

PLURALISM AND GENOCIDE

CASE STUDY OF THE GENOCIDE IN BANGLADESH, 1971

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Abstract

Authoritarian regimes sanction political killings as a means of suppressing dissent or any ostensible threat from a group or groups within a society. When the perceived threat to the regime itself becomes potentially challenging, the regime authorizes further killings, thereby provoking greater hostilities by the victims. The escalation of violence can rise to genocidal proportions whereby the destruction of the victim group or groups is perceived to be the only viable political solution for the authorities.

Genocide is the conscious intent to kill any group or groups within a society whose mere existence can pose a threat to the regime in the political and economic spheres, by being part of a religious, ethnic, or cultural group. It is mostly a crime committed by authoritarian regimes who believe in maintaining their status quo at the cost of any number of lives. There are two types of genocide -- domestic and international. This thesis will deal with domestic genocide in a pluralistic society, taking the Bangladesh War of Independence in 1971 as a case study to illustrate the type of genocidal conflict that can arise in the aftermath of decolonization, and the struggles for power or for secession by one or more groups in a plural society.

This thesis will analyze the particular aspects of a plural society where distinctions between different racial, religious, cultural or ethnic groups can be enhanced and exacerbated if all the different groups within a society are not integrated into the system of government through representation, and provided equal opportunity in other spheres such as the economy, education, and the military. In order to

illuminate the genocide in Bangladesh I will trace the development of the problems of national integration in Pakistan between the different cultural groups, the monopolistic and oligarchic policies of the government that kept the Bengalis of East Pakistan alienated from the predominantly West Pakistani regime, and the ensuing conflicts that arose out of a government policy of centralizing power at the expense of the Bengali people. The final chapter will discuss the possibilities for the prevention of genocide and the role of UN bodies with respect to the paradoxical question of non-interference in matters within a sovereign state, and the right to intervene to prevent the crime of genocide.

PLURALISM AND GENOCIDE

CASE STUDY OF THE GENOCIDE IN BANGLADESH, 1971

Introduction

Whatever the purpose may have been, it is thought that the creation of man is a noble one. His achievements are numerous, both glorifying and sublime. Man has conquered his environment and harnessed it to his own use. He has dignified the banality of life by his intellectual pursuits, thereby creating the most beautiful literatures and languages for his own pleasure. He has tried to reach beyond him to understand the earth and the universe; but most important of all, he has pondered on his very own existence and tried to understand the exalted purpose behind this gift of life.

Yet, it is this very same creature who seeks to destroy and torment this fellow beings, for some purpose that seems noble and exalted to him alone. Through centuries of civilization, humans have come to know and love 'power' and 'authority', and human history is a continuous example of wars and battles for supremacy and domination over one's own people as well as over foreign populations. And underlying it all is the greatest story of human tragedy and untold suffering of those who are the silent spectators and victims.

Man makes wars in the name of peace. He kills others to safeguard his own interests, and while he has the power to create life, he also has the power to destroy lives. This strange contradiction dictates and persuades man to follow a disastrous course where the nobility of life, and respect and trust among people dissipate in contrast with man's ambition towards supreme power.

The word we use today is 'genocide'. It is a twentieth century term, coined for a very ancient crime, almost posthumously recognized as the most heinous crime and the single most disgraceful scar on human civilization. It is mass annihilation of people, performed with conscious intent by the perpetrators. Genocide, in one form or another, has been committed throughout history, recalling such periods for example, as the eighth and seventh centuries B.C., when the Assyrians terrorized and brutalized their world.¹ Genocidal massacres committed during warfare were common (and still are).² And the Crusades and the Inquisition in their times, that is from around the eleventh century onwards, plundered and massacred the Infidels and the Jews, and religious fanaticism justified these crimes.³ However, the twentieth century has witnessed yet another shift in the idea behind the warrant for genocide. As Leo Kuper states, genocide is an instrument and a method for

...totalitarian political ideologies, of absolute commitment to the remaking of society in conformity with radical specifications, and a rooting out of dissent, as extreme as in the Inquisition. ⁴

Examples of genocidal conflicts arising out of the implementation of totalitarian ideologies are the Nazis, and their concept of a world controlled and determined by them; the Soviet Union under Stalin and his political purges; and the Pol Pot regime in Cambodia.⁵ Other genocidal conflicts take place within the sovereign state and they "are particularly a phenomenon of the plural or divided society, in which

division persists between peoples of different race or ethnic group or religion, who have been brought together in the same political unit."⁶

