset: the Army wanted to safeguard the integrity of Pakistan under a central government with effective power and retain its own strength and autonomy. The PPP wanted to secure its participation in the future government. The Awami League was looking for the effective implementation of its six-point agenda¹⁰. Although the actors were first committed to finding a common ground for agreement, political mistrust between East and West politicians, combined with rising unrest and nationalist agitation in the East, led to the progressive rupture of negotiations. After the announcement by Yahya Khan of the postponement *sine die* of the National Assembly on 1 March 1971, central authority collapsed completely in East Pakistan, the civil and political authority residing *de facto* with the Awami League, while the military authority, still in the hands of West Pakistan, was confined in the cantonments of the army. Constitutional talks between the parties took place in Dacca on 19-24 March, but Mujib's commitment to a unified Pakistan became increasingly questioned by West Pakistanis¹¹.

⁹ Yahya Khan's assumption of power dates back to the military coup of 26 March 1969, which marked the fall of the Ayub regime. He declared shortly thereafter his intention to transfer the power to a civil representative form of government, based on a constitution to be crafted by "representatives of the people elected freely and impartially on the basis of adult franchise" (*Yahya Khan's Address to the Nation*, Islamabad, 26 March 1969). The ban on political activity was lifted on 1 January 1970, the election campaign was particularly vivid, and even the election results surprised all parties and actors alike.

¹⁰ The Six-point agenda was the February 1966 Programme of the Awami League. It requested, among other things, a strong autonomy for East Pakistan in the broader framework of a federative Pakistan (See Bhattacharya, *op. cit.*, pp.90-93).

¹¹ For an in-depth analysis of the roots and unfolding of the crisis, see Sisson, R. and L.E. Rose. 1990. *War and Secession. Pakistan, India, and the Creation of Bangladesh*. Berkeley: University of California Press, in particular chapters 2 and 4-6.

On 25 March 1971, ‘Operation Searchlight’ was launched by Islamabad, with the aim of suppressing by force all political opposition in Bengal. Leaders and militants of the Awami League were arrested or shot down, Mujibur was imprisoned in the West, whereas other activists founded – in Calcutta – the “Government of Bangladesh” in exile and organized the armed resistance. To restore ‘law and order’, the Pakistani army, backed by Islamic, pro-Pakistani and Bihari militias¹², acted with disproportionate violence. It first targeted intellectuals and students, East Pakistani members of the Pakistani army and police. Using counter-terrorism as a pretext, repression was then quickly extended to the secessionist ‘Bangladeshi’ *Mukti Bahini* (the ‘freedom army’)¹³ as well as to whole parts of the civilian population.

Thus, the population increasingly sought refuge in neighbouring India¹⁴: from about 25.000 departures registered as of 15 April 1971¹⁵, more than 1.2 million people had taken the road of exile by the end of the month. By May, the movement had assumed a very large scale, with an average daily outflow of 83.000 persons¹⁶. In June, according to Indian sources, the figure had reached 4.7 million and in July, 6.9 million people distributed among 1.000 camps and reception centres. These figures continued to increase in the fall, to reach the official figure of

¹² Like the Razakars, the Al-Badr Al-Shams, the members of the Islamic Chhatra Sangha, the youth movement of the Jamaat-i Islami party (cf. Bhattacharya, *op. cit.*, p.100). The term ‘Bihari’ has two meanings: it can be applied to all Indian immigrants living in Bangladesh whose original homes were in the provinces of Bihar, Uttar Pradesh, the Punjab, and Gujrat. In 1947, 500.000 Biharis chose the oriental wing of Pakistan (Rahim, E. 1992. *History of Bangladesh*. Dacca: Asiatic Society of Bangladesh), p.615, as quoted by Bhattacharya, *op. cit.*, p.97). In this sense, the term is not used in a pejorative way. However, the term is also used to refer to those Muslim refugees who fled to East Bengal from Bihar, where they were in a minority, at the time of the partitioning of India in 1947. “Although arriving as refugees they soon occupied important positions in business, trade and industry”. They were recognized as faithful Muslim brothers and favoured by the West Pakistani because they spoke the same language (Urdu). “The Biharis were soon identified by the bulk of the Bengali population as permanent agents of the West Pakistani vested interests who could never be dislodged (...) as long as the Pakistani domination continued”. This use of the term “Bihari” is used in a pejorative way (Khan, Z.R. 1976. “Leadership, Parties and Politics in Bangladesh”. *The Western Political Quarterly*, Vol. 29, No 1, pp.106-107).

¹³ This resistance force was first made of former members of the Pakistani military, paramilitary or police forces. Afterward, young East Bengali civilians were recruited in the *Mukti Fauj* (liberation army) then called *Mukti Bahini*. They were armed and trained by the Indian military (Sisson and Rose, *op. cit.*, p.143).

¹⁴ K.C. Saha reports that in West Bengal for instance, the majority of the refugees came within a period of 10 to 15 days. In Meghalaya, the influx reached a peak of 25.000 refugees a day (Saha, K.C. 2003. “The Genocide of 1971 and the Refugee Influx in the East”, in: Samaddar, R. (ed.). *Refugees and the State. Practices of Asylum and Care in India, 1947-2000*. New Delhi: Sage Publications, p.216 and p.222). For an overview of the various situations faced in the states of West Bengal, Tripura, Assam, Meghalaya, see *ibid*, pp.211-224.

¹⁵ The UNHCR representative in New Delhi reported the “general opinion in India” regarding these “temporary refugees” to be that “they [would] be able to return to their homes in a not too far away future.” (Oberoi, *op. cit.*, p.110).

¹⁶ Holborn, L.W. 1975. *Refugees: A Problem of Our Time: The Work of the United Nations High Commissioner for Refugees, 1951-1972*. Vol. 1. Methuen, New Jersey: Scarecrow Press, p.755.

9.899.305 people in December¹⁷: of these, 6.8 million lived in camps, the rest being scattered throughout the neighbouring States of India and sheltered by friends and relatives.

2. WHO WERE THE REFUGEES AND WHY DID THEY FLEE?

Following the archives, two main categories of refugees can be differentiated, apart from a few West-Pakistani civilians or army officials who escaped first from the areas controlled by the Awami League. Some fled for political reasons: they were Awami supporters or their families, mostly educated and living in urban areas. They numbered about 7 % of the returnees. Others fled for security reasons and numbered about 93 % of the returnees¹⁸. They were poor peasants of predominantly Hindu faith who feared for their life. Indeed, 80 % of the refugees were Hindus, whereas 20 % were Muslims.

These figures draw attention to the religious background of the crisis: was the West Pakistani action religiously motivated? It has been argued that Islamabad wanted to turn a country where 20 % of the inhabitants were not Muslims in 1971 into a true 'land of the pure'¹⁹. There is no straight answer to the above question, although it existed in the region a strong underlying religious antagonism exacerbated since the partition and exemplified by the population movements in 1947 and 1965²⁰. It is also true that the difficulties of East Pakistan were reported in the Western part of the country as the deeds of some "wily Hindus"²¹, and that this bias was present at a high level²².

¹⁷ These figures were challenged by the Pakistani officials. On 1 September 1971, General Hilaly maintained that the refugee figure was a bit over two million. The USAID deputy administrator, Maurice Williams, reported nevertheless that Indian registration seemed effective, and that the totals were thus probably fairly accurate (Sisson and Rose, *op. cit.*, p.297, note 36). Moreover, they are corroborated by the UNHCR figures of the returnees: "The Indian figure of 9.899.305 at the peak period was therefore near enough correct and could be accepted". (François Cochet, "Final Report on UNHCR Activities in Dacca", 24 August 1972, Part I, 4: "The Problem of Refugees", p.2. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 1].)

¹⁸ These figures are reported by François Cochet in his "Final Report on UNHCR Activities in Dacca", 24 August 1972, Part I, "Repatriation of East Bengali Refugees", p.12. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 1].

¹⁹ Karim, S.A. 2005. *Sheikh Mujib. Triumph and Tragedy*. Dacca: The University Press, p.220.

²⁰ In 1947, 2.5 million Hindus left East Pakistan; in 1964 another 1.1 million of others left as well. Coming from the other direction, 700.000 Muslims left India in 1947, to take shelter in East Pakistan, and a further influx was noticed in 1964 (François Cochet, "Final Report on UNHCR Activities in Dacca", 24 August 1972, Part I, 4: "The Problem of Refugees", p.1. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 1].)

²¹ Mentioned by Sisson and Rose, *op. cit.*, p.37.

²² With the return to an East Pakistani civil government in September 1971, a new Minister for Relief and Rehabilitation, Mr. Shamsul Haq, was nominated. As reported by a UNHCR Officer in Dacca, Mr. Haq rapidly appeared to be "violently anti-Hindu" and "very negative about refugees". He did "not even seem to want them – especially Hindus – to return to East

Without having the ambition to settle a thoroughly-debated and recently reopened case²³ about the Pakistani army's possible intent to commit religious genocide, it is however worth taking into account the UNHCR's in-house reflection regarding the eligibility of the East Bengalis in India, which could provide us with a valuable insight into the nature of the crisis.

The Office considered that if the initial action of the Pakistani army had been confined to the minimum necessary in order to 'maintain order and prevent a secessionist movement', people fleeing East Pakistan to avoid these operations could not have referred to a well-funded fear of being persecuted because of their race, religion, nationality or political opinion²⁴. However, leaving aside any precise appraisal about the situation at the very outset of the crisis, UNHCR legal experts noted in September 1971 that there had been:

"a series of press reports and eyewitness accounts which might, if correct, throw some light on the motives underlying the actions of the army in East Pakistan and indicate that these may have assumed a political or racial aspect. These actions may thus have come to be increasingly dictated by a general identification of the population of East Pakistan with the secessionist movement [persecution based on political grounds] (...), and the population of East Pakistan may have become increasingly conscious of the fact that the measures taken [emanated] from an army having a different ethnic [Punjabi] composition [persecution based on race] (...)".

Thus, it seemed "a fair assessment to conclude that the present situation [did] contain elements indicating that this group [was] composed of persons who may well [have been] within the UNHCR mandate"²⁵.

Race and political opinion: these two motives of persecution were all well perceived by the UNHCR observers, who could not, however, determine with certainty the precise weight of each of these motives on the Pakistanis' actions, or if they constituted a deliberate, planned policy. Religion was not directly mentioned as a ground for persecution. While the High Commissioner recognized the over-reaction of the army and the danger of the witch-hunt, he refused to validate the religious reading of the crisis. It was admittedly obvious that "the Punjabi Army

Bengal" (Letter from J.D.R. Kelly (Special Representative in Dacca), "East Pakistan Minister for Relief and Rehabilitation – Mr. Shamsul Haq", 29 October 1971. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 3]).

²³ See Akman, W. 2002. "Atrocities against Humanity during the Liberation War in Bangladesh: a Case of Genocide". *Journal of Genocide Research*, Vol. 4, No 4, pp.543-559 and Beachler, D. 2007. "The Politics of Genocide Scholarship: the Case of Bangladesh". *Patterns of Prejudice*, Vol. 41, No 5, pp.467-492. According to the International Commission of Jurists there was, during West Pakistani action "a strong *prima facie* case that criminal offences were committed in international law, namely war crimes and crimes against humanity under the law relating to armed conflict, breaches of Article 3 of the Geneva Conventions of 1949, and acts of genocide under the Genocide Convention of 1949 (part IV)" (ICJ (International Commission of Jurists). 1972. *The Events in East Pakistan: a Legal Study by the Secretariat of the International Commission of Jurists*. Geneva: International Commission of Jurists, p.97).

²⁴ According to art. 6 (B) of the UNHCR Statute.

²⁵ "Mandate Status of Refugees from East Pakistan", 13 September 1971, pp.1-2. Fonds 13/1, *Mission to New-York (13-14 September 1971)*.

[vetted] its anger primarily against Hindus”²⁶. However, it did not appear to the Prince that “dumping” the whole Hindu population on India was the “deliberate policy framed by Islamabad”²⁷. Official statements, he noted, confirmed the willingness of the authorities to welcome back “every Pakistani, he be Muslim, Hindu, or of any caste or creed”²⁸.

As we shall see in the next section, in detailing the motivation of the actors, this UNHCR perspective can be compared with the Indian viewpoint according to which the army’s action amounted to ethnic cleansing²⁹, and with Pakistan’s stand, that differed of course from the latter. Both considered refugees as an important element of their internal and foreign policies.

3. INDIAN AND PAKISTANI REACTION: REFUGEES AS PAWNS

3.1. INDIA: TRIGGER AND PRETEXT

After the initial surprise³⁰, the government of Indira Gandhi rapidly defined its objectives in confronting the Pakistani crisis and the refugee influx³¹: the “first and most fundamental” of these related to the return of all refugees to East Bengal, including the Hindus; the second aim was to incite a “satisfactory political solution”³² in Dacca, meaning the transfer of power to the moderate Awami League in the broader framework of a Federative Pakistan, or of Bangladesh as an independent State. Both objectives were interrelated: when speaking about creating in East Pakistan a “situation that would allow for the return”³³ of refugees, India had in mind sincere negotiations with Mujibur Rahman so as to establish him as the head of the Executive. To achieve these two objectives:

1. military preparation in view of a possible resort to force immediately began.

²⁶ According to the High Commissioner visiting the Canadian Ministry of Foreign Affairs in the “Summary Records of the Interdepartmental Meeting with the UNHCR”, No Date, p.3. Fonds 13/1, Series 3, *Mission to Canada (25 October 1971)*.

²⁷ Note for the file “Meeting with Mr Guyer and Urquhart (New York, 23 June 1971)”, p.4. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 2].

²⁸ “Pakistan’s President Statement on 30 October 1971”. Fonds 13/1, Series 3, *Mission to India and Pakistan (4-13 November 1971)*, [Vol. 2].

²⁹ Posen, B.R. 1996. “Military Responses to Refugee Disasters”. *International Security*, Vol. 21, No 1, p.75.

³⁰ Marwah, O. 1979. “India’s Military Intervention in East Pakistan, 1971-1972”. *Modern Asian Studies*, Vol. 13, No 4, p.560.

³¹ According to Sisson and Rose, *op. cit.*, p.187. Cf. also Dixit, *op. cit.*, pp.51-52.

³² According to the Foreign Secretary Swaran Singh, in: Hazelhurst, P. “Minister hints that India may go to war over E Bengal”, *The Times* (London), 28 June 1971.

³³ According to an Indian Proposal submitted to UNESCO on 17 May (Sisson and Rose, *op. cit.*, p.188).

2. in a parallel move, India launched a diplomatic offensive designed to mobilize the ‘international community’³⁴ in favour of these goals or at least to neutralize any potential interference. This diplomatic pressure aimed at forcing Islamabad to start negotiating with the banned Awami League, and at convincing Western countries to stop providing development aid to Pakistan. It was hoped that deprived of this source of income, West Pakistan’s ruin would only be a matter of weeks³⁵, and achieved in a manner short of war.

This discourse closely linked three issues: the refugee question, the East Pakistani internal strife and governance, and the threat of an international war. How can this be explained, especially as it contrasted greatly with the past liberal granting of Indian citizenship to anybody wishing to leave Pakistan?