Colonization of distant lands initiated in many cases the creation of states by the superimposition of a single authority, cross-cutting diverse nationalities. Colonial domination by European powers helped to unite under "arbitrary delineation of metropolitan domains", peoples of different race, language, culture and religion, and thereby created plural societies.⁷ The different communities can be distinct in many respects, that is, in customs, dress, habits, and in many cases remain socially segregated.⁸ A plural society is

...a society whose elements acknowledge, or are constrained by, an overall political authority, but are strongly disposed to the maintenance of their own traditions and are therefore motivated towards separatism.⁹

Those plural societies, which have been created out of a process of colonization, can experience conflicts within the society on a genocidal scale, either in the process of decolonization, or as an aftermath of decolonization.¹⁰ The partition of India in 1947 with the ensuing violence between Hindu and Muslim and the repression of the independence movement in Bangladesh are examples that well illustrate the point.¹¹

The role of the elite in a plural society, governed by ideologies of uniformity and domination, is crucial in determining the degrees of genocidal potential in that particular society. To that I would also add that any society that has a history of communal violence of uprisings is particularly vulnerable to a recurrence of the same theme.

My thesis will deal with genocide in a pluralistic setting, perpetrated by authoritarian regimes, as a national and political objective to root out dissent from any potentially threatening ethnic, racial, or religious groups, and thus ensure the dominance of the group in power. The scope of the thesis entails a discussion of domestic genocide, where the Bangladesh War of Independence in 1971 serves as a case study of "struggles for power by ethnic or racial or religious groups, or struggles for greater autonomy or for succession."¹²

The first chapter will deal with the arbitrary creation of plural societies within a single political unit, and with specific geographical demarcations, by the British colonial powers in India, and the struggles for power in the aftermath of the deconolization process, between the two largest religious communities, the Hindus and the Muslims, in 1947. Chapter two will focus on the problems of national integration in Pakistan, after its creation in 1947 by the Muslims, and the peculiar political accommodation reached between the two 'wings' of Pakistan, the east and the west, which gave rise to the struggle for autonomy in East Pakistan by the Bengalis.

Chapter three will deal with the immediate cause for the agitation for independence by the Bengalis in 1971, following the general elections in December 1970, when they were denied their majority representation in the government. This was followed by the West Pakistan Army crackdown on the 25th of March in 1971. The last chapter will raise questions about international response to genocide committed by governments within their sovereign territories; the United Nations' ability and willingness to act in times of crisis, and realistic expectations

about bodies within the United Nations ability to deal with the prevention of genocide in the future.

Notes for Introduction

¹Leo Kuper, Genocide (New Haven: Yale University Press, 1981), p.11.

²Ibid., p. 11.

³Ibid., p. 13.

⁴Ibid., p. 17.

⁵Ibid., p. 17.

⁶Ibid., p. 17.

⁷Ibid., p. 17.

⁸The Fontana Dictionary of Modern Thought, 1977 ed., S.V. "Plural Society," by Ronald Fletcher, (London: Alan Bullock & Oliver Stallybrass, 1977).

⁹Ibid., p. 477.

¹⁰Kuper, p. 17.

¹¹Ibid., pp. 17-18.

¹²Leo Kuper, The Prevention of Genocide (New Haven: Yale University Press, 1985), pp. 148-160.

Chapter I

Cultural Pluralism and Problems of National Integration in Pakistan

Cultural pluralism is a quintessentially modern phenomenon. As a global pattern, it is really a creature of the present century. It is part and parcel of the process by which, in post-Renaissance Europe, kingdoms gradually became nations . . . With the French Revolution providing the most dramatic crystallization of the transformation of the ideology of the state, the territorial collectivity came to be defined by popular sovereignty...The kingdom became state; the state became the nation...The historical processes which destroyed the Austro-Hungarian empire, leading to its final demise after World War I, well illustrate the force of cultural pluralism as social transformation, in dialectic with the new ideological model of the nation state, destroyed one of Europe's major landmarks. This was the first major historic instance where political mobilization along lines of cultural cleavage reached such proportions that a polity centuries old could no longer survive.¹

It was not until the twentieth century that social transformation led to crystallization of cultural pluralism in the countries of Asia, Africa, and Latin America. The colonial powers left behind a legacy of government and administration that through centralization of power, incorporated once discrete territories and brought diverse groups within a common political unit.

The process by which social transformation in former colonies led to the emergence of cultural identities, which decades later, came to be asserted as distinct and independent nationalities, are outlined by Harvey Kebschull in his Politics in Transitional Societies. The European powers, he notes...

- (1) Brought together within a single colony cultural and ethnic groups that had previously not been politically united;
- (2) Established rationalized bureaucratic structure, staffed at least in the lower ranks by native personnel;

- (3) Created legal systems based on European values and codes;
- (4) Established armed forces and police units partially manned by natives and equipped with some modern weapons;
- (5) Introduced a monetary system patterned after those in Europe and provided for standardized taxes; and
- (6) Created a western-style secular educational system.¹

The British Trading Company, the East India Company of London first established trade contacts with the Mogul rulers of India in the late seventeenth century.² They came neither as migrating hordes seeking new land, nor as plunderers or empire-builders, nor as missionaries. Yet, by the early nineteenth century, the British had established their power and influence as governors and arbitrators in Indian political life,³ as a result of the collapse of the Mogul Empire, and the resulting anarchy and feuding between rival chiefs and rulers.⁴ The British thus undertook "military operations and political responsibilities" to subdue the unrest, while at the same time extending the Pax Britannica everywhere.⁵ In 1858 the British Government formally replaced the Company as the Administrator of India, with Queen Victoria claiming the title of Empress of India in 1877.⁶

Once in power, the British were intent on ensuring control over the indigenous populations. They dispensed with the traditional rulers and institutions, and replaced them by the construction of "a bureaucracy of paid officials, European at the top, non-European at the lower levels, which ran the colony in the same way as countries in Europe had been run by officials under the 'ancien regime.'"⁷ India was therefore placed under the 'direct rule' of the British Government through the Indian Civil Service (ICS), most of whom were British. The ICS was organized

through vertical linkage of power structure, whereby the influence of the Central Government was exerted by salaried European and Indian officials, down to the village level.⁸ A precondition to the admission into the ICS was English, by virtue of which many of the Indian elite became inducted into the western system of education and training.⁹ Yet, "in most respects Indian culture, language and religion survived and local customary law in civil matters was preserved and codified."¹⁰ Thus, while India was subjected to alien rule, education, and a wholly different structure of government, Indian society on the whole proved resilient enough against the "anglicization" of the different cultures, customs, and social and religious practices.¹¹

But far more important than the exact classification of the system of government used in British India was the concept of "preserving indigenous society, culture, and forms of authority" that had the most impact in maintaining, and possibly strengthening the different communities in India.¹² This concept gained impetus in the 1920s and had far greater impact on colonialism than could be measured in institutional terms, because,

this provided the best solution to the two fundamental problems of colonialism: how to exert a largely unwanted political control over the colonies and how to make alien rule morally defensible.¹³

The inherent contradiction in the British approach to colonial government created divisive forces of a kind that found expression in post-colonial societies. At the outset the British had favoured "direct rule" in India as the best means of subjugation and consolidation. This soon gave way to a relatively greater number of recruitment of Indians

into the administrative services.¹⁴ But contact with the Indians remained exclusively restricted to the Indian elite, as they were the notables and the educated class, and also because the British believed that "the easiest way to run their colonial empire was to act as the allies of established conservative elites wherever these could be found."¹⁵ The British could be counted on to reward their collaboration and make any "mutually rewarding deal."¹⁶ Ironically, on the other hand, by introducing the Indians to western education and liberal thoughts, the educated minority of the British Empire wanted their rulers to accord them the same status as themselves, but the British were not prepared to concede the legitimacy of their claim, and left their subjects enmeshed within their own societal constraints, inadequately prepared "to lay foundations for a western-style democratic society."¹⁸

Other changes that are directly responsible for the rise of cultural pluralism can be attributed to (a) urbanization, (b) communication, (c) the spread of literacy, and (d) the rise of the middle class, which is a corollary to the first three.²⁰ This process of rapid transformation leads to radical changes within society, which, if not absorbed and accommodated by and for the majority, can lead to what Keeschull terms, the "revolution of rising expectations."²¹ In a pluralistic society therefore, greater demands are placed on jobs, and with the various ethnic, religious, racial and linguistic groups coexisting within a defined territorial polity, great tensions can be created by keeping one or more of the groups isolated from access to jobs, and ultimately, power.