The Pakistani repression which started on 25 March arguably differed qualitatively from anterior repressive actions by its ‘genocidal intent’. Although, as we know, this thesis is disputed, some Indian analysts assumed at the time that most of the Hindu Bengalis – some 12 to 13 million people – were bound to go to India³⁶. Such high numbers would be impossible to accommodate for two main reasons:

1. The international assistance notwithstanding, the federal government argued that it would endanger the future development of the country and cut into the industrial investments and grain surplus. In this regard, the Indian Permanent Representative to the United Nations, N. Krishan, declared before the Economic and Social Council (ECOSOC), on 16 July 1971, that 30% of the taxes collected by the Indian Government were used to respond to the refugees’ needs³⁷.
2. The refugees were settled in areas already troubled by political, social and economic difficulties. In West Bengal on the one hand, the Communists³⁸ and Naxalites³⁹, who had contacts with the most extremist Bangladeshi resistance groups, exploited politically the economic impact of the refugees’ presence. Nearly 3 million of them tried to enter the already tense local labour market and the international assistance they benefited from, in contrast to the local resentful Indian communities. It was in India’s interest

³⁴ This expression shall be used with caution, especially in the context of the bipolarized climate of the Seventies. For an analysis of the use on the international level of the sociological concept of ‘community’, see the first part in: Villalpando, S. 2005. *L’émergence de la communauté internationale dans la responsabilité des Etats*. Paris: Presses Universitaires de France. The author warns us in these terms: “the expression ‘international community’ is (...) the victim of its own success. Its ‘reassuring tone (...) evokes an harmonious conception of the international system by underlying its unifying forces (...). (...) The notion of ‘community’ seems to be determined by the ideals and the interests of those who invoke it, and by the object or aims that have decided these persons to call for it (p.9, author’s translation).

³⁵ See Kumar Panda, P. 2003. *Making of India’s Foreign Policy. Prime Ministers and Wars*. Delhi: Raj Publications, pp.182-195.

³⁶ Sisson and Rose, *op. cit.*, p.147.

³⁷ Holborn, *op. cit.*, p.765.

³⁸ Members of the Communist Party (Marxist), CPM.

³⁹ Members of the Communist Party (Marxist-Leninist), CPML, who were launching terrorist campaigns in the 1960s.

to favour a friendly government in East Pakistan that could both control these extremist elements by aligning itself with the policies developed by the Indian National Congress (INC), and by welcoming back the refugees. On the other hand, in the tribal States of North-East India like Tripura and Meghalaya, the presence of East Bengali threatened to throw off the delicate balance between the tribal and non-tribal *ratio*, in a way detrimental to the stability of this politically volatile zone⁴⁰, fraught with “centrifugal tendencies” caused by ethno-linguistic and cultural differences⁴¹.

That is why the government of India immediately stressed that it was not its intention to accommodate the refugees from East Pakistan on a permanent basis⁴², and insisted on the fact that they were “not refugees in the sense we have understood this word since partition”⁴³ – that is to say people fleeing religious persecution of a predominantly Muslim country. In order to justify this stance and maybe to discourage violent anti-Muslim reactions in India, the Prime Minister seemed to ignore the fact that the overwhelming majority of refugees fleeing East Pakistan were Hindus: she described refugees as belonging “to every religious persuasion – Hindu, Muslim, Buddhist, and Christian”, and coming from “every social class and age group”. In sum, she depicted the refugee flow as solely politically induced, because of Islamabad’s policy “not against the minority community as such, but against the demand for regional autonomy raised by the members of the majority community”⁴⁴. This characterisation seems to contradict the claim that Pakistan committed religious ‘genocide’, but reveals the dilemma for the Indian government, which was both anxious to point out Pakistani terror vs. Indian humanity, and eager not to assimilate these temporary “evacuees”⁴⁵, waiting for a political change in their country of origin, with refugees bound to seek a quasi permanent asylum in India because of their faith.

The massive presence of refugees on Indian soil is linked with India’s decision to go to war, but the picture gets blurred as soon as we try to focus. Let’s take an example. On 25 April, Indira Gandhi powerfully summarized the situation for the Indian Commander-in-Chief:

⁴⁰ Sisson and Rose, *op. cit.*, pp.179-181 and 275. See also Ahmad, A. 1971. “Bangladesh: India’s Dilemma”. *Pakistan Forum*, Vol. 2, No 2, p.13.

⁴¹ Dixit, *op. cit.*, p.58. For a good overview of the domestic politics and the refugee influx, see also Oberoi, *op. cit.*, pp.115-117 and Verghese, B.G. 1996. *India’s Northeast Resurgent: Ethnicity, Insurgency, Governance, Development*. Delhi: Konark Publishers, pp.37-53.

⁴² Indira Gandhi on 4 May 1971, as reported by *India News*, 7, 11, and 14 May 1971.

⁴³ Statement of Indira Gandhi to the Lok Sabha on 24 May (Government of India, *Foreign Affairs Records*, May 1971, pp 75-78. Quoted by Sisson and Rose, *op. cit.*, p.296, note 23).

⁴⁴ Gosh, S. 1983. *The Role of India in the Emergence of Bangladesh*. Calcutta: Minerva Associates, p.65.

⁴⁵ According to Oberoi, much official documentations referred to them as ‘evacuees’, welcomed in India for an initial period of three, then six months only, in order “to highlight the temporary nature of their sojourn in India, and to distinguish them from the ‘refugees’ from Partition (...)” (Oberoi, *op. cit.*, p.111). India was not – and is still not – a party to the 1951 Refugee Convention or 1967 Protocol, and “there is no domestic law or specific national policy governing the protection of refugees in India” (Sen, S. 2003. “Paradoxes of the International Regime of Care: The Role of the UNHCR in India”, in: Samaddar, *op. cit.*, p.401).

“I have telegrams from the Chief Ministers of Tripura, Manupur, Assam, Bengal. Refugees are pouring in. You must stop them. If necessary, move into East Pakistan but stop them”⁴⁶.

And yet, is the story that simple? In fact, different schools of thoughts coexist on this issue.

For some historians, as Pakistan refused categorically to negotiate with the Awami leaders and used refugees as “spies and saboteurs”⁴⁷, India was compelled to solve this challenge to its security by force in “sheer desperate self-defence” against this “demographic aggression”⁴⁸. In so doing, India aimed only at alleviating its burden by letting the refugees repatriate freely. For most of the Indian historiography, refugees were the trigger of the 1971 conflict because “it was cheaper to go to war than to absorb the refugees into India’s population”⁴⁹ for the reasons stated above.

Unsurprisingly, Pakistani scholars strongly disagree: Hasan Zaheer has charged India with having exploited human suffering in order to achieve geostrategic aims in a cynical way. To support his thesis, he quoted K. Subrahmanyam, Director of the Indian Institute for Defence Studies and Analyses, a semi-official think tank, who stated on 8 April 1971:

“The break-up of Pakistan is in our interest and we have an opportunity the like of which will never come again”.

Although it is difficult to assess the influence of K. Subrahmanyam, Zaheer has further noticed that “at this stage there was no refugee problem, which later was made out to be a security threat to India”. On 17 April, there were indeed, according to the Government of India, only 119,566 refugees⁵⁰ on its territory. Later of course, Zaheer went on, “the influx of refugees would provide a credible excuse for India to do everything to achieve its objective”⁵¹. And finally, he turned the so-called Pakistani “indirect aggression”⁵² into an Indian security threat to Pakistan, which would have arisen “from the public commitment of India to supporting the secession of a part of its neighbouring country”. He certainly alluded to the fact that immediately after 25 March India gave shelter to the ‘Government of Bangladesh’ in exile and increasingly provided training and operational support to the *Mukti Bahini*.

⁴⁶ According to Jayakar, P. 1992. *Indira Gandhi*. New York: Pantheon Books, p.166.

⁴⁷ Akhtar, J.D. 1971. *The Saga of Bangladesh*. Delhi: Oriental Publishers, p.335.

⁴⁸ Rajan, M.S. 1972. “Bangladesh and After”. *Pacific Affairs*, Vol. 45, No 2, p.196. See also Ayoob, M. and K. Subrahmanyam. 1972. *The Liberation War*. New Delhi: S. Chand, chapter 9: “The Genocide and the Refugees”, pp.165-181.

⁴⁹ Ganguly, S. 1995. “Wars without End: The Indo-Pakistani Conflict”. *Annals of the American Academy of Political and Social Science*, Vol. 541, p.174.

⁵⁰ *Bangladesh Documents*, Vol. 1, p.675 (Quoted by Sisson and Rose, *op. cit.*, p.295, note 21).

⁵¹ Zaheer, H. 1998. *The Separation of East Pakistan. The Rise and Realization of Bengali Muslim Nationalism*. Dacca: The University Press, p.274.

⁵² Note on 15 May 1971 from India to Pakistan (*Washington Star*, 19 May 1971).

Is it possible to distinguish the *media via* between these antagonist positions?⁵³ First, “it would not be accurate to say that the refugee problem caused the 1971 war; it was the occasion for it”⁵⁴. Second, it is also true that war was not favoured from the outset. Of course, since Indira Ghandi, during her visit to Washington in October 1971, showed no interest when President Nixon offered to assume all expenses for the refugee camps, Sisson and Rose concluded that by “then, (...) New Delhi had already made the decision to take military action and dump ten million refugees back on a destitute Bangladesh by the end of 1971”⁵⁵. In other words, India had decided to realize by the use of force two of its strategic aims at the same time: alleviate the refugee burden and create a friendly neighbouring state. However, war became the obvious solution only at the end of a long process, during which India’s policy had to take into account other factors, such as ‘Great power politics’. In fact, a “combination of factors” made the military option “increasingly attractive to India”⁵⁶. These included the Soviet support through the Indo-Soviet Treaty of Peace and Friendship signed in August 1971, and the Chinese neutralization⁵⁷, but also the hardship occasioned by the absorption of an additional 10 million people⁵⁸, and the progressive disillusionment in the call to the United Nations and the international card, as well as in the ability of Yahya to open discussions with the Awami League.

Indira Ghandi voiced the first veiled threat of military intervention when she declared on 24 May:

“we shall be constrained to take all measures as may be necessary to insure our own security and the preservation and developments of the structure of our social and economic life”⁵⁹.

The threat became more and more explicit as time passed: in October, she did not hesitate to warn her British interlocutors that if Islamabad refused to negotiate with Mujib, the “Indian government would not be able to resist the domestic pressure to resolve the refugee problem through military means”⁶⁰.

If the historiographic debate is not settled, it is worth noticing that, as far as UNHCR is concerned, the legalistic and humanitarian perspectives of the Office did not help its representatives to take into consideration the Indian political exploitation

⁵³ See Sisson and Rose, *op. cit.*, p.148 and pp.177-178; Ganguly, S. 1986. *The Origins of War in South Asia: Indo-Pakistani Conflicts since 1947*. Boulder: Westview, pp.118-123 and Oberoi, *op. cit.*, pp.132-135.

⁵⁴ Posen, *op. cit.*, p.78, note 16.

⁵⁵ *ibid.*, p.300, note 2. Richard Nixon “was disturbed by the fact that although Mrs Gandhi professed her devotion to peace, she would not make any concrete offers for de-escalating the tension” (Nixon, R. 1978. *The Memoirs of Richard Nixon*. New York: Crosset & Dunlop, pp.525-526. Quoted by Zaheer, *op. cit.*, p.315).

⁵⁶ Van Hollen, C. 1980. “Tilt Policy”. *Asian Survey*, Vol. 20, No 4, pp.351-352.

⁵⁷ China wanted to get involved only verbally, and its capacity to intervene effectively even if it wished to, was put into question (See Sisson and Rose, *op. cit.*, pp.246-253).

⁵⁸ LaPorte, R. Jr. 1972. “Pakistan in 1971: The Disintegration of a Nation”. *Asian Survey*, Vol. 12, No 2, p.104.

⁵⁹ Quoted by Sisson and Rose, *op. cit.*, p.188. See also Ghandi, I. 1972. *India and Bangladesh: Selected Speeches and Statements, March to December 1971*. New Delhi: Orient Longman.

⁶⁰ Indira Ghandi during her trip to Great-Britain, October 1971. Quoted by Sisson and Rose, *op. cit.*, p.314.

of the refugee issue. Indeed, Jyotindra Nath Dixit, former Foreign Secretary of India, recalled:

“if a UN agency came and acknowledged that large numbers of refugees had escaped from East Pakistan into India, this established the credibility of the Indian political argument that the refugee problem had arisen because of military atrocities by Pakistan. (...) The primary motivation was political rather than economic”⁶¹.

Whereas, the legal consultant of the Office, as far as he was concerned, considered that the Government of India sought “to seize the UN from a humanitarian angle by drawing attention to the plight of the refugees (...)”⁶².

However, UNHCR as an international organization can not be reduced to its sole legal and humanitarian dimension. The High Commissioner was present to provide political guidance, and we will see in a few pages that he was fully aware of the intertwinement of the humanitarian and political approaches.

3.2. PAKISTAN: REFUGEES, EMBARRASSING WITNESSES

It has been said that Islamabad wanted to achieve a religious purity in the whole of Pakistan. It has also been said that Islamabad wanted, by letting the East Pakistan inhabitants pour into India, to set the demographic balance in favour of the West (that numbered 55 million people in 1971, against 75 million for the Bengali province), that is to say to ensure Islamabad’s political domination on Dacca⁶³. On the other side, it can be argued that the presence of refugees in India actually reflected a disturbing reality for Pakistan: its failure to protect the citizens, the rejection by the masses of the West Pakistani legitimacy and the confirmation of the political supremacy in East Pakistan of the Awami League as already revealed by the polls. Besides, the fact that nothing was done to hamper their flight may have indicated that West Pakistani rule could not master the situation by force anymore, and had lost control of one of the main attributes of a state: its population. Facing this unfortunate effect on the international scene, Islamabad’s fourfold reaction could corroborate this hypothesis. Addressing the issue, the regime tried successively or simultaneously to minimize, justify or remedy it.

First, Pakistan denied the intensity of the exodus: as Chief Martial Law Administrator, Yahya Khan denounced in May 1971 the *pseudo* refugees, and pretended that these masses were mainly composed of “millions of Indian Muslims (...) driven out of their homes” since 1947 by the Indian Government who refused to take them back, as well as of “unemployed and homeless people of West Bengal”⁶⁴. In the spring of 1971, the joint World Bank and International Monetary Fund

⁶¹ Reported by Oberoi, *op. cit.*, p.113. Emphasis added.

⁶² “Note by the Legal Consultant to UNHCR”, Annexed to the Report of the Mission to India by a UNHCR Three-Man Team, 5-19 May 1971, p.1. Fonds 13/1, Series 3, *Mission to India and Pakistan (5-20 June 1971)*, [Vol. 2]. Emphasis added.

⁶³ Dowty and Loescher, *op. cit.*

⁶⁴ *The Indian Express*, 6 and 9 May 1971. Quoted by Akhtar, *op. cit.*, p.340.

mission sent to Pakistan found Yahya Khan “brush[ing] aside” the refugee problem and “refus[ing] to acknowledge refugee exodus caused by [the] wave of terror”⁶⁵.

Second, Pakistan accused India of encouraging the civilians to cross the border through propagating fallacious rumours of atrocities perpetrated by the Army. *All-India Radio* had indeed denounced the ‘genocide’ taking place in East Pakistan in April and May. On the other hand, it had also presented such an optimistic picture of the ‘victories’ of the pro-Awami forces, that it dissuaded some activists to seek refuge in India⁶⁶.

Third, from May 1971 onwards, the Pakistani Head of State began to call for the voluntary repatriation of the refugees, guaranteeing them security and rehabilitation, opening reception centres and granting them a full and general amnesty⁶⁷. Other signs of appeasements were displayed: the replacement of the military Governor, General Tikka Khan, by the civilian Dr. Malik, the constitution of a Provincial Cabinet, the announcement of by-elections. These assurances were reiterated in numerous appeals. This possibly had the effect of reducing the daily rate of the exodus⁶⁸ but did not trigger any noticeably large return movement: according to Holborn, it was “virtually nil”⁶⁹. Of course, New Delhi was held responsible for this lack of enthusiasm because it allegedly refused to let refugees return⁷⁰.