On the eve of the British departure from India in 1947, the two largest religious communities of the subcontinent had already undergone a permanent rift, with the bulk of the Muslims migrating to the newly created state of Pakistan.²² The very fact that Pakistan was established as a geographical incongruity would indicate, on the face of it, the creation of a country in such a disparate form that the integration of different cultures would become a major problem. By composition, it became a unique example of a bifurcated state and an excellent study in cultural pluralism, incorporating as it did Sind, Baluchistan, the North West Frontier Province (NWFP), Punjab, and East Bengal, each with its distinctive ethnic and cultural identities.

Plural societies, by definition, are characterized by the presence of diverse ethnic, racial and/or religious groups.²³ The mere presence of these groups within a defined polity do not necessarily provoke conflict among them, but there is a close relationship between plural societies and domestic genocide in that they provide the "structural base for genocide."²⁴ Leo Kuper asserts that plural societies alone do not necessarily give rise to the scale of sustained violence that has the potential to become genocidal,²⁵ but that "conditions of accentuated cleavages" between different groups could precipitate a conflict of interest in the political, economic or social sphere and result in the inequality of participation of one or more groups in any of these fields.²⁶

West Pakistan, at independence, was blessed with an influx of refugees who had previously served the British government, as bureaucrats in the Indian Civil Service (ICS).²⁷ There was also a con-

siderable influx of industrial entrepreneurs²⁸, army officers²⁹, and politicians³⁰, who felt that they were better equipped to establish the central government in the western wing. Partition of India, hurried and uncertain to the last days before 1947, did not leave Muslim League leaders (the Muslim party of India) to ponder the question of the structure of government that was to be established with East Pakistan.³¹ Whether East Pakistan would be joined in a federation, or whether the east and west wings could be co-equal partners, was left undecided in the tumultuous rush for independence.³²

The cultural and ethnic and class composition of the Muslim League leaders indicate that they were predominantly Urdu-speaking,³³ originating from the upper classes of Indian society.³⁴ They campaigned under the banner of religion for a Muslim homeland. But it was not for the free practice of religion, rather for the creation of opportunities for the Muslim businessmen, bankers, financiers and administrators that the Muslim elite has so emphatically demanded a separate state.³⁵ Though there were sincere adherents to the religious cause, the Muslim League had as its objectives, the safeguarding of the Muslim community interest, while the masses were mobilized on the premise of safeguarding the status of Islam in the subcontinent.³⁶ But once a homeland had been created on the basis of religion, Islam lost its fervor in the face of conflicts of ethnic pluralism.

Decolonization of India, resulting also in the separation and partition of large numbers of Hindus and Muslims, was complicated in a manner that left little in control of the British to smooth the path of transition from colonialism to self-government. Jawaharlal Nehru, the

Prime Minister of independent India, asked to retain the services of the former Governor General, Lord Mountbatten, for a period of time, to initiate the Indian leaders in administrative affairs.³⁷ Pakistan, on the other hand, was left in charge of Mohammad Ali Jinnah, the father of the nation and the leader of the Muslim League, to assume the position of Governor General as well as the President of the Constituent Assembly and of the Federal Legislature.³⁸ This move was viewed in both Britain and India as the work of a "professional, rather autocratically-minded, politician."³⁹ Concentration of power from a single source, however necessary it may have been deemed, did much from the outset to ignore the forces of ethnic pluralism. As an observer states, Jinnah saw the necessity to hold "together a new country, full of diverse forces and conflicting interests"⁴⁰ in the manner he thought best.

The Muslim League was created in 1906 by the nobles and princes to 'foster a sense of loyalty to the British government among the Muslims of India.'⁴¹ From its inception it was anti-Hindu in character and spirit, and remained so for the most part, except for a brief period of alliance with the Hindu congress Party from 1916 to 1920.⁴² Even though the seat of Muslim League was in Dacca, in East Bengal, the party became increasingly microscopic in its representation of East Bengali society in that only the most reactionary and anti-Hindu elements gave it their ardent support.⁴³ No specific Bengali interests were being served, and by 1947 when Pakistan became independent, the Muslim League came to be dominated by landlord politicians.⁴⁴ Because of the greater number of bureaucrats and professionals in W. Pakistan, political and administrative position at the national level came to be dominated by the West

Pakistanis. This isolation from power kept the Bengalis out of government decision-making process, and allowed the West Pakistanis not only their continued domination at the Center, but also control over the country's economy and military. As the problems of East-West disparity went untreated for the two decades after independence in 1947, riots demonstrations, and general unrest became manifestations of protest by the Bengalis. This form of violent protest escalated further as the politically-conscious Bengalis began to realize that short of autonomy, their conditions would not improve. As demands for autonomy met with a stubborn refusal, the only other alternative that remained seemed to be that of independence. Chapter I will trace the twenty-three years of East-West relations in Pakistan, and the reasons that exacerbated the existing disparity between the two wings, bringing about a call for autonomy by the East Pakistanis.

To the novice, Indian political history is a complex web of intrigues, subterfuge, shifting alliances, and a volley of contradictions. It is a history of vast empires and little-known kingdoms, of intermittent foreign invasions and heroic resistance; but all in all, it is the history of a land of such political, religious, ethnic and social diversity, that without delving into the historical background of the subcontinent, very little would make sense of the political life of the three countries of that area today, namely, India, Pakistan, and Bangladesh. It would also help to explain, in greater depth, the reasons for Bengali "complacency" during the twenty-three years of subjugation, under West Pakistani rule, and to an even greater extent,

the humiliation of being accorded second-class treatment in their own homeland.

India had never seen the scale of geographical and political unity that the British empire had forged in the subcontinent. Not even the Moghuls could claim to such an organized and unified state. When the British first arrived in India in the seventeenth century, they found a land of many diverse nationalities, existing under the aegis of the Moghuls, each steeped in their own belief systems. It was not the policy of the British either to covert or to replace those beliefs, because they sought "political influence and not social transformation. The British were adept at manipulation, not conversion."⁴⁵ Therefore, when they finally departed from India, "the communities were intact and even more committed to their individualized way of life."⁴⁶

Since the demise of the Moghul empire, the removal of Persian as the official language of India, and the Sepoy Mutiny of 1857, the Muslims lost whatever monopoly and power they had exercised, and thereby adopted a defeatist attitude.⁴⁷ It was at this time that Sir Sayyid Ahmad Khan (1817-98), an Indian Muslim, emerged to arouse his community and help them to advance themselves, by accepting the British educational system and cooperating with their rulers.⁴⁸ This political and religious leadership gave form to an aspiring Muslim community who became suddenly aware that their lethargy would only help the Hindus to override them politically. There was a tremendous fear of Hindu domination because firstly, the Muslims were in the minority, and secondly, before the British came to India, the Muslims were the rulers and "the Hindus accepted with thanks such crumbs as their former

conquerors dropped from the table," where high offices were concerned.⁴⁹ It was therefore thought that the same treatment would be meted out to the Muslims when the Hindus came to power.

In 1906, the All India Muslim League was established to ensure the political rights and interests of the Muslim community, and to ensure their loyalty to the British Government.⁵⁰ That the Hindus and Muslims could not be politically united was evident from that moment onwards. Except for the short-lived Hindu-Muslim alliance in 1916 (the Lucknow Pact), which brought about an agreement on the future constitution of India, these two communities were never to unite again for a common cause.⁵¹

Between 1920 and 1940, communal disturbances between the Hindus and the Muslims almost resembled a civil war. The Montagu-Chelmsford Reforms (1919) and the 1935 Government of India Act did nothing to allay Muslim fears, or to satisfy Hindu demands of absolute majority in the future governments in provinces where they were in a minority, but with safeguarding their interests "as a permanent minority under a federal All India Government."⁵³

In 1940, in the famous Lahore Resolution, the idea of a permanent state for the Muslims was first put forward.⁵⁴ It stated that the 'North Western and Eastern zones of India should be grouped to constitute "Independent States" in which the constituent units shall be autonomous and sovereign.⁵⁵ Therefore, those areas of India where the Muslims were numerically superior, were to come together to form a Muslim state. A point of fact that deserves special attention is the clause in the Lahore Resolution which calls for the states to be

"autonomous and sovereign." The vagueness of the draft was to lead to greater confusion after independence, because at best, it called for a loose federation of two Muslim states, whereas the West Pakistanis ignored the argument after 1947. But amidst the disastrous Hindu-Muslim riots, partition not only became imminent, but immediate, and apprehensions about national integration, regional aspirations, and the form of government of the new state were laid aside during the heat of the partition of India and Pakistan on the 15th of August, 1947.⁵⁶

Pakistan - 1947 to 1969: The Politics of Crisis Management

The most formidable problem of nation-building in Pakistan after the states' inception was the integration of the Bengali sub-nation.⁵⁷

The problem of national integration will be dealt with under three main categories, namely:

- (i) The language problem.
- (ii) Political and administrative crisis.
- (iii) Economic problems.