Finally, as we shall see in the next parts, Pakistan first reacted negatively to the Indian initiative to internationalize the refugee problem, but then appeared to be keener than its neighbour to facilitate the international efforts in resolving the crisis in accordance with existing frontiers. This more conciliatory attitude, a result of the intense Western and UNHCR lobbying in favour of more flexibility and political sophistication, remained however fragile. The weight of the military⁷¹ imposed strict

⁶⁵ Telegram from the US Mission to OECD, Paris, 22 June 1971, “Pakistan Consortium Meeting”, Section 2, p.2. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 2]. In fact, the Indian Joint Secretary in the Department of Rehabilitation had already consulted the UNHCR representative in New Delhi on or before April 16 (Oberoi, *op. cit.*, note 20, p.112).

⁶⁶ Sisson and Rose, *op. cit.*, p.147.

⁶⁷ On 21 and 24 May, and 18 June, the President of Pakistan invited the refugees to return. The Governor of East Pakistan reiterated this call on 10 June and 5 September. He announced on 14 September complementary measures (restitution of property, reallocation of funds, among others).

⁶⁸ From 30.000 to 15.000 people a day, according to Indian sources (reported by François Cochet in his “Final Report on UNHCR Activities in Dacca”, 24 August 1972, Part II: Chronology, p.3. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 1]). The Pakistani government argued that 65.000 persons had repatriated through the reception centres, and 136.000 others had crossed the frontiers back to their homes through unauthorized routes (François Cochet, “Final Report on UNHCR Activities in Dacca”, 24 August 1972, Part II, 4: “The Problem of Refugees”, p.8. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 1]).

⁶⁹ Holborn, *op. cit.*, p.764.

⁷⁰ See Rushbrook Williams, L.F. 1972. *The East Pakistan Tragedy*. London: Tom Stacey, p.101.

⁷¹ See the description of the “Military in Praetorian Pakistan” in: Kukreja, V. 1991. *Civil-Military Relations in South Asia. Pakistan, Bangladesh and India*. New Delhi: London, pp.36-66.

limits and the new attitude also depended on a different perception, compared to India, of what “internationalization” meant.

Seen either from an Indian or Pakistani viewpoint, refugees were at the centre of the East Pakistani crisis. Pawns on the international chess board, they were both part of the problem and of the solution. That is why they were also at the heart of UNHCR preoccupations. In order to deepen the analysis, it is thus important to come back at the roots of the UN involvement in the crisis.

PART II - THE ROLE OF THE UNITED NATIONS: THE EMERGENCY ASSISTANCE

1. INTERNATIONALIZING THE ISSUE AND FILLING THE INSTITUTIONAL GAP

On 23 April 1971, India decided to officially seize the Secretary-General on the refugee issue. Denouncing the “brutalities in East Bengal by West Pakistani troops amounting to genocide”, it requested that aid be provided to the refugees “from the United Nations system and other related organizations”. The letter mentioned also the possibility of holding preliminary talks between the authorities of India and UNHCR, which already had a representative in New Delhi⁷². Following consultations at the Administrative Coordination Committee (ACC) in Bern on 26 April 1971 with the executive heads of the UN agencies and programmes, U Thant designated the UNHCR as Focal Point for the co-ordination of assistance⁷³.

Pakistani officials counter-attacked immediately on 4 May by denouncing India’s inflated figure and stating that the move had strong political overtones. In a letter sent to the High Commissioner for Refugees, the Permanent Representative of Pakistan to the United Nations wrote:

“[W]hat India wants is simply an opportunity to score publicity and propaganda points and to internationalize the situation in East Pakistan, which constitutes a blatant attempt to interfere in the internal affairs of Pakistan”.

Recalling that “India continue[d] to expel its own nationals of Muslim faith (...) into Pakistan”, whose influx had “been so large as to make any present movement in the opposite direction of small significance”, Pakistan contested that “people from East Pakistan who may have crossed over to India” were “permanent refugees” in the sense of the 1951 Convention on Refugees. This was the reason invoked by Islamabad to condemn the decision to send a UNHCR mission considered to be “neither warranted by facts nor by the terms of UNHCR mandate”, and proposed to be undertaken “just because pressure has been built up by India”⁷⁴.

⁷² Letter from S. Sen (Permanent Representative of India to the United Nations, New York) to U Thant, 23 April 1971. Fonds 13/1, Series 3, *Mission to India and Pakistan (5-20 June 1971)*, [Vol. 2].

⁷³ Cable from U Thant to All Executives of UN Programmes and Specialized Agencies, 3 May 1971. Fonds 13/1, Series 3, *Mission to India and Pakistan (5-20 June 1971)*, [Vol. 2].

⁷⁴ Letter from N.A. Naik (Permanent Representative of Pakistan to the United Nations, Geneva) to the High Commissioner, 4 May 1971, pp.1-4. Fonds 13/1, Series 3, *Mission to India and Pakistan (5-20 June 1971)*, [Vol. 2]). Emphasis in original.

Nevertheless, on 19 May U Thant made an appeal for international assistance to “alleviate the serious hardship of the sizeable and continuing influx of refugees”⁷⁵ and UNHCR, in spite of legal difficulties, released 500.000 USD, thus reaching the ceiling of its Emergency Fund⁷⁶.

The choice of UNHCR as focal point by the Secretary General put the Refugee Agency in the foreground in a country where the Office had been regarded critically since its creation: in December 1949, the Indian Government abstained from voting on General Assembly resolution 319 (IV) establishing the Office. The then Foreign Secretary, R. K. Nehru, stated explicitly in the mid-1950s to a UNHCR representative: “You help refugees from the so called non-free world into the free world. We do not recognize such a distinction”. Considering UNHCR as a ‘cold war instrument’, he did not wish to affect India’s neutrality by an association with the Office⁷⁷. However, after increasing border hostilities between India and China in 1962, New Delhi finally sought international assistance for the Tibetan refugees who had first arrived in India in 1959, and whose numbers reached some 40.000 in 1963. UNHCR then began to provide limited support to them and, in 1969, was eventually permitted to establish a Branch Office to co-ordinate a more substantial programme of assistance, although no formal Branch Office Agreement was ever signed⁷⁸. The 1971 appeal fit with this trend toward a closer collaboration between India and the Refugee Agency, but one should keep in mind these difficult historical relations between both actors to better understand the mistrust that arose as soon as the High Commissioner tried to mediate in the crisis.

For the moment, it is interesting enough to question what ‘internationalization’ meant in India’s eyes. It is unclear if this call for international assistance internationalized the whole East Pakistani issue, or whether the concept had to be understood in a stricter sense. Indeed, some scholars point out the contradictions of New Delhi’s policy: it campaigned for international assistance in world forums, in the Western media and through bilateral pressures on major powers on the one hand, but refused to “accept the classification of the dispute as Indo-Pakistani in character

⁷⁵ T. Kittani (Assistant Secretary-General for Inter-Agency Affairs), “Mission to Pakistan to Work Out the Modalities of International Relief Assistance to East Pakistan”, Report to the Secretary-General, 14 June 1971, pp.3-4. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 1].

⁷⁶ With regard to the creation, use and terms of reference of the Emergency Fund (General Assembly Res. 1166 (XII) of 26 November 1957), the Fund was restricted to refugees within the UNHCR mandate. The practice was more liberal and pragmatic. However, presence of persons either of concern to UNHCR, or under the ‘good offices’ of the High Commissioner (in terms of *prima facie* eligibility or where a specific General Assembly Resolution existed for the group) should constitute the legal basis of the allocations. In the East Pakistani case, it was thus “difficult in strictly legal terms to justify the use of Emergency Fund unless the Office went into mandate eligibility or obtained specific General Assembly instructions with regard to extension of its good offices to the group in question” (Zia Rizvi, Note on “Some Financial/Legal Aspects of Possible UNHCR Assistance Measures for East Pakistanis in India”, 10 May 1971. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 3].

⁷⁷ As reported in: Rajiv Kapur, Note to the High Commissioner “Relations Between UNHCR and the Government of India – Background Note”, November 1985, p.1. Fonds 13/2, Series 2, *Visit to India, (November 1985)*.

⁷⁸ *ibid.*, pp.1-2. More generally on the UNHCR-India relationship, see Sen, *op. cit.*, pp.396-442.

in response to international initiatives directed at mediating the civil war in East Pakistan”⁷⁹ on the other. As a consequence, India accepted international help in assisting the refugees but, hindered any initiative aiming at de-escalating the tension not accompanied by a regime change in Dacca. For instance, when U Thant pressed in the summer and fall of 1971 for the mutual withdrawal of all Indian and Pakistani troops from the borders, Indira Gandhi accused the international community of trying to save the Pakistani military regime, and of putting aside the internal strife to “convert it into an Indo-Pakistani dispute”⁸⁰. India’s objective in appealing to the UN on the refugee issue was of course to introduce a regional problem onto the world scene, thus making it appear as “an international problem”⁸¹. Nevertheless, if New Delhi did not maintain a coherent approach for the duration of the crisis or on all its aspects, it is only because the utility of the concept of ‘internationalization’ could vary markedly for her: the concept remained valid as long as India could receive humanitarian assistance because of the international scale of the problem. It was also useful as long as it allowed the international actors to put pressure on Yahya Khan’s regime in order to stop the refugee influx. However, India was aware of the still conservative nature of the international community, rooted in two principles: the non interference in internal affairs of states and the respect of their territorial integrity and existing frontiers. So, it is likely that India refused to acknowledge a full internationalization of the issue that would have led to condemnation from the international community for India’s interference in East Pakistani affairs. It would have shed light on India’s ultimate potential aim: the territorial fragmentation of a UN member state, an outcome the other members could only have considered as negative⁸².

The Indian request, whatever its political undertones, resulted, on the humanitarian front, in the creation of the Focal Point, manned and lead by UNHCR.

2. THE FOCAL POINT: A NON-OPERATIONAL CHANNEL

As a first step, UNHCR dispatched a three-man team to New Delhi, headed by the Deputy High Commissioner Charles Mace, also comprising the Director of Operations, Thomas Jamieson, and a Legal Consultant, Dr. Paul Weis, to survey the situation (7-19 May 1971). Then, a complex mechanism was set-up both in Geneva and in the field⁸³.

⁷⁹ Sisson and Rose, *op. cit.*, p.188.

⁸⁰ Indira Gandhi, “Mrs. Gandhi Rejects Thant Proposal”, *New York Times*, 19 November 1971. Quoted by Sisson and Rose, *op. cit.*, p.190.

⁸¹ “Note by the Legal consultant to UNHCR”, Annexed to the Report of the Mission to India by a UNHCR Three-Man team, 5-19 May 1971. Fonds 13/1, Series 3, *Mission to India and Pakistan (5-20 June 1971)*, [Vol. 2].

⁸² During the UN General Assembly debate in the fall of 1971, the vast majority of member states voted against the Resolution demanding that the “aspirations of the people of East Pakistan should be fulfilled” (Oberoi, *op. cit.*, p.126). The General Assembly Resolution 2793 (XXVI) of 7 December 1971 called for a ceasefire and the withdrawal of Indian troops, and was overwhelmingly approved by 104 votes to 11 with 10 abstentions.

⁸³ See Holborn, *op. cit.*, pp.755-764.

In Geneva, a Focal Point unit composed of 5 officers recorded and transmitted contributions, and collated information. It coordinated weekly with other agencies⁸⁴ through the Standing Interagency Consultation Unit (SICU). Their respective networks informed donors and the media. In the field, Thomas Jamieson's small team in New Delhi liaised with the Government of India, and interacted particularly with the Central Coordination Committee for Refugee Relief (CCC) established within the Rehabilitation Department of the Indian Central Ministry of Labour. This Committee had been charged with the task of establishing camps and of coordinating the relief programme, and initially included a representative from the Bangladesh Assistance Committee. Eager not to be seen as acknowledging the existence of an independent Bangladesh, UNHCR asked for – and obtained on 27 May – a change in the composition of the committee.

While UNHCR carried out fund-raising and decision-making functions, the Focal Point mobilized and secured international contributions; arranged for the procurement of supplies in a coordinated manner; delivered the supply to India; and maintained a close liaison with the Indian Government. From the beginning, it was made clear that Indian officials would be the only operational agents in the field. This mechanism channelled more than 183 million USD⁸⁵ to New Delhi, an unprecedented sum that, however, proved insufficient to cover the total cost of the operation⁸⁶. Although the High Commissioner expressed his satisfaction with the way his Office dealt with the largest humanitarian emergency action of its history⁸⁷, he faced numerous criticisms: non-operational in nature, the Focal Point nevertheless stood responsible in front of public opinion and mass media for the delays in alleviating the plight of the refugees⁸⁸.

⁸⁴ Participants included the UN Secretariat, the World Food Program (WFP), the UN Children's Fund (UNICEF), the World Health Organization (WHO), the League of the Red Cross Societies, and occasionally the International Council of Voluntary Agencies (ICVA).

⁸⁵ According to Holborn, *op. cit.*, p.768. Rajiv Kapur mentions 120 MUSD only (See: Note to the High Commissioner on "Relations Between UNHCR and the Government of India – Background Note", November 1985. p.2. Fonds 13/2, Series 2, *Visit to India, (November 1985)*).

⁸⁶ If we consider the lists of requirements presented by the Indian Government to the Secretary-General, the first list (May 1971) totalled 175 MUSD for 3 million refugees; the second list (June 1971) totalled 400 MUSD for 6 million refugees; the third (October 1971) totalled 558 MUSD for 8 million refugees. In fact, the total is estimated at 440 MUSD. To the contributions channelled by the United Nations must be added the assistance given on a bilateral basis (60 MUSD) and by the voluntary agencies (46 MUSD in December 1971) (Holborn, *op. cit.*, p.768).

⁸⁷ The High Commissioner declared in London on 30 June 1971: "It is significant to note that the day after U Thant launched his appeal, flights were already being organized from Geneva to airlift medical supplies to the area. (...) We received India's appeal on a Sunday and by the next Wednesday we had a team in West Bengal, in Tripura, in Assam, looking into the problem on the spot (...). For the first time there was a standing consultation unit set up in Geneva in which all the United Nations agencies concerned were represented (...). In that way overlapping, duplication, inefficiency could be eradicated. This co-ordination has worked, it is producing very encouraging results" (Press conference of the High Commissioner, London, 30 June 1971, p.2. Fonds 13/1, Series 6, *Conférences de presse (1966-1972)*, [Vol. 2]).

⁸⁸ See for instance this question by M. Caudron (Journalist, *La Vie Catholique*), asked to the High Commissioner in Paris, on 9 July 1971: "When one looks at the camps, there is a

U Thant shared his preoccupation with Sadruddin Aga Khan. In a cable sent on 9 June 1971, he wrote that the “public reactions (...) especially in western press [were] due (...) to usual public misunderstanding of [the] primary necessity of maintaining confidence and co-operation of Government and authorities concerned by avoiding too much publicity”, but also to the “frustration of some voluntary agencies” willing to go ahead on their own because of lack of guidance from the UN. Thus, the Secretary-General concluded:

“[W]e must do everything possible to release to [the] press as much factual material as possible on what is being done”⁸⁹.

In other words, UNHCR was asked to accommodate diplomatic timing and public curiosity aroused by live broadcasts of human misery. As a result, the Focal Point started issuing repeated reports and press statements, and the High Commissioner frequently called press conferences.

And yet, as an American note pointed out, these criticisms were inherent to the nature of UNHCR and of the ‘Focal Point’ technique⁹⁰ since “the UNHCR [was] more of a record keeper and supply recruiter rather than an operationally oriented leader”⁹¹. This document further explained:

“[This] non operational status seems to encourage operationally oriented governments and voluntary agencies to move over and around what comes to appear as a fifth wheel. This is probably due to a tendency to greatly under-staff ‘Focal Points’ and a lack of any real authority to direct field activity. Voluntary agency staff and programs mushroom, and they are soon looked upon by the news media and general public as performing the only true service being given”⁹².

This non operational nature and pure channelling function, combined with the traditional public exposure of the UN system, explains why UNHCR was targeted by public opinion. However, it also allowed the High Commissioner to offset the Indian mistrust, to refute the attacks and to ultimately reject the responsibility on the sending and receiving states. Two lines of argument were at play here, relying on both diplomatic necessities and public relations aspects. As the High Commissioner explained in press conferences:

terrible lack of doctors; there is no milk; there is no protein and this lasts for two months. The world is indifferent. Help does practically not come in. This is the situation. For weeks, people died because of lack of food and medicine. I saw a lot of children dying because of lack of help. What do you plan to do?” (Press conference of the High Commissioner, Paris, 9 July 1971, p.8. Fonds 13/1, Series 6, *Conférences de Presse (1966-1972)*, [Vol. 1]). Author’s translation.

⁸⁹ Cable from U Thant to Sadruddin Aga Khan, 9 June 1971. Fonds 13/1, Series 3, *Mission to India and Pakistan (5-20 June 1971)*, [Vol. 1].

⁹⁰ The ‘Focal Point’ technique was used for the first time in 1970, when the Secretary-General appointed a personal representative to ensure the smooth co-ordination between the UN agencies involved in the assistance programme to the victims of the earthquake in Peru.

⁹¹ “Comments Raised by Mr. Kellogg”, No Date, p.5. Fonds 13/1, Series 3, *Missions to Washington (October-November 1971)*. This document was certainly drafted for the Advisory Panel for South Asian Relief, set up at the State Department. Frank L. Kellogg was the Special Assistant to the Secretary of State for Refugee and Migration Affairs (responsible for US relief efforts in India) and Chairman of the Interagency Committee on Pakistani Refugee Relief.

⁹² *ibid.*, p.6.

“[We] in the UN can only transmit what we are given. We can only channel to India what the international community decides to contribute to our Focal Point”⁹³.

“[The] Indians are overwhelmed [but] until now the Indian government has refused to internationalize the distribution of the help (...) It is not up to me to say if they are right or not”⁹⁴.

Although UNHCR was officially concerned “with arranging relief”⁹⁵, its role did not stop here. The High Commissioner had a strong knowledge of the region and of its actors, and wanted to make use of it. While U Thant, in his position of UN Secretary-General, openly endeavoured to mediate the crisis at a political level⁹⁶, the High Commissioner was made responsible not only for dealing with the humanitarian consequences of the crisis, but also for using his mandate to go to the roots of the turmoil. In both cases, we know that refugees were at the forefront.

⁹³ Press Conference of the High Commissioner, 30 June 1971, p.1. Fonds 13/1, Series 3, *Mission to London (29-30 June 1971)*.

⁹⁴ Press Conference of the High Commissioner, 9 July 1971, p.9. Fonds 13/1, Series 3, *Mission to Paris (8-10 July 1971)*. Author’s translation.

⁹⁵ Cable from Thomas Jamieson to Sadruddin Aga Khan, 19 June 1971. Fonds 13/1, Series 3, *Mission to India and Pakistan (5-20 June 1971)*, [Vol. 1].

⁹⁶ The Secretary-General expressed his concern to Yahya at the very beginning of the civil strife. In April, he stated publicly that “while the civil strife in itself [was] an internal affair of Pakistan, some of the problems generated by it [were] necessarily of concern to the international community”. On 20 July, he sent a confidential memorandum to the President of the Security Council, expressing his fear that the situation constituted a threat to international peace and security. He believed that the UN had to play a role to avert further deterioration (conciliation, persuasion, peace-keeping). On 2 October he sent messages to Pakistan and India in which he offered his good offices and proposed, as we will see, the deployment of UN civilian observers along the borders (Holborn, *op. cit.*, pp.758-759 and p.774).

PART III - THE HIGH COMMISSIONER'S 'QUIET DIPLOMACY': A DELICATE MEDIATION

1. UNHCR, A HUMANITARIAN AGENCY INTERVENING IN POLITICAL AFFAIRS

In parallel to broader UN efforts, the High Commissioner launched his own initiatives aimed at restoring confidence and at building a climate conducive to the return of the refugees.

In his endeavours, Sadruddin used a clever syllogism to justify publicly his stand, as chief executive of an organisation traditionally entitled to humanitarian duties only: first, he referred to the fact that “the work of the High Commissioner shall be of an entirely non-political character; it shall be humanitarian and social (...)”⁹⁷, and affirmed that his “main responsibility [was] to try to look after the effects rather than to eradicate the cause of a conflict that creates refugees”⁹⁸. Second, he assumed that taking care of the Bengali refugees meant assuring their timely return to their homes. Therefore, if voluntary repatriation was the solution, it meant that “every possible alley [had to] be explored with the Pakistani Government so that conditions [could] be created for people to go home willingly (...) and this [was] the role of the High Commissioner as an intermediary of good will dealing with humanitarian problems”⁹⁹: this way, Sadruddin headed from the effects to the roots of the crisis.

Asserting his legitimacy to act as a mediator was necessary but not sufficient. Another important prerequisite for a successful mediation meant also maintaining “the best possible relations with all parties concerned”¹⁰⁰, as the Prince underlined it himself. To achieve this goal, he could refer to the core values of humanitarian impartiality enshrined in the UNHCR statute, as well as to his past record as a High

⁹⁷ Statute of the UNHCR, Chap. 1, §2.

⁹⁸ Press Conference of the High Commissioner, 30 June 1971), p.7. Fonds 13/1, Series 3, *Mission to London (29-30 June 1971)*.

⁹⁹ Conference of the High Commissioner at Geneva airport, 22 June 1971, p.4. Fonds 13/1, Series 6, *Conférences de Presse (1966-1972)*, [Vol. 1]. The document is actually dated “Tuesday 22 April 1971”. However, it most probably dates from June 1971 because of three elements: the content of the press conference (reference to the recent trip to India and Pakistan, with mention of the returning refugees); in 1971, there was a Thursday, 22 April 1971, and a Tuesday, 22 June 1971; finally, the High Commissioner was on mission to Scandinavia on 17-25 April 1971 (Fonds 13/1, Series 3). This press conference will thus be mentioned from now on as having been held in June.

¹⁰⁰ *ibid.*

Commissioner unanimously re-elected in 1968. But he was running the risk of being seen as the other party's agent as soon as he ventured in his personal capacity into the political management of the crisis.

As far as India was concerned, the Prince could rely on the importance of UNHCR's role as an international money-channelling institution. Also, he kept praising officially New Delhi's efforts in assisting the refugees¹⁰¹, and refuting any possible obstruction on its part to their return: "I have absolutely no evidence either in this case, or in any other refugee situation which my Office has faced, that the host government has any interest in obstructing the refugees if they wish to go back"¹⁰². However, this careful general wording hints already, as we shall see, to the fact that behind closed doors Sadruddin Aga Khan was holding a different discourse. He soon experienced difficulties in maintaining good relations with India.

As far as Pakistan was concerned, Sadruddin Aga Khan could appeal to his in-depth knowledge of the country, as well to a certain taxonomic cautiousness. For instance, he echoed partly but publicly Yahya Khan's statements about the refugees' problems, when, in the course of one of his first press conferences on the topic, he preferred to speak about 'uprooted people' instead of 'refugees'. Explaining indirectly his reticence, he said:

"[W]hen we speak of refugees we must find out whether we mean people who came a long time ago, people who came during all the disturbances during the recent elections, people who came since the developments in March". He then added that "many people [in Calcutta] are still refugees in the sense that they have not been permanently resettled. The question is, when did they come?"¹⁰³.

The issue is far from being an innocent one: in spite of all precautions, it is indeed always politically interpreted¹⁰⁴. However, the Prince benefited in this regard from the peculiar UNHCR position in India. The Focal Point initiative legitimated the Refugee Agency's presence without letting it question the eligibility status of the exiles. Here, it was a "purely humanitarian action"¹⁰⁵ that followed from the Secretary-General's own executive authority. Anyhow, "with these numbers of

¹⁰¹ Declaration of the Minister of Labour and Rehabilitation at the Lok Sabha on 18 June 1971: the High Commissioner "expressed his admiration for the manner with which the Government of India was organizing relief for the refugees" (Cable from Thomas Jamieson to Sadruddin Aga Khan, 19 June 1971. Fonds 13/1, Series 3, *Mission to India and Pakistan (5-20 June 1971)*, [Vol. 1].

¹⁰² Press Conference of the High Commissioner, 30 June 1971, p.7. Fonds 13/1, Series 3, *Mission to London (29-30 June 1971)*.

¹⁰³ "HC's Statement about Refugees from East Pakistan and Complete Text of Q&A – Press Conference on 5 May 1971", p.3. Fonds 13/1, Series 3, *Mission to India and Pakistan (5-20 June 1971)*, [Vol. 2].

¹⁰⁴ "The decision as to whether or not to support various groups as 'refugees' always implies to some degree a foreign policy decision" (Zolberg, A.R., A. Suhrke and S. Aguayo. 1986. "International Factors in the Formation of Refugee Movements". *International Migration Review*, Vol. 20, No 2, p.168).

¹⁰⁵ As Dr. Weis (Legal UNHCR Consultant) makes clear to the Director of the Legal and Treaties Division, Indian Ministry of External Affairs ("Note by the Legal Consultant to UNHCR", Annexed to the Report of the Mission to India by a UNHCR Three-Man Team, 5-19 May 1971. Fonds 13/1, Series 3, *Mission to India and Pakistan (5-20 June 1971)*, [Vol. 2]).

people, with the distances involved, it would [have been] absolutely futile to try to determine whether or not people left because of [a] well founded fear of persecution (...)"¹⁰⁶.

And yet, the task remained a challenging one, and the Prince met with one difficulty after another when he tried to implement his mediation. It unfolded in two steps: in the spring, the High Commissioner, first remaining within the UNHCR mandate's boundaries, tried to foster voluntary repatriation in East Pakistan, which put him at odds with India. In the autumn, acting more in his personal capacity, he attempted in Persepolis and Islamabad to foster dialogue between India and Pakistan on one side and between Pakistan and the Awami League on the other, but was confronted with the deterioration of the international situation.

2. FOSTERING VOLUNTARY REPATRIATION IN THE SPRING: A COMPLEX TASK FOR A MAN UNDER PRESSURE

2.1. HELPING PAKISTAN TO LET THE REFUGEES COME BACK...

In the spring, his plan was quite simple: we already know that to inspire the refugees' faith in the future, the High Commissioner had interpreted his mandate so as to initiate "some sort of arrangement whereby people who want to come home [could] do so"¹⁰⁷. This necessitated providing some guarantees to potential returnees. However, "a UN agency could hardly give guarantees on treatment extended to citizens at home. This would clearly be understood as an infringement on any Member Governments' sovereignty (...)"¹⁰⁸. Thus, Sadruddin endeavoured to convince the Pakistani authorities to seize the initiative away from India, and to take advantage of the internationalization of the issue that Islamabad had initially rejected. According to Hasan Zaheer, he proposed the following plan to the Pakistani authorities during his visit to Islamabad in early June: first, he was ready to visit some reception camps and "issu[e] a statement on that basis that adequate facilities [had] been provided by Pakistan. For this (...) it would be necessary to equip at least four or five centres promptly with shelter, food, medicines, and transport. A public announcement by the UNHCR of these arrangements would put the onus on India if the refugees were then not allowed to return"¹⁰⁹. Second, he would receive the authorization for the permanent posting of a professional officer in Dacca, with a small support team, in order to ensure a UN presence in the reception centres on the border.

This last demand was immediately accepted: J.D.R. Kelly took up his post on 1 August, and was joined in September by a Deputy and three field assistants. The

¹⁰⁶ "HC's Statement about Refugees from East Pakistan and Complete Text of Q&A – Press Conference on 5 May 1971", p.4. Fonds 13/1, Series 3, *Mission to India and Pakistan (5-20 June 1971)*, [Vol. 2].

¹⁰⁷ *ibid.*, p.1.

¹⁰⁸ Conference at Geneva Airport of the High Commissioner, 22 June 1971, p.7. Fonds 13/1, Series 6, *Conférences de presse (1966-1972)*, [Vol. 1].

¹⁰⁹ Zaheer, *op. cit.*, p.265. Emphasis added.

first part of the plan proved more difficult to carry out: after his meeting with Yahya in June, Sadruddin Aga Khan went to Dacca and visited Chuadanga and Benapol Reception Centres. He found them well equipped and well staffed¹¹⁰, and interviewed some returnees randomly, but with the presence of the Bengali High Commissioner for Relief. Did he really suggest to the Pakistani Head of State to stage this visit, as Hasan Zaheer seems to imply? Nothing in the UNHCR archives can confirm or invalidate this thesis, although he seemed not to be duped in front of his other UN interlocutors: immediately after touring East Pakistan, he told the UN Under-Secretary for Political Affairs, Mr. Guyer, that “some of the ‘returnees’ whom he saw in reception centres had apparently been planted there by [the] Pakistani authorities”¹¹¹.

That Sadruddin widely publicized his visit, which was also used by Pakistani authorities to stress their good faith¹¹², remains certain. To the Indian officials, he gave an account of his visit to the reception centres and of his “favourable impressions on them”¹¹³. He went further while visiting a refugee camp near Calcutta immediately after his visit to East Pakistan. According to *The Guardian* (London), he regarded the situation in East Pakistan as “optimistic”, and allegedly declared that he “did not see why the refugees should not be able to return home in time”. Moreover, he judged that Yahya Khan was supposedly “quite genuine” in his

¹¹⁰ Cable from the High Commissioner to his Deputy, 12 June 1971. Fonds 13/1, Series 3, *Mission to India and Pakistan (5-20 June 1971)*, [Vol. 1].

¹¹¹ “Summary Report of Meeting with the UNHCR”, 23 June 1971, p.6. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 2]. After the independence, this impression was confirmed: the Bangladeshi local authorities reported to UNHCR “that at the time they were working under the Pakistani regime the people they showed the UNHCR team in the reception centres were ‘fake’ refugees but that they were obliged to cheat under threat of death from the military authorities” (François Cochet, “Final Report on UNHCR Activities in Dacca”, 24 August 1972, Part I, 4: “The Problem of Refugees”, p.9. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 1]).

¹¹² Thus, Yahya wrote to President Nixon on 18 June 1971: “Notwithstanding the fact, that since independence Pakistan has received millions of refugees from India, a large number of whom still remain unsettled, the Indian Government has spared no effort at this juncture to exploit the presence of Pakistani displaced persons for a political end. These persons should be enabled to return to their homes, and my Government has taken adequate steps to ensure this. We have as you must have learnt, associated the UN High Commissioner for Refugees to advise and assist us in implementation of this objective. The UN High Commissioner, Prince Sadruddin Aga Khan, has personally visited some of the reception centres we have established to welcome returning displaced persons, and satisfied himself that adequate facilities exist to receive them” (Letter From Pakistani President Yahya to President Nixon Islamabad, 18 June 1971. Source: National Archives, Nixon Presidential Materials, NSC Files, Box 759, Presidential Correspondence File, Pakistan (1971) – in: Keefer, E.C. and L.J. Smith (eds). 2005. *Foreign Relations of the United States, 1969-1976. South Asia Crisis, 1971*. Vol. XI. Washington: United States Government Printing Office, p.191). [Subsequently referred to as FRUS, Vol. XI]. Emphasis added.