(i) From the outset, the imbalance in the distribution of the West and East Pakistanis in the national political, economic, and military arenas was such as to cause a certain amount of resentment among the Bengalis, as the numbers were heavily in favour of the western wing. East Bengal, which became East Pakistan, had "very few educated Muslims" in the civil, provincial, or the armed services.⁵⁸ A poor representation of the Bengalis in the Indian Civil Service was responsible for the negligible number of Bengali bureaucrats at the time of partition.⁵⁹ This original disparity was caused by the inability of very few Bengali Muslims to break through the status system during the colonial period,

that had largely favoured the Hindu 'bhadralok' or the educated class.⁶⁰ Comparatively, the "Punjabi Muslims . . . had always held their own."⁶¹ Therefore, from the first days of Pakistan, the Civil Service of Pakistan (CSP) came to be weighed heavily in favour of West-Pakistani bureaucrats, so much so that by 1958 there were 41 Bengalis in the top civil service and 690 westerners,⁶² and even with an increase in the number of Bengali recruitment throughout the '60s, the disparity of representation in quantitative terms between the two wings remained enormous.⁶³

The language issue surfaced at a time when the viability of the state of Pakistan itself was threatened, both externally as well as internally. The state itself, created out of two geographically isolated areas of the Indian subcontinent was faced with a war with India as early as 1948, and ill-equipped as it was to handle the affairs of the disparate state, it was now called upon to defend its borders and safeguard its new-found independence. The Hindu Indians had never accepted nor understood the overwhelming necessity to create Pakistan, because it was understood that it was the British that Muslims should have been fighting against, and not against Hindu "tyranny".⁶⁴ To this school of thought Jinnah had belonged at the outset of his career.⁶⁵ But another section of Muslims argued that with the departure of the British and the introduction of a parliamentary system of government based on universal suffrage, the Muslims would be condemned to a permanent minority.⁶⁶ There was therefore, great concern and dispute among the greater part of the Muslims, and the Hindus, about the validity of an Islamic movement with different objectives and aspira-

tions from the Hindus. Most of the Muslims, Jinnah included, became aware of the need to diverge paths from the Hindus only when the Congress showed its Hindu bias after a brief liaison with the Muslim League, in 1920.⁶⁷

Bengali was the language of the majority of the population of Pakistan (54.6%)⁶⁸, and spoken by 99% of the people of East Pakistan, but the central government wanted to impose Urdu (the language of most of the leaders of the Muslim League)⁶⁹, over the entire population.

Urdu first developed as a lingua franca in North India after the Muslim conquest. With the Hindu revival in the early twentieth century, the Urdu-Hindi controversy started. Since the Muslims of Uttar Pradesh were most sensitive to this issue, and since the Muslim League generally came from their ranks, Urdu came to be closely associated with the Pakistan movement. Also, Urdu literary figures like Sibli Nomani and Iqbal did much to foster Muslim nationalism in India.⁷⁰

Bengali was branded as primarily a Hindu language as its literary heritage as well as its script was Devnagiri, and there were attempts to Islamize it so as to differentiate it from the Bengali spoken in West Bengal in India.⁷¹ The most venerated Bengali poet-philosopher was the Nobel prize winner, Rabindranath Tagore, a Hindu.⁷² By comparison, Urdu was written "in the Persianized form of Arabic" and was widely used in West Pakistan as the language of a sizeable minority.⁷³ Nevertheless, it was barely a year after independence that Jinnah, Liaquat Ali Khan, and other members of the Government resolved to make Urdu the official language of the state, as a superficial attempt at national integration and solidarity.⁷⁴ It was said that "Pakistan is a Muslim state and it must have as its lingua franca the language of the Muslim nation."⁷⁵ Even Jinnah, the father of the nation, blindly adhered to the factional attitude of the rest of the administration and declared: ". . .let me

make it very clear to you that the state language of Pakistan is going to be Urdu and no other language", and that anyone diverging or disagreeing with his view "is really the enemy of Pakistan."⁷⁶

The Central Government did not expect the fury of retaliation that reached crisis proportions on the 21st of February, 1952. The students of the University of Dacca (the capital city) demonstrated against the 'Urdu-only' policy, and were consequently fired at by the police, leaving three dead.⁷⁷ It was henceforth declared Martyr's Day, indicating a strong anti-West Pakistani feeling.