¹¹³ Cable HCJ22 from Thomas Jamieson to UNHCR HQs, 16 June 1971. Fonds 13/1, Series 3, *Mission to India and Pakistan (5-20 June 1971)*, [Vol. 2].

invitation to all refugees to return¹¹⁴. Back to Geneva, on 22 June, the High Commissioner made his thinking clearer. In a press conference he declared:

“[I]n many of the places I visited I saw still traces of [the] conflict; in other parts which I visited, the situation was slightly going back to normal and one could see a lot of people cultivating their fields, living a normal life, the markets were again attended by the population and (...) when we flew over in (...) helicopter, people were all coming out of houses and waving at us, they were not running away in fear, although we were flying very low”¹¹⁵.

In New York, a few days later, journalists assailed him, pointing out the divergences between his report and other accounts, at a time when the Western “press and television were flooded with accounts of atrocities in East Pakistan”¹¹⁶. Although figures of big movements were reported during that time, a journalist asked Sadruddin, “when you told us of your flight, you said you saw no columns of people moving. (...) From where, then were the refugees coming, and how did they get into India if you did not see any sign of them on your travels?”¹¹⁷ Sadruddin admitted finally being “quite certain that the situation [was] still unstable and that movement [was] taking place”. In early July, in Paris, he added: “I have read in the press, as everyone, that, apparently, in some regions of the country, people still have very good reasons to leave”¹¹⁸.

Among these reasons, he nevertheless seemed to take pains not to explicitly mention political instability, but rather stressed the disruption of communications or of the economic life¹¹⁹, and the risk of famine and the coming monsoon¹²⁰. A rare episode should yet be mentioned: during the same press conference in Paris, he stated that people continued fleeing for “political reasons”, but immediately nuanced this explanation, noting that it was also because of a “general trauma, due to the fact that people had heard about what had happened in other parts of the country”. He added: “[This is] a concrete fear, objective or subjective, that is not necessarily induced by a persecution or the fact they were directly hit (...)”¹²¹. This statement recalls the interviews of the few returnees to East Bengal under Pakistani rule that

¹¹⁴ Winchester, S. “Refugees Angered by UN Officials’ Remark”, *The Guardian* (London), 17 June 1971. Of course, when interpreting the High Commissioner’s comments, much depends on the meaning attached to “in time”.

¹¹⁵ Conference of the High Commissioner at Geneva Airport, 22 June 1971, p.3. Fonds 13/1, Series 6, *Conférences de presse (1966-1972)*, [Vol. 1].

¹¹⁶ Zaheer, *op. cit.*, p.251.

¹¹⁷ Press Conference of the High Commissioner in New York, 23 June 1971, p.18. Fonds 13/1, Series 6, *Conférences de presse (1966-1972)*, [Vol. 2].

¹¹⁸ “Conférence de Presse du Haut-commissaire pour les réfugiés”, p.6 (No date and no place indicated. The press conference was held entirely in French, with France-based journalists. It most probably took place in Paris, in July 1971). Fonds 13/1, Series 6, *Conférences de presse (1966-1972)*, [Vol. 2]. Author’s translation.

¹¹⁹ Conference at Geneva Airport, 22 June 1971, p.3. Fonds 13/1, Series 6, *Conférences de presse (1966-1972)*, [Vol. 1].

¹²⁰ *ibid.*

¹²¹ “Conférence de Presse du Haut-commissaire pour les réfugiés”, p.4. (No date and no place indicated. Most probably took place in Paris, in July 1971). Fonds 13/1, Series 6, *Conférences de presse (1966-1972)*, [Vol. 2]. Author’s translation.

UNHCR officers collected with the presence of West Pakistani officials¹²². It is to be read in light of the High Commissioner's personal assessment of the East Pakistani situation, as detailed below.

2.2. ...TRIGGERED THE INDIAN BACKLASH

This wide room for manoeuvre in describing the influx that the High Commissioner used to play down the situation gave rise to personal attacks against him. He was fostering voluntary repatriation, while India did not want to see the refugees return under a unified Pakistan. Thus, New Delhi was unwilling to encourage a *humanitarian* solution *politically* favourable to Pakistan's interests: this is very clear in the context of its reaction to the broader framework of UN sponsored efforts to foster voluntary repatriation in the summer and fall of 1971. The UN East Pakistan Relief Operation (UNEPRO) was launched in June as a distinct operation to rescue the inhabitants of East Pakistan from famine. It was distinct but linked with the refugee issue as explained by the Secretary-General: "as conditions improve, a better possibility of arresting and reversing the flow of refugees would occur"¹²³. A UN "humanitarian peace-keeping" mission was then later envisaged. UNHCR representatives would have been stationed at collecting points on the Indian side, at border crossing points on both sides and in reception centres on the Pakistan side. This project had the approval of Pakistan and most powers, except the USSR¹²⁴, but India ultimately declared itself "totally opposed to the posting of any UN observers" on its territory, because "credible guarantees for the security of person and property" in East Pakistan could only be ensured "through a political settlement acceptable to the people of East Bengal and their already elected leaders"¹²⁵.

Therefore, the Indian authorities immediately expressed in June their "scepticism (...) at [the] possibility of repatriation without first a political settlement acceptable to displaced persons"¹²⁶. Then, the Indian Minister of Labour and Rehabilitation declared that the High Commissioner's statements after his visit in East Pakistan left "the unfortunate impression [that] he [was] not above bias"¹²⁷. Some members of the Indian Upper House, the Rajya Sabha, accused him of "mislead[ing] the world by saying that the situation in Bangla Desh [was] returning

¹²² "Reason invoked for flight is general fear or panic which griped a whole community. The returnees rarely witnessed any excesses (...). They decided to return because of "(i) poor food and other conditions in India (...). (ii) They simply decided to go home. (iii) They had heard by word or mouth in India or on Radio Pakistan that conditions of personal security had greatly improved in East Pakistan since April". Some were physically prevented from leaving India by the Mukti Bahini. Continued military activity on the border was deterring other refugees still in India from returning (François Cochet, "Final Report on UNHCR Activities in Dacca", 24 August 1972, Part II, 4: "The Problem of Refugees", pp.9-12. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 1]).

¹²³ Holborn, *op. cit.*, pp.763-764.

¹²⁴ Zaheer, *op. cit.*, p.300.

¹²⁵ Swarn Sing, 3 August 1971. Quoted by Sisson and Rose, *op. cit.*, pp.189.

¹²⁶ Cable HCJ22 from Thomas Jamieson to UNHCR HQs, 16 June 1971. Fonds 13/1, Series 3, *Mission to India and Pakistan (5-20 June 1971)*, [Vol. 2].

¹²⁷ *The Hindu*, 22 June 1971 (Quoted by Sisson and Rose, *op. cit.*, p.189).

to normal and that the refugees should go back”, and to “minimise the gravity of the situation”, as the All-India radio broadcasted¹²⁸. More abruptly, one member of the Indian Parliament even called the High Commissioner a “blatant liar”. A rumour at the time spread the word that he was a Pakistani national and that he came to India as a “Pakistani envoy”, the real purpose of his visit to West Bengal being to collect rent for his property in Calcutta¹²⁹. *The Guardian* made explicit the common point of these criticisms: the Prince, as a leading Muslim, was not regarded in India “as the most impartial of observers who could be sent to inspect the current crisis”¹³⁰.

This was a direct reference to Sadruddin’s social background: he was an Iranian national born in Paris, younger son of the Aga Khan III, born himself in Karachi and who served as President of the Muslim League during its early years. He was also uncle of the Aga Khan IV, and younger half-brother of a Pakistani ambassador¹³¹. The family had vast interests in Pakistan and India, both material and spiritual, as the ruling Aga Khan is the leader of the Ismailis, a Shiite Sect whose members are numerous in these two countries. The *Economic Time* (Bombay) hinted at this responsibility when referring to reports according to which “the Pakistan Government had earlier crudely tried to influence the HCR¹³² by telling the Prince that members of his community in East Pakistan had been killed by many of those who had now fled as refugees. He [had] also [been] warned that sympathy on his part for the refugees could be misinterpreted by the Ismailis in West Pakistan, and thus put under pressure to abandon the whole refugee relief programme”¹³³.

For *The Guardian* as well as for Yahya – but from a different point of view – the rationale behind this smear campaign was simple: Sadruddin was criticized in India because he was “Mussulman”¹³⁴. But this was clearly inadequate for an efficient line of defence. The credibility of the High Commissioner apparently questioned, Sadruddin reacted unofficially by presenting his attitude as based on the necessity of maintaining the relationship with the “only person of importance in Pakistan [General Yahya Khan]”¹³⁵. Publicly, he tried to turn a potential weakness into an asset. In a June 1971 press conference he declared:

¹²⁸ Cable from Thomas Jamieson to UNHCR HQs, 21 June 1971. Fonds 13/1, Series 3, *Mission to India and Pakistan, (5-20 June 1971)*, [Vol. 2].

¹²⁹ According to L.K. Advani, at the time a leading member of the Jana Sangh, and reported by Gosh, *op. cit.*, p.111.

¹³⁰ Winchester (*Guardian*), *op. cit.*

¹³¹ Prince Ali Khan (in office 1958-1960).

¹³² The acronym can be either a reference to the High Commissioner for Refugees himself, or the organisation he represents. This ambiguity is characteristic of a personified organisation. During the East Pakistani crisis, the personality of the High Commissioner embodied but also interacted closely with the action of his Office, and influenced also the perception others had about it.

¹³³ “Refugees in Pakistan?”, *Economic Time* (Bombay), 10 June 1971.

¹³⁴ Telegram from the US Embassy in Pakistan to the Department of State, East Pakistan Refugees: Kellogg Discussion with President Yahya, 28 June 1971. Source: National Archives, RG 59, Central Files 1970-73, REF PAK. Secret – in: FRUS, Vol. XI, *op. cit.*, p.206.

¹³⁵ Telegram from the Department of State to the Embassy in India, Washington, 26 June 1971, East Pakistan Refugees; Discussions with UNHCR Sadruddin. Source: National Archives, RG 59, Central Files 1970-73, REF PAK. Secret – in: FRUS, Vol. XI, *op. cit.*, pp.199-202.

“I have an understanding of the situation in that part of the world, (...) I have personal contacts in that part of the world and these are extremely useful and extremely important in a situation like this one, where one has to have rather a good knowledge of the complexity and historical background of this problem, to be able to try to work out some solution”¹³⁶.

He indeed benefited, for instance, from his close links with the Ismaili community¹³⁷. Moreover, he based his legitimacy on his international civil servant status, when he said: “I am not pro-India, I am not pro-Pakistani, I am pro-refugee”¹³⁸. Finally, he affirmed he was prepared to step aside, “if political considerations related to his personal position threatened to jeopardize the effectiveness of the UN effort”¹³⁹.

Such a move would prove to be unnecessary, because Sadruddin fitted somehow in New Delhi’s plans: before the Americans, Indian officials, anxious to prove their good faith and their eagerness to negotiate, stated that they were prepared to “cooperate with any effort designed to bring about [the] return of refugees”, such as “UN administered refugee camps inside Pakistan”¹⁴⁰. However, we know that the idea of an effective return of the refugees without the transfer of power in East Pakistan to the Awami League did not fulfill New Delhi’s wish. Thus, the Indians used the polemic about Sadruddin’s personality to discredit the solution he was proposing, without rejecting bluntly the man and his ideas for good: he represented an aspect of the diplomatic vs. military option that Indira Gandhi set completely aside only in mid November 1971¹⁴¹. Until this date, India and the Prince had a common interest: both wanted Yahya Khan to open negotiation with the Awami League. The Indian Foreign Secretary asked him in May 1971 “to use his good offices by approaching the Pakistani Government in the hope of facilitating the early repatriation” of the refugees¹⁴². Later on, the future Indian Representative in Pakistan invited the High Commissioner to use his “personal prestige (...) to create an atmosphere for a major repatriation programme by (...) appealing to Yahya Khan”¹⁴³ – that is to say to help finding a political solution in East Pakistan that would be suitable to New Delhi.

¹³⁶ Draft of the Press Conference of the High Commissioner Given at the Palais des Nations, 25 June 1971, p.9. Fonds 13/1, Series 6, *Conférences de presse (1966-1972)*, [Vol. 2].

¹³⁷ The archival materials show that the Prince took great care of the community. In turn, the community was useful in collecting information on the ground. See for example the documents contained in: Fonds 13/1, Series 4, *Ismailis (1972-1975)*.

¹³⁸ Press Conference of the High Commissioner, 30 June 1971, p.6. Fonds 13/1, Series 3, *Mission to London (29-30 June 1971)*.

¹³⁹ “Summary Report of Meeting with the UNHCR”, 23 June 1971, p.7. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 2].

¹⁴⁰ According to India’s Foreign Minister Swaran Singh during a meeting with the American Secretary of State on 16 June 1971 (Telegram from the Department of State to the Embassy in India, 17 June 1971. Source: National Archives, RG 59, Central Files 1970-73, REF PAK. Secret – in: FRUS, Vol. XI, *op. cit.*, p.188).

¹⁴¹ Kumar Panda, *op. cit.*, p.241.

¹⁴² Report of the Mission to India by a UNHCR Three-Man Team, 5-19 May 1971, p.4. Fonds 13/1, Series 3, *Mission to India and Pakistan (5-20 June 1971)*, [Vol. 2].

¹⁴³ Anonym letter to Sadruddin Aga Khan, 2 November 1971, reporting the meeting between the correspondent and the Indian Ambassador in Rome, who was also the nominated future High Commissioner of India in Pakistan, who sent him an Aide-mémoire (also dated 2

So, the Indian government used the ‘carrot and stick’ approach to say the least, or exploited the High Commissioner to say the most. Shortly after his declaration on Sadruddin’s “bias”, the Minister for Labour and Rehabilitation tried to diffuse tensions when he stated in Parliament that the Prince had denied having made the speech about the acceptable situation in Bangla Desh. Even better, “the Prince gave him the impression that he entirely agreed with the views of the Government of India that atrocities by the Pakistan Army should stop and a political settlement arrived at before the refugees could return”¹⁴⁴.

How did the Prince resist being at the same time led into the Indian political arena and dismissed by New Delhi as partial? By sticking to his UN statute. Thus, he declared a few days after the first Minister’s speech: “I am absolutely confident that whatever is said in a political forum in India is not reflected by the Government of India when it comes to co-operation with the UN”¹⁴⁵. He was right in doing so: the High Commissioner was indeed not only the dispenser of the international assistance and the symbol of the ‘internationalization’ of the issue¹⁴⁶. He could also confirm that India hosted large numbers of East Pakistani refugees and thus provide the evidence required by a growing number of countries, as he did during his trip to India in November 1971¹⁴⁷. Moreover, the Prince had progressively become more careful in his description of the East Pakistani situation. As the US Ambassador to Pakistan said in a conversation with Henry Kissinger and the Pakistani Foreign Secretary, Sadruddin seemed “to be back-peddling in concern over these press attacks”¹⁴⁸.

However, one may ask whether the picture of the East Pakistani situation, conveyed by the High Commissioner to the general public on the occasion of the Pakistani repatriation attempt, was as misleading as stated by India’s authorities?

True, he described people “trying to get back to their homes, to find their families again and start a normal life”¹⁴⁹ in East Pakistan without officially breathing

November 1971) stating: “Prince Sadruddin may like to consider using his influence with Islamabad to secure the adoption by that government of the necessary measures in this regard [create conditions in East Bengal which will enable the refugees to return to their homes in peace and honour]. (...) Once genuine and effective steps – as distinct from mere ‘window-dressing’ – are taken in this direction, the refugees will be enabled to return to their homes and the situation in the sub-continent will move towards normalcy.” (both documents: Fonds 13/1, Series 3, *Mission to India and Pakistan (4-13 November 1971)*, [Vol. 2]).

¹⁴⁴ Cable from Thomas Jamieson to UNHCR HQs, 21 June 1971. Fonds 13/1, Series 3, *Mission to India and Pakistan (5-20 June 1971)*, [Vol. 2].

¹⁴⁵ Draft of the Press Conference of the High Commissioner Given at the Palais des Nations, 25 June 1971, p.11. Fonds 13/1, Series 6, *Conférences de presse (1966-1972)*, [Vol. 2].

¹⁴⁶ On the peculiar acceptance of the term by India, see my remarks on p.18 of this paper.

¹⁴⁷ The camps were visited during October and November by, among others, André Malraux and Senator Edward Kennedy. Sadruddin Aga Khan had open access to the camps, and all the records were shown to him (Oberoi, *op. cit.*, pp.126-127).

¹⁴⁸ Memorandum of Conversation, Rawalpindi, 8 July 1971, between Sultan Khan, Pakistani Foreign Secretary; M.M. Ahmad, Economic Advisor to President Yahya; Agha Hilaly, Ambassador of Pakistan to the US; Henry A. Kissinger, Assistant to the President; and Harold H. Saunders, NSC Staff. Source: National Archives, RG 59, Central Files 1970-73, POLINDIA-US. Secret – in: FRUS, Vol. XI, *op. cit.*, p.239.

¹⁴⁹ Conference of the High Commissioner at Geneva Airport, 22 June 1971, p.4. Fonds 13/1, Series 6, *Conférences de presse (1966-1972)*, [Vol. 1].

a word on his doubts on the credibility of the returnees he met: as already mentioned, some were certainly not what they pretended to be, his visit having been possibly staged with the assistance of Bengali faithful to the regime. Moreover, he stated that the Pakistani government did its best “within the possibilities which [it could] make use of for political settlement”¹⁵⁰, and painted a not so rosy picture of the situation, but one that definitely contrasted with the more pessimistic findings of the World Bank/Monetary Fund mission presented in June. According to accounts on this mission, “widespread disruption of economic, commercial and governmental processes (...) [and] continued violence (...) still caus[ed] pervasive fear”¹⁵¹. One might say that the Prince visited East Pakistan at a time when the Mukti Bahini had not yet challenged dangerously the government consistent control. One may point out more controversially that he tried to make his predictions come true in artificially provoking a massive return of the refugees. Indeed, he stressed the quality of the infrastructure in East Pakistan at the returnees’ disposal, while silencing the inadequacy of the political solution offered for the moment by Islamabad. Better said, he was publicly conscious that these material conditions were *per se* insufficient, but his quite nuanced overall assessment of the situation remained inaudible in an atmosphere where western public opinion won over to the Indian thesis¹⁵² perceived Sadruddin’s stand as pro-pakistani in a context of growing polarization.

3. MEDIATING THE CRISIS IN THE AUTUMN

Fostering the refugee repatriation meant helping to prevent the conflict. In other words, it meant “defus[ing] the refugee issue so that it could be separated from the issue of the political structure of East Pakistan”, as Kissinger once advised the Pakistani Foreign Secretary¹⁵³. Indeed, the mainstream thinking in most chancelleries was that “the killings and the refugees were unfortunate, but needed to be separated from the larger political objective of maintaining Pakistan’s unity. The problem could be handled by humanitarian recompense to India and pragmatic but unpublicized approaches to the military regime in Pakistan”.¹⁵⁴ However, to defuse two issues so closely intertwined was not an easy task: India could only have agreed to the return of the refugees if a dialogue had been at least restored between the

¹⁵⁰ Press Conference of the High Commissioner in New York, 23 June 1971, p.23. Fonds 13/1, Series 6, *Conférences de presse (1966-1972)*, [Vol. 2].

¹⁵¹ Telegram from the US Mission to OECD, Paris, 22 June 1971, “Pakistan Consortium Meeting”, section 1, p.1. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 2].

¹⁵² This was not an isolated case. H. Zaheer reports how two members of a British Parliamentary Delegation in Pakistan, one Labour and one Conservative, found out, in the second week of June, that Yahya Kan was trying his hardest, despite criticism from the rest of the world, to get the country back to normal, triggered a hostile reaction from the public opinion, and had to withdraw their declaration (Zaheer, *op. cit.*, p.291).

¹⁵³ Memorandum of Conversation, Rawalpindi, 8 July 1971, between Sultan Khan, Pakistani Foreign Secretary; M.M. Ahmad, Economic Advisor to President Yahya; Agha Hilaly, Ambassador of Pakistan to the US; Henry A. Kissinger, Assistant to the President; and Harold H. Saunders, NSC Staff. Source: National Archives, RG 59, Central Files 1970-73, POLINDIA-US. Secret – in: FRUS, Vol. XI, *op. cit.*, p.238.

¹⁵⁴ Marwah, *op. cit.*, p.561.

West Pakistani military and Mujib, who was still imprisoned and threatened to be put on trial. So, while sparing no efforts to restore confidence in the East Pakistani governmental reception centres, Sadruddin also committed himself in the same way to mediate between the parties to the crisis.

He did this more and more in the autumn, as the crisis was deepening, and the risk of war was becoming more plausible. He did this also in liaison with the UN Secretary-General, and at the explicit request of the Indian authorities, as we have just seen. Sadruddin followed also a personal agenda in this matter: it seems the mediation fitted his plan for becoming the next Secretary-General at the end of the year¹⁵⁵. To be successful in his endeavours, he had to gain the backing of all great powers seated at the UN Security Council. As an Iranian advised him in the fall, the important thing was to “impress [the] big four partners¹⁵⁶ [that he was] doing [the] utmost to help and thus indicate [his] future usefulness.” Or as this official put it: “If [a] patient dies it does not mean [the] doctor [is] not good but everyone should be sure [the] doctor tried his best”¹⁵⁷.

3.1. SADRUDDIN'S READING OF THE CRISIS: TAKING SIDES?

At this point, the High Commissioner was about to go beyond the mere refugee issue to tackle the domestic problems of Pakistan as well as the international challenges of the whole region. We know already that, acting publicly as a High Commissioner, he did the utmost to stick to the traditional UNHCR principle of neutrality, although he experienced some difficulties in doing so. It is time now to question Sadruddin's more personal reading of the crisis, the one he expressed in business meetings with other UN interlocutors and foreign diplomats. This is also a way to shed retrospective light on his assessment of the East Pakistani situation in the spring that triggered the harsh reactions from the Indian side we have just analysed. He held officially a balanced discourse throughout the conflict that never equated the incriminatory attitude of the general Western opinion against Pakistan. Can we go further in saying that being more sensitive to the Islamabad difficulties than other observers, he let his discourse and positions behind closed doors take a strong pro-Pakistani coloration?

While he did put things into perspective for his interlocutors, he did indeed show more empathy in internal meetings for the West Pakistani position. Of course, “there [was] no doubt [for him] that, after 25 March, there ha[d] been a sudden and cruel reaction”. But, he noted also that:

“between 3 [and] 25 March, trained and organized saboteurs were at work, dismantling military equipment and destroying means of strategic communication.

¹⁵⁵ As Sadruddin himself acknowledged in a veiled manner: “I consider myself committed to strengthening and rationalising the whole UN system (...) I am not a candidate for the post of Secretary-General”. (Quoted by Torracinta (*Schweizer Spiegel*), *op. cit.*).

¹⁵⁶ The Great Powers having a permanent seat at the Security Council, China being still, at the time, represented by the Republic of China (Taiwan), instead of the People's Republic of China.

¹⁵⁷ Telegram from Zia Rizvi to Marie-Thérèse Emery, 12 October 1971. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 3].

(...) The extremists in East Bengal had already ‘taken over’, [leading to] increasing break-down of law and order with some killings of non-Bengalis”¹⁵⁸.

In doing so, he praised somehow the restraint of the Pakistani government which “did not permit press reports on these events as there was a serious possibility of reprisals in West Pakistan, where approximately 500.000 Bengalis liv[ed]”¹⁵⁹. He painted a picture of Yahya Khan as a leader who was “not happy about [the] army actions in East Pakistan”, and who agreed that “actions against Hindus were unfortunate”¹⁶⁰. Moreover, even though the withdrawal of the Pakistani army from the Bengali border would have allowed repatriation to take place, Sadruddin was also aware of the quandary which the Pakistani president faced in this regard. Referring to his conversations with Yahya, the High Commissioner reported that:

“[I]f such a withdrawal were effected, the communications system of East Pakistan could again be disrupted seriously – the reason being that railway lines and roads frequently run along the border. If, however, he does not withdraw the army from the border, the chances of voluntary repatriation will diminish”¹⁶¹.

For Sadruddin, only a “tit for tat” process could bring a solution, that would put the UN at the centre: “If India accepted UN presence, then perhaps Yahya could withdraw troops”¹⁶².

However, he showed himself very conscious of the Indian foreign policy interests. For example, in the spring of 1971, he told the UN Under-Secretary for Political Affairs that: “at the moment, and in the present circumstances, repatriation [is] a ‘dirty word’ in India”. He added that, contrary to what he had publicly stated, the small numbers of returnees to East Pakistan could be explained by the “influence of the Bangla Desh leadership and of deliberately generated rumours that repatriation without a political solution was tantamount to suicide, and [that] the Pakistan army was continuing to persecute Bengalis, particularly those of the Hindu faith”¹⁶³.

On 24 June, before US State Secretary William P. Rogers and the Assistant Secretary, Joseph J. Sisco, he declared himself confident that “some refugees would return with simply a return to peace in East Pakistan, if only because of the ‘continuous squalor’ of Indian refugee camps”, and, again, if India offered its full

¹⁵⁸ Note for the file “Meeting with Mr Guyer and Urquhart”, New York, 23 June 1971, pp.1-2. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 2].

¹⁵⁹ *ibid.*, p.2.

¹⁶⁰ Telegram from the Department of State to the Embassy in India, Washington, 26 June 1971, East Pakistan Refugees; Discussions with UNHCR Sadruddin. Source: National Archives, RG 59, Central Files 1970-73, REF PAK. Secret – in: FRUS, Vol. XI, *op. cit.*, pp.199-202.

¹⁶¹ Note for the file “Meeting with Mr Guyer and Urquhart”, New York, 23 June 1971, pp.4-5. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 2].

¹⁶² Telegram from the Department of State to the Embassy in India, Washington, 26 June 1971, East Pakistan Refugees; Discussions with UNHCR Sadruddin. Source: National Archives, RG 59, Central Files 1970-73, REF PAK. Secret – in: FRUS, Vol. XI, *op. cit.*, pp.199-202.

¹⁶³ “Summary Report of Meeting with the UNHCR”, 23 June 1971, p.1. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 2].

cooperation. However, this cooperation was unlikely to be found, partly because of India's need to hide "cross border infiltration from international view", such an attitude being attributed to its "complete support for the Mukhti Fauj (*sic*)"¹⁶⁴. In this regard, it is true that the posting of UN observers on Indian soil in the fall failed because of a similar reason: a UNHCR list of suggested personnel submitted in October 1971 was allegedly mainly composed of American citizens¹⁶⁵, and such a team would certainly have allowed the UN to monitor the Indian assistance to the East Bengali rebels¹⁶⁶.

So, in discussions with the Americans, Sadruddin echoed Yahya's rhetoric: after the Pakistani leader spoke about "belligerent statements (...) made by the Indian Prime Minister and her Cabinet Ministers [amounting] to a threat of war"¹⁶⁷, the High Commissioner highlighted in front of his American interlocutors the "Indian escalation", referred to a possible Indian "preventive aggression", and warned against a "hawkish" Mrs. Gandhi¹⁶⁸. When Yahya denounced the use by the Indian Government of "the problem of the displaced persons as an instrument of pressure on Pakistan to impose a government of India's choice in East Pakistan"¹⁶⁹, Sadruddin pointed out that "on the one hand, India complain[ed] about [the] presence of six million refugees and insist[ed] they [should] return and on the other hand it impose[d] conditions (negotiations with Mujib etc.) for their return"¹⁷⁰. Predicting a "new Vietnam" unless a quick political solution to East Pakistan issue could be found, he, like Yahya, indirectly put pressure on the US Government. The hope was that Nixon would use his influence on India to refrain it from going to war, and to "moderate its position on refugee return, control Bangla Desh elements, and stop infiltration"¹⁷¹.

In sum, the moves the High Commissioner made either publicly or behind closed doors can be grasped and interpreted. They indicate that Sadruddin was in private prone, to a certain extent, to back some Pakistani views.

¹⁶⁴ Telegram from the Department of State to the Embassy in India, Washington, 26 June 1971, East Pakistan Refugees; Discussions with UNHCR Sadruddin. Source: National Archives, RG 59, Central Files 1970-73, REF PAK. Secret – in: FRUS, Vol. XI, *op. cit.*, pp.199-202. For an explanation regarding the *Mukti Fauj*, see note 13. In July 1971, the Indian army took over responsibility for the protection of border areas in West Bengal, Assam and Tripura from the Indian Border Security Force (Oberoi, *op. cit.*, p.108).

¹⁶⁵ Oberoi, *op. cit.*, p.127.

¹⁶⁶ *ibid.*, p.190.

¹⁶⁷ Letter from Pakistani President Yahya to President Nixon, Islamabad, 18 June 1971. Source: National Archives, Nixon Presidential Materials, NSC Files, Box 759, Presidential Correspondence File, Pakistan (1971) – in: FRUS, Vol. XI, *op. cit.*, p.191.

¹⁶⁸ Telegram from the Department of State to the Embassy in India, Washington, 26 June 1971, East Pakistan Refugees; Discussions with UNHCR Sadruddin. Source: National Archives, RG 59, Central Files 1970-73, REF PAK. Secret – in: FRUS, Vol. XI, *op. cit.*, p.201.

¹⁶⁹ Letter from Pakistani President Yahya to President Nixon, Islamabad, 18 June 1971. Source: National Archives, Nixon Presidential Materials, NSC Files, Box 759, Presidential Correspondence File, Pakistan (1971) – in: FRUS, Vol. XI, *op. cit.*, pp.191-192.

¹⁷⁰ Telegram from the Department of State to the Embassy in India, Washington, 26 June 1971, East Pakistan Refugees; Discussions with UNHCR Sadruddin. Source: National Archives, RG 59, Central Files 1970-73, REF PAK. Secret – in: FRUS, Vol. XI, *op. cit.*, p.200.

¹⁷¹ *ibid.* p.201.

However, it is vain - and not of the historian's business - to determine Sadruddin's heart and mind to ascertain a neutrality that no human being can fully achieve. This being said, Jyotindra Nath Dixit, an Indian Diplomat and future first Head of Mission in Bangladesh, accompanied him in his visit of the Indian camps in November 1971, and certainly described well his state of consciousness when he wrote:

“Because of his family's intimate links with Pakistan and his own inclination to be impartial as a senior UN official, [he] was a deeply disturbed man having been greatly moved by the tragic predicament of the refugees”¹⁷².

3.2. SADRUDDIN'S MEDIATION ATTEMPTS

Having now in mind the Prince's reading of the crisis, it is time to get interested in his handling of the mediation attempts. His line of conduct can be easily summed up: along the lines of a piece of advice given by George Yacoub, Director of the UN Information Centre in Karachi, Sadruddin endeavoured to “reduce the sense of alienation and desperation among the [Pakistani] military, and help steer them clear [of] the temptations of a rash answer to their problems”¹⁷³. He did so in the fall of 1971 in two strategic places: Persepolis and Islamabad.

3.2.1. Mediation in Persepolis: coded frustration

In October, the Shah of Iran organized in Persepolis the celebration of the 2500th anniversary of the foundation of the monarchy. Sadruddin had to stay in Geneva because of the UNHCR Executive Committee. However, he was not completely absent from the festivities which brought together some of the major actors of the crisis: Yahya Khan; Varahagiri Venkata Giri, the Indian President; and Nikolai Podgorny, the Chairman of the Presidium of the Supreme Soviet. Sadruddin sent familiar advisors¹⁷⁴, with whom he maintained a regular correspondence through ordinary telegrams, which were however coded and addressed to his personal secretary, Miss Emery.