Whether the language question was simply a result of blind "Islamic" fervour (and therefore considered patriotic), or a deliberate move by the Government to undercut the rising Bengali intelligentsia would be difficult to prove. But that this policy would have had far reaching consequences as far as keeping the East Pakistanis out of power is for certain. Without any knowledge of the Urdu language, it would be difficult for Bengalis to compete for jobs in the government, military or commercial fields. The university students would have been the hardest hit by this, and they were therefore, the strongest agitators against the government.⁷⁸

For the Bengalis, language had no religious sanctions, and the issue was wholly separated from it. Furthermore, if religion was at the center of the question, then Arabic, and not Urdu, should have been declared as the state language.⁷⁹ It was obvious that this policy would ensure the domination of the Centre, and "this experience led them (the Bengalis) to make a distinction between Islam as a religion, and Islam

as a political force. This was the beginning of the rise of secularism in East Bengal."⁸⁰

Despite the anti-West Pakistani sentiments that were aroused in East Pakistan, the central government resolutely pursued its language policy. There were schemes developed to introduce the Arabic script for Bengali, and a huge sum of money was allocated specifically for this purpose.⁸¹

It was not surprising, therefore, that the Muslim League party in East Pakistan lost the elections in 1954. The Muslim Leaguers sympathized little with Bengali aspirations, and were fiercely behind the concept of 'unity-at-all-costs'. Especially after the language movement of 1952, their defeat was a predictable factor. Nevertheless, it was not before 1956 that the government decided to accord Bengali national status, and thereby heal old wounds.⁸² But the costs were high in terms of national integration, particularly so soon after the hard-earned independence, because regional differences were allowed to surface before any effort had been made towards nation-building.

The Muslim League, having failed to turn its ideology into a political party, clung to religion as the source for forcing unity from the top. But these Muslim Leaguers could not distinguish between the Islam of Bengal and that of West Pakistan. It was not that Islam was not important to the Bangalis. On the contrary, Islam was practiced largely by the peasants, who formed a depressed class of the society, and had been converted en masse, to escape the fate of the low-caste Hindus.⁸³ Thereby, by its very configuration, Islam was rural, not urban. But in West Pakistan (which was the gateway to India), there had

been an almost consistent and constant influx of saints and sufis (religious men), who preached the 'militant' religion, and had settled there.⁸⁴ "In West Pakistan Islam was the faith of the conquerors, the rulers, the courtiers."⁸⁵ It was this fervour and zeal that enabled the West Pakistanis to think of themselves as true Muslims.

The conclusion drawn is that a good Pakistani is a good Muslim and a good Muslim is a good Pakistani, and the two bodies of law are symbiotically related to one another and cannot be separated or made to appear in conflict.⁸⁶

The West Pakistanis maintained that there were more Muslims in their region than in the eastern wing, suggesting that as there was a quite large Hindu population among the Bengalis, and as the Muslims there were largely Hindu converts, the Bengalis were not true Muslims.⁸⁷ But once a Muslim homeland had been established in the Indian subcontinent, the Bengalis could not see any reason for bringing up the 'bogey' of religion to suppress any regional, ethnic, or linguistic demands that almost suggested that any deviation from the Centre's policies would put Islam, and consequently Pakistan, in danger.

Nationalism can be distinguished from ideology in that in theory at least, it grows from within a people who are in the process of forming themselves into a community. There is something spontaneous about nationalism when it draws people from varied background and experience into a single, unified identity.⁸⁸

(ii) The elite that exercised power in Pakistan was aware of their exclusivity, which in turn guaranteed them their strength at the centre. Integrating the two wings of Pakistan would have meant admitting Bengalis into the circle of power, thereby diffusing it instead of maintaining the concentration already in existence.

Crawford Young in The Politics of Cultural Pluralism divides the Pakistani elite into four main categories: (a) military; (b) bureaucratic; (c) political; and (d) economic.⁹⁰ Before elaborating on the superiority in numbers between the percentage of West Pakistanis over the East Pakistanis, it would only be fair to establish the fact that, at the time of independence, East Pakistanis had very few, almost negligible number of Bengalis in any of the four elite categories. It was therefore, not unusual to find that in the initial years, East Pakistan's contribution to national leadership was almost non-existent, as will be seen subsequently.