The Prince considered the Shah as a possible instrument for the mediation. On the one hand, Iran was Western-oriented and close to Pakistan. It was hostile to a partition that could result in a closer alliance between Islamabad and China. On the other hand, worried about the implication of the Indo-Soviet treaty for Iran's security, the Shah was also in contact with Iran traditional enemy, the USSR/Russia, the only great power to have sent its Head of state¹⁷⁵ to Persepolis, and wished to

¹⁷² Dixit, *op. cit.*, p.77.

¹⁷³ Letter from George Yacoub to Sadruddin Aga Khan, 29 October 1971, pp.2-3. Fonds 13/1, Series 3, *Mission to India and Pakistan (4-13 November 1971)*, [Vol. 2].

¹⁷⁴ Among them, Zia Rizvi. Gil Loescher, calls him “Sadruddin's right-hand man”. He reports that when Sadruddin's successor, Poul Hartling, took office, he called Rizvi into his office, showed a world map and pointed to several places. Hartling said “you can go here, here or here. You choose” (Loescher, G. 2001. *The UNHCR and World Politics. A Perilous Path*. Oxford: Oxford University Press, note 1, p.240).

¹⁷⁵ Zaheer, *op. cit.*, p.287 and p.318.

keep cordial relations with it. However, could Iran actually have any influence on the situation? During the celebration, the Shah decided to support “nothing enthusiastically unless he [was] sure to be [the] top star”¹⁷⁶. The same *a posteriori* declared: “everybody believed that I had a great deal of influence in Pakistan, but in actual fact I had very little influence indeed, and my sincerest words of advice were ignored”¹⁷⁷.

Thus, Sadruddin’s plans were twofold: he wanted the Shah to push the USSR to take the lead in establishing “the preliminary contact [between] Giri and Yahya”¹⁷⁸; he also wished the Shah would evoke with the Pakistani general “the possibility of an eventual contact with an East Pakistani personality, who, in [his] opinion, stay[ed] one of the few valid interlocutors in this crisis of the utmost gravity”¹⁷⁹. This person’s identity cannot be determined with certainty. It could well have been the imprisoned head of the Awami league, Mujibur Rahman whom Sadruddin informed the Shah and his Prime Minister Hoveyda of his personal “availability for visiting”¹⁸⁰. This potential visit by the High Commissioner and the establishment of direct negotiations between Mujibur and Yahya Khan were what the coded telegrams seem to refer to as the “Marcel [Mujib] project”. This interlocutor was particularly “valid” in the eyes of a Sadruddin attached to Pakistani integrity, as Mujib had never openly been a secessionist before his detention. He had advocated decentralisation of power in the framework of his 1966 six-point agenda and appears to have maintained this position throughout his imprisonment¹⁸¹.

Thus, Sadruddin had set two objectives in Islamabad: the first one was to arrange for a summit conference between India and Pakistan; the second was to gain access to Mujib through the Iranian connection, and beyond that certainly to convince the Pakistani military to enter into negotiation with the Head of the Awami League. These objectives were both close to the American position and – until November – the Indian views¹⁸². Yahya Khan’s intransigence made the realization of the second objective particularly difficult: on 28 June, the Pakistani President had reiterated in a broadcast the ban on the Awami League and the continuation of isolation of Mujib from public life. On 19 July, he had even announced in the

¹⁷⁶ Telegram from Zia Rizvi to Marie-Thérèse Emery, 12 October 1971. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 3].

¹⁷⁷ As quoted by Zaheer, *op. cit.*, p.319.

¹⁷⁸ Telegram from Zia Rizvi to Marie-Thérèse Emery, 12 October 1971. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 3].

¹⁷⁹ Letter from the High Commissioner to the Shah of Iran, 8 October 1971. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 3]. Author’s translation.

¹⁸⁰ Telegram from Zia Rizvi to Marie-Thérèse Emery, 12 October 1971. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 3].

¹⁸¹ It was Sadruddin’s assessment, “based on long meetings with Brohi, Mujib’s defence counsel, that even today [Mujib] wants unified Pakistan”. He would also go along with the idea of “substantial autonomy or a confederal link between East and West Pakistan” (Karim, *op. cit.*, p.229).

¹⁸² S. Singh, Indian Foreign Minister, who led the Indian delegation to the UN General Assembly in the fall of 1971, declared: “Sheikh, Mujibur Rahman, the leader of the Awami League, should be set at liberty without delay and negotiations should be started with him” (Quoted by Dixit, *op. cit.*, pp.71-72).

Financial Times (London) that Mujib would be put on trial and the legal proceedings actually began on 11 August before a special military court.

So, the situation appeared to be mitigated at the end of the celebrations in Persepolis: Indira Gandhi rejected the Iranian and Soviet request to meet with Yahya¹⁸³, possibly in Ceylon¹⁸⁴, but Yahya's attitude was "not negative"¹⁸⁵ toward the idea of arranging a meeting between Sadruddin and Mujib. Two reasons underlined his position: Yahya hoped to gain time to deprive New Delhi of a pretext to go to war and he wanted to make his eagerness to negotiate more credible before the international community. In turn, it was expected that this would result in international pressure on India for more restraint. However, Sadruddin's envoy had already pointed out the major problems on the Pakistani's side in the resolution of the crisis: the fluidity of the situation, the lack of consistency and the absence of clear objectives set by Islamabad's leaders¹⁸⁶.

This pessimistic, "disheartening"¹⁸⁷ note put an end to the first round of Sadruddin's mediation attempts. The second round took place in Islamabad, a few weeks later.

3.2.2. Mediation in Islamabad: handwritten persuasion

We know little from the first visit of the High Commissioner there in June 1971, apart from the fact that he allegedly set up, in collaboration with Yahya Khan and his foreign affairs' advisors, a strategy aiming at publicizing the reception centres, and that he secured a UNHCR presence in Dacca¹⁸⁸. The Prince had another purpose in mind when he undertook his second trip in November: he wanted to follow up on the "Mujib project" already tentatively launched in Persepolis. When he met again the President on the 10th, before visiting some camps in India, he had well prepared

¹⁸³ Zaheer, *op. cit.*, p.288. See also the Pakistani Foreign Secretary, stating to Kissinger: "The Shah had offered to provide neutral ground for an Indo-Pakistani meeting. Mrs. Gandhi had rejected it out of hand. The Shah was so angry that he has withdrawn the offer. Similarly, Podgorny and Kosygin had wanted to arrange a meeting in June of last year. It had been October before there was an Indian reply, and the reply was that a summit meeting was not appropriate at that time, that discussion should begin at the level of Secretary." (Memorandum of Conversation, Rawalpindi, 8 July 1971, between Sultan Khan, Pakistani Foreign Secretary, M.M. Ahmad, Economic Advisor to President Yahya, Agha Hilaly, Ambassador of Pakistan to the US, Henry A. Kissinger, Assistant to the President and Harold H. Saunders, NSC Staff. Source: National Archives, RG 59, Central Files 1970-73, POLINDIA-US. Secret – in: FRUS, Vol. XI, *op. cit.*, p.240).

¹⁸⁴ Telegram from Zia Rizvi to Marie-Thérèse Emery (presumably, no name indicated), 21 September 1971. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 3].

¹⁸⁵ Telegram from Zia Rizvi to Marie-Thérèse Emery (presumably, no name indicated), 25 September 1971. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 3].

¹⁸⁶ Telegram from Zia Rizvi to Marie-Thérèse Emery, 16 September 1971. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 3]. Sisson and Rose underline also the weak and inconsistent Pakistani decision making process (Sisson and Rose, *op. cit.*, pp.276-279).

¹⁸⁷ *ibid.*

¹⁸⁸ Cf. pp.30-33, and Zaheer, *op. cit.*, pp.264-267.

his intervention. Some of his arguments can be reconstituted from his notes, if one assumes that the High Commissioner actually expressed himself along the lines contained in these¹⁸⁹.

In his talking points, he first referred to his personal background to gain the confidence of Yahya Khan: he spoke to him “like a son” wanting to prevent the ‘break up [of the] country [his] father [had] helped [to] create’, and also reminded Yahya that he, as High Commissioner, was accused in India of being a Pakistani agent. Then, he acknowledged that it was “essential to maintain law and order” in East Pakistan “without which nothing [could] be done”. However, he noted that the “military solution [was] not working”, and was “impossible to defend internationally”. Here, he made reference to the general Western and Soviet opprobrium on Pakistani’s repression in East Bengal, tantamount to ‘genocide’, as opposed to India’s heroic acceptance of the burden of the refugee influx. Then, acting practically as a political advisor to the Pakistani military, he developed the arguments initiated in Persepolis. He wrote down the key question: how to “SEIZE INITIATIVE FROM INDIA?”¹⁹⁰ Or, in other words: how to appear as the ‘good guy’ before international forums? How to neutralize the Indian initial political leverage gained by the refugees’ presence on its soil? According to him, “only ONE thing”¹⁹¹, linked to Mujib, could let Pakistan appear like a credible and responsible party to the crisis. Indeed, he listed the questions asked by the international community: “is M[u]jib alive? Not disabled? Not treated unfairly?” Taking into account the “many appeals and petitions” launched in favour of the Bengali leader, Sadruddin guaranteed “immediate effect” if something was “staged properly”: “reversal of public opinion, (...) immediate reduction of unrest in East”. What exactly was to be “staged properly” was however not made more explicit. He certainly tended here to suggest to Yahya Khan to grant the outside world access to Mujib. The International Committee of the Red Cross, the International Commission of Jurists and Amnesty International are mentioned in the document, but as he had done before the Shah, the notes make clear he planned to present himself like the perfect intermediary for initiating the dialogue: a “friend of Pak[istan]”, known outside and sufficiently here “so as not to be called [an] outsider by locals”, but less under pressure than others, for instance A.K. Brohi, Mujib’s Pakistani lawyer¹⁹².

¹⁸⁹ This part is based on handwritten notes taken by Sadruddin Aga Khan on unnumbered pages. Therefore, the following quotes from these notes will not be referenced but all relate to this archival material. Although their purpose is not strictly defined, they were certainly draft arguments prepared by the High Commissioner before his meeting with Yahya. They are contained in an envelope with a letter from Sadruddin to Yahya, in which he referred to their recent meeting. They are not a verbatim transcription of their conversation, but we assume that Sadruddin used these arguments when speaking with Yahya (Fonds 13/1, Series 3, *Mission to India and Pakistan (4-13 November 1971)*, [Vol. 2]).

¹⁹⁰ Emphasis in original.

¹⁹¹ *Idem*.

¹⁹² Indeed, by “B.” or “Brohi”, Sadruddin certainly referred to the defence lawyer of the Bengali leader, who could have acted as an intermediary between Mujib, the Americans and the Bengali opposition. Among the conciliatory measures urged by the USA, Gosh (*op. cit.*, pp.140-143) quotes Kissinger as stating that the US Government had the approval of Pakistan to establish contacts with Mujibur Rahman through his defence lawyer (press conference, 7 December 1971). According to US sources, Yahya said indeed in response to an indication of interest from the US Ambassador to Pakistan, Joseph S. Farland, that he would arrange a meeting for him with “the distinguished Pakistani lawyer who has been

Moreover, he declared himself ready to be used as a “scapegoat if necessary”. The reference here is certainly to the political turmoil the decision to negotiate with Mujib or his representative would have triggered in West Pakistan, among public opinion but also in the military. Indeed, the Army was not ready to lose its privileges for a unified, but civilian and confederal Pakistan¹⁹³.

With this strategy, Sadruddin tried to offer to ‘alienated and desperate’ Generals an honourable way out, but the Prince’s efforts remained vain partly because of the weight of the military in the political Pakistani life, partly also because Yahya denied the importance of the Bangladeshi Movement and Mujib’s alleged control over it. To the American Ambassador, Joseph S. Farland, Yahya said on 18 November that it was rather Indira Gandhi who held “both the key and the lock” of the problem. She had supposedly “locked” the refugees in India, trained the Mukti Bahini, and by this move limited his own ability to release Mujib in extolling this man’s virtues and demanding his release¹⁹⁴. While Sadruddin had hoped that “the result of the trial [could] (...) contribute to the national interest”¹⁹⁵, the Awami leader was sentenced to death in the fall, and stayed imprisoned until the Indian victory.

However, the Prince seems to have convinced Yahya first to play on the repugnance of the international community to foster the dismemberment of a state, and second to use the UN to try to deter India from further action. We saw that after its initial strong rejection of UNHCR’s designation as Focal Point, Pakistan had accepted all UN initiatives, while India first welcomed the international assistance before discarding UNHCR’s mediation attempt as being partial. At the July 1971 ECOSOC and General Assembly meetings, Pakistan made good use of the reluctance of the UN member states to encourage secessionist feelings, and kept acquiescing to the various initiatives, already mentioned, aiming at internationalizing the issue. On the verge of war, Yahya even “decided (...) to tell his UN Ambassador to take up with the UN High Commissioner for Refugees (...) the idea of inviting a large UN group to take complete charge of refugees returning to East Pakistan. The UN would have control over establishing corridors to the border to resettlement in the villages”¹⁹⁶. The use of force prevented this last plan from being implemented.

defending Mujibur Rahman. (...) Farland said he had been aware from confidential sources that Brohi had been hopeful of contacting him. Several competent newsmen have reported being told that Brohi had served as a go-between in political negotiations between Yahya and Mujib (Memorandum from the President’s Assistant for National Security Affairs (Kissinger) to President Nixon, Washington, 29 November 1971. Source: National Archives, Nixon Presidential Materials, NSC Files, Box 37, President’s Daily Briefs, 17–30 November 1971. Top Secret – in: FRUS, Vol. XI, *op. cit.*, p.570). For the US Ambassador to India, Kenneth B. Keating, this was however an overstatement. On 2 December, Yahya apparently told Farland that ‘Brohi’ allegedly was “not interested in seeing him” (Gosh, *op. cit.*, p.143).

¹⁹³ This thesis is credited by Sadruddin’s conversation with Joseph J. Sisco, Assistant Secretary at the State Department on 23 November 1971, as reported by Karim, *op. cit.*, p.229.

¹⁹⁴ *ibid.*, pp.229-230.

¹⁹⁵ Letter from Sadruddin Aga Khan to Yahya Khan, 12 November 1971, p.1. Fonds 13/1, Series 3, *Mission to India and Pakistan (4-13 November 1971)*, [Vol. 2].

¹⁹⁶ Memorandum From the President’s Assistant for National Security Affairs (Kissinger) to President Nixon, Washington, 26 November 1971. Source: National Archives, Nixon

EPILOGUE AND CONCLUSION

Before the war, the UNHCR team in Dacca repatriated J.D.R. Kelly to Bangkok. His interesting telegrams in the archives give us an ‘insider’ glimpse into these ‘last days in Dacca’. Indeed, the only team member to stay in East Bengal fulfilled an important and successful humanitarian role during the hostilities. Under fire, he helped the last East Pakistani civilian government of Dr. Malik in seeking international protection on 14 December 1971¹⁹⁷, in drafting a cease-fire proposal that was ultimately rejected by Islamabad on 15 December¹⁹⁸, and in communicating the confirmation of Pakistani agreement to the ultimatum to Indian forces through UN communication channels on 16 December¹⁹⁹.

The Indian victory and the Bangladeshi Independence paved the way to a massive and speedy repatriation of the refugees. As of 7 March 1972, more than 9.5 million refugees had left the Indian territory, leaving 172,908 to come²⁰⁰. These figures may put into question the voluntary nature of the repatriation. The refugees, at their arrival, had signed a form stating their willingness to return. But filling in this form, necessary for the issuance of identity cards, was also a precondition for

Presidential Materials, NSC Files, Box 37, President’s Daily Briefs, 17–30 November 1971. Top Secret – in: FRUS, Vol. XI, *op. cit.*, p.563.

¹⁹⁷ “Malik was in a cabinet meeting when we arrived (...). He asked for personal advice on his own position. (...) He stated that his cabinet was considering at that moment the question of resigning office and of going to the Intercontinental [where the International Committee of the Red Cross has established a neutral zone.] (...) He was most reluctant to resign as, in the eyes of history it would look like desertion if he resigned at such a critical moment. (...) At this moment, Government house came under direct rocket and cannon attack from 6 Indian air force Migs. The building shook under the first stroke (...). I gave a running commentary in strong language on my handset radio to the UN location on each strike as they came in”. Kelly came back later that day visiting the government in their bunker. During a second wave of air strike, he pushed for the collective resignation of the government, that was drafted and signed by the cabinet minister the same day (Cable 873 from Dacca to UNHCR HQs, 24 December 1971. Fonds 13/1, Series 3, *Mission to India and Pakistan (4-13 November 1971)*, [Vol. 2]. Shortly thereafter, Malik received a message from General Yahya, ordering him to “take all necessary measures to stop the fighting and preserve the lives of all armed forces personnel all those from West Pakistan and all loyal elements” (Cable 3149 from UNHCR HQs to UNHCR New York, 30 December 1971. Fonds 13/1, Series 3, *Mission to India and Pakistan (4-13 November 1971)*, [Vol. 2].

¹⁹⁸ What Islamabad was not willing to contemplate was the transfer of administration of East Pakistan, which could be a transfer only to Bangladesh (Cable 3149 from UNHCR HQs to UNHCR New York, 30 December 1971, p.2. Fonds 13/1, Series 3, *Mission to India and Pakistan (4-13 November 1971)*, [Vol. 2].

¹⁹⁹ The ultimatum by India to the Pakistan army in East Pakistan was due to expire at 9:30 on the morning of 16 December 1971. The communication centre having been destroyed, the Pakistan Army did not receive any acknowledgement from the Indian Army, although a signal of acceptance had already been sent. By handset radio, Kelly managed to confirm this acceptance at 9:20. (See Cable 872 from Dacca to UNHCR HQS, 22 December 1971. Fonds 13/1, Series 3, *Mission to India and Pakistan (4-13 November 1971)*, [Vol. 2].)

²⁰⁰ UNHCR Dacca, “Repatriation of East Bengali Refugees”, 8 March 1972. Fonds 13/1, *Trip India-Pakistan-Bangladesh, 30 March-8 April 1972*.

the delivery of food²⁰¹. Anticipating a future practice, UNHCR apparently chose to favour repatriation in the name of regional stabilization and post-conflict development²⁰²: as explained in a UNHCR document, the approach was pragmatic and realistic. It was believed that:

“any attempt at preventing the Government of India from carrying out mass repatriation would only result in either leading them to renounce international assistance towards repatriation which will take place anyway, or slowing down/stalling repatriation movement which might protect some individuals but would be about the worst thing that could happen in the long run to the refugee population as a whole”.

For these reasons, UNHCR officials concluded that “a formalistic attitude on this issue would probably be unrealistic and counter-productive”²⁰³.

Besides the repatriation of the Bengalis sheltered in India, the birth of Bangladesh gave rise to another refugee problem, which continues to resonate today: Biharis stranded in the newly independent State were exposed to public condemnation in the immediate aftermath of the struggle. They were victims of numerous riots and mass killings, and are still currently discriminated against while the Bengalis living in West Pakistan suffer a similar fate. In the years following 1971, this issue kept the High Commissioner busy. He made several visits to the Sub-continent to alleviate the difficulties “of the dialogue between Dacca and Islamabad, [that] will be a lasting preoccupation for many innocent people whose suffering can only be increased by a prolonged deadlock”²⁰⁴. With the signature of the New Delhi repatriation agreement on 28 August 1973, Bangladesh and Pakistan requested the Secretary-General to assist them in arranging the mass transfer of populations, numbering 240,000 persons. This problem is also well documented in the archives.

As yet, several conclusions from the 1971 events can be drawn.

1. for the UN in general

The episode was a turning point in the crisis management of the UN. For contemporary observers, the Focal Point and UNEPRO virtually established a UN emergency assistance service²⁰⁵, as epitomised by the creation of the UN Disaster Relief Organization in December 1971 “to mobilize, direct and coordinate the

²⁰¹ “Note by the Legal Consultant to UNHCR”, Annexed to the Report of the Mission to India by a UNHCR Three-Man Team, 5-19 May 1971, p.1. Fonds 13/1, Series 3, *Mission to India and Pakistan (5-20 June 1971)*, [Vol. 2].

²⁰² See Chimni, B.S. 1999. “From Resettlement to Involuntary Repatriation: Towards a Critical History of Durable Solutions to Refugee Problems”. *New Issues in Refugee Research*, Working Paper No 2 and Barnett, M. 2001. “Humanitarianism with a Sovereign Face: UNHCR in the Global Undertow”. *International Migration Review*, Vol. 35, No 1, pp.260-263.

²⁰³ “UN Focal Point – the Next Phase – Paper Prepared by the Working Group for the Meeting at 11.30am, 16 December in the DHC’s Office”, p.4. Fonds 13/1, Series 3, *Mission to India and Pakistan (4-13 November 1971)*, [Vol. 2].

²⁰⁴ Letter from Sadruddin Aga Khan to Thomas Jamieson, 7 March 1972, p.1. Fonds 13/1, Series 4, *India, Pakistan, Bangladesh Events, Confidential File (1971-1973)*, [Vol. 3].

²⁰⁵ Gottlieb, G. 1972. “The United Nations and Emergency Humanitarian Assistance in India-Pakistan”. *The American Journal of International Law*, Vol. 66, No 2, p.365.

assistance with that given by the other inter-governmental and non-governmental organizations”²⁰⁶. The creation in 2000 of the UN International Strategy for Disaster Reduction (UN/ISDR) can be seen as a continuation of this trend.

It also marked an extension of the powers of the Secretary-General, who had, from his own authority, set up the Focal Point mechanism. U Thant thus declared:

“I have felt that an initiative on my part was essential to fill the gap until more regular arrangements can be made, and that the Secretary-General’s obligation under the Charter must include any humanitarian action that he can take to save the lives of large numbers of human beings”²⁰⁷.

His decisions were only given a legislative basis by the UN organs²⁰⁸ in December 1971.

2. for UNHCR, India and Pakistan in particular

As far as UNHCR is concerned, the Office succeeded, in spite of some criticisms, in setting up an efficient mechanism. In April 1972, the High Commissioner was thanked by the Bangladeshi Foreign Minister, who noted that “the only humanitarian help that benefited my people was that channelled through [his] organization”²⁰⁹. Later, the Office shouldered once again the role of acting as Focal Point in South Sudan (1972) and Cyprus (1974). As the UN lead agency in emergency crises, UNHCR developed in the process “an enormous agenda and became an indispensable and autonomous actor in many of the major political developments in Africa, Asia and Latin America”²¹⁰.

However, one should also remember that the action of the Office, that “threaded constantly through and around the political framework of the problem”²¹¹, became also controversial.

UNHCR was first accused by India and the world press of not acting quickly enough to alleviate the plight of the refugees. Then, on the contrary, it was accused of interfering in the internal affairs of sovereign states, by Pakistan but also India, which was concerned with keeping strong control over the relief activities. The Indians developed an ambiguous discourse on the internationalization of the issue and relief assistance. These were considered as the symbols and consequences of the excesses of the Pakistani military regime, but also, from the Indian’s perspective, as

²⁰⁶ UN General Assembly Resolution 2816 (XXVI), “Assistance in Cases of Natural Disaster and Other Disaster Situations”, 14 December 1971, §1(b).

²⁰⁷ As quoted by Holborn, *op. cit.*, p.765.

²⁰⁸ UN General Assembly Resolution 2790 (XXVI), “United Nations Assistance to East Pakistan Refugees through the United Nations Focal Point and United Nations Humanitarian Assistance to East Pakistan” of 6 December 1971 designated the UNHCR as Focal Point and ratified the mandate of UNEPRO. It also requested the Secretary-General and the High Commissioner to “continue their efforts to co-ordinate international assistance and to ensure that it is used to the maximum advantage to relieve the suffering of the refugees in India and of the people of East Pakistan” (§3).

²⁰⁹ Speech Made by Mr. Abdus Samad, Foreign Minister of Bangladesh at a Dinner in Honour of the High Commissioner, 2 April 1972. Fonds 13/1, Series 3, *Mission to India, Pakistan and Bangladesh (30 March-8 April 1972)*.

²¹⁰ Loescher, G. 2001. “The UNHCR and World Politics: State Interests vs. Institutional Autonomy”. *International Migration Review*, Vol. 35, No 1, p.40.

²¹¹ Holborn, *op. cit.*, p.765.

an indirect help to the military²¹². The humanitarian agency was held hostage by antagonist foreign policy interests, but managed to partly satisfy the Indian requests, while persuading Pakistan to allow assistance for people stranded in West Bengal to be provided in an impartial manner. We saw for instance how the Office managed to assist India while remodelling the structure of its Committee for Refugee Relief, so as not to include representatives of the ‘Bangladeshi’ movement.

However, UNHCR could not avoid the political exploitation of the refugee problem by the parties. Indeed, it became one of the major components of the unfolding events that finally led to the war. As India wished, and in spite of the fact that the secessionists were a minority before the 25 March action, voluntary repatriation could not be achieved under a unified Pakistan. The civil strife was a decisive factor for Bangladeshi independence in many respects, but India’s inflexible attitude made the authenticity of its ‘humanitarian’ motives for intervention questionable²¹³.

As the humanitarian and political issues were closely intertwined, the High Commissioner gained in his personal capacity an unusual legitimacy to mediate between West and East Pakistan, between Mujib and Yahya, and, indirectly, between Islamabad and New Delhi. Focusing as much on his position as the enlightened son of one of the founders of the country as on his capacity as High Commissioner, he proposed his ‘good offices’ and advices to the Pakistani Government. In his own words, he was eager to “assist [Yahya Khan] in any way possible to reach a lasting solution that would ensure a united and peaceful Pakistan”²¹⁴.

It should be noted that the Refugee Agency’s strength relies decisively on the personality that embodies the organisation. The High Commissioner and his High Commissioner are organically linked. When the second acts in his private capacity, he engages also the whole credibility of his Office. And yet, he constantly had difficulties in justifying his neutrality as a UN official, particularly in India’s eyes. No mediation attempt from his part in New Delhi is documented in the archives. Engaging politically the Pakistani leadership, with whom he had all necessary

²¹² Sisson and Rose, *op. cit.*, p.191.

²¹³ For Alan Dowty and Gil Loescher, it can be argued that the Indian intervention satisfied the International Commission of Jurists requirements for unilateral humanitarian intervention: (1) manifest guilt of the target government; 2) lack of practical peaceful means to correct the situation; 3) opportunity for the international community to act first; and 4) use of only necessary force, with accounting to the international community, and withdrawal as soon as practical. They argue also that “in dealing with Bangladesh, the General Assembly did not flatly condemn India, but discussed the situation in all its aspects including the return of refugees, and gave priority to condemnation of genocide over reaffirmation of the principle of sovereignty” (Dowty and Loescher, *op. cit.*, pp.62-63). This analysis may be true at the legal level, and is corroborated by Chomsky, N. 1999. *The New Military Humanism – Lessons from Kosovo*. Monroe, Maine: Common Courage Press, p.75), although for others the East Pakistan case upheld the doctrine of sovereign inviolability (Wheeler, J. 2002. *Saving Strangers: Humanitarian Intervention in International Society*. Oxford: Oxford University Press) – See Oberoi, *op. cit.*, p.133. Nevertheless, at a political level, as an Indian academic says, India “took full advantage of the situation created by the military crackdown of 25 March to bring about the dismemberment of Pakistan” (Gosh, *op. cit.*, p.250).

²¹⁴ Letter from Sadruddin Aga Khan to Yahya Khan, 12 November 1971, p.2. Fonds 13/1, Series 3, *Mission to India and Pakistan (4-13 November 1971)*, [Vol. 2].

contacts, he does not seem to have had direct talks with the Indian side going beyond the mere humanitarian issues UNHCR was involved in, because of an obvious lack of connections and confidence from both sides. His June 1971 visit to East Bengal proved to be particularly counter-productive: the Indian press presented him as a Pakistani agent; it radicalized India's attitude and made him lose any influence on this side of the conflict. The military option was at the time seriously envisaged by New Delhi, and Sadruddin's *faux pas* was exploited to undermine the credibility of an alternative solution: repatriation without drastic regime change in East Pakistan. Did India rightly accuse him of taking sides in the conflict²¹⁵? In fact, three dimensions seemed to coexist in Sadruddin Aga Khan. The high-ranking civil servant backed the continuation of a unified Pakistan as the representative of the majority trend in an international community deeply attached to the preservation of the territorial integrity of existing states. The High Commissioner advocated the voluntary repatriation of the refugees within this broader framework. The Prince could not help being the heir of a dynasty strongly linked to Islamabad.

Finally, the war had direct implications on UNHCR's relations with India. Sadruddin's decision to suspend all the relief activities of the Focal Point in India during the hostilities and to interrupt further commitments of funds to the Government²¹⁶ did not help restore the confidence between the two parties. Nor did it modify Indian's and Soviet's perception of Sadruddin as a too western-oriented man. Then, the UNHCR Office in New Delhi was closed in 1975 and it was not before 1981 that a *chargé de mission*, under a new High Commissioner, was formally posted again in India under the umbrella of the UN Development Program (UNDP)²¹⁷, which complicated UNHCR task in dealing with the influx of increasing numbers of Afghan and Iranian asylum seekers into India during 1980-1981.

On the Pakistani side, the High Commissioner tried to influence the game between the actors, who also used him to secure support from the UN and the United States, with whom he shared common goals. Although his discourse reached the highest level of the State, Sadruddin's ultimate failure – in spite of his sharp political sense – in convincing Yahya Khan to release pressure on Mujibur throws also an additional light on the rigidity of the military establishment at the time.

Let us conclude by saying that, in this highly complex setting, channelling international assistance to ten million refugees, trying to mediate between the two Pakistani wings and to reconcile antagonist Pakistani and Indian interests, while

²¹⁵ It is unclear if Sadruddin's remarks were correctly reported, or if he was misquoted by journalists. Whatever he said, he could not ignore that his visit to East Pakistan would be exploited and certainly distorted by India's press and politicians. In this inflammable context, the careful balanced wording he used could not be of any help.

²¹⁶ Oberoi, *op. cit.*, p.130.

²¹⁷ See Rajiv Kapur, Note to the High Commissioner "Relations Between UNHCR and the Government of India – Background Note", November 1985, p.1. Fonds 13/2, Series 2, *Mission to India, November 1985*. The official reason given to the Indian government was that the decolonization of Portuguese colonies in Africa required an increased UNHCR involvement in the continent, and as a result UNHCR was redeploying staff to meet needs in Africa. In fact, assistance to Tibetan refugees in India and Nepal, and to Chinese in Macau was discontinued following the admission of China to the United Nations and the strong criticism of UNHCR assistance to the Tibetans by the Chinese authorities. This move was considered by India as politically motivated. See also Sen, *op. cit.*, pp.400-401.

addressing the vested interests of the superpowers and pushing for his own candidacy at the post of UN Secretary General, was indeed too much to take up for one High Commissioner.

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