Whether it was the Muslim League or the members of the ruling elite in Pakistan in the early years, most of these politicians and bureaucrats were West Pakistanis who had either served in the Indian Civil Service (ICS) before partition, or who had participated actively for the Pakistan cause.⁹¹ In fact, at the time of partition, of the 133 Muslim ICS officers who had opted for Pakistan, only one was a Bengali Muslim.⁹² This initial disparity was primarily a result of a favourable British policy towards the Hindu "bhadralok" or the gentlemen, over the Muslims of Bengal. Also, there was a great degree of reluctance among the latter to rise above the social stagnation and compete against their rival Hindu colleagues.⁹³ Before partition, East Bengal was wholly dominated in the economic, political, and professional fields, by the Hindus; most of the landowners, and therefore the power-holders, were also Hindu 'zamindars'.⁹⁴ As a result, this aloof and somewhat stubborn attitude was

going to cost the Bengali Muslims a great deal in later Pakistani politics.

When East Bengal gained its status as East Pakistan in 1947, there began a Hindu exodus from East to West Bengal, as a result of which, East Pakistan had a temporary power vacuum within its ruling elite. This vacuum was quickly consumed by a large number of West Pakistanis, who thought of themselves as the "saviours of the East Wing."⁹⁵ Their arrogant and patronizing attitude quickly alienated them from the locals, who began to look upon the West Pakistanis as a new class of 'rulers.'⁹⁶ Whatever the Bengali complaints many have been,

In the early years of Pakistan's existence, the viability of the new state was so much in doubt that the nation's policy-makers were compelled to pursue policies maximizing the state's cohesion. However, emphasis on the development of governmental capabilities not only meant an unbalanced growth of the political system. . .but also led to an imbalance in the distribution of power among the various subnational groups.⁹⁷

The elite that came to power in Pakistan was by its very nature a small group with a marginal base of support in society.⁹⁸ "They were reluctant either to broaden their ranks by including the regional leaders from within Pakistan or to risk an election, for fear of losing power."⁹⁹ In the Constituent Assembly of Pakistan, the question of maintaining a balance of power between the two wings arose for the first time, and it appeared to the West Pakistanis that the eastern province had the advantage over their western counterparts on at least two counts. Firstly, East Pakistan had a larger population, (54.4%) and, secondly, both culturally and linguistically, it was homogenous.¹⁰⁰ The natural conclusion drawn in this case would indicate that in a parliamentary democracy, it would be the

rule of the majority, through the powers of representation, in which case the Bengalis would emerge dominant. Only among the political elite was East Pakistan represented substantially, and they hoped that through the domination of the political sphere, they would be able to influence other areas of the government, but more specifically, control their own economy.¹⁰¹ To prevent just such an outcome, the political elite allied themselves with the civil-military bureaucracy who also believed in the policy of centralization and 'nationalization', and would thereby guarantee the centre a stronger power base than a parliamentary government.¹⁰² Recruitment of the Bengalis into the higher Civil Service of Pakistan (CSP) was spurred on but the initial lag resulted in the continuing gap between the two provinces. Furthermore, even though the officers held key posts both in the provinces and the Centre, ultimate coordination lay with the Centre.¹⁰³

In 1958, the Army, led by Ayub Khan, took over power in a bloodless coup to end the factionalism and corruption that had plagued Pakistani politics since 1947.¹⁰⁴ But with Ayub came the Punjabi-dominated military and bureaucracy.¹⁰⁵ This was a blow to Bengali hopes for political power. Historically, the British recruited only the martial races, mostly from western India (including present-day Pakistan), and therefore, the Bengalis were almost completely excluded from the Army.¹⁰⁶ The appalling 5% Bengali representation in the Army elite after independence aptly justifies the statement of inequality in this field.¹⁰⁷ Therefore, by the sheer weight of numbers, the Bengalis were exempted from any participation in Ayub's government.

Two weeks after he came to power, Ayub visited the east wing to assure the Bengalis that East Pakistan would not be dominated by the West Pakistanis anymore. His first attempt at restoring democracy came with his initiative at institution-building. His 'basic-democracy' was meant to create political institutions that would ensure political participation down to the rural populace. But whatever this political system may have been, active participation at any level was restricted by the appointment of government officials and the nominated council members, who were supposed to supervise the workings of the local councils. In this case, the elected officials were far outnumbered and greatly restricted by the bureaucratic structure. In no way was this a working democracy because ultimate power and influence rested with the government.

...the most crucial and controversial limitation on popular participation was the use of Basic Democracies as the electoral college for the Presidential and Assembly elections, because in the absence of a clear mandate, the Basic Democracies as electoral college remained open to government pressure and manipulation.¹⁰⁸

In 1962, Ayub introduced his constitution, which provided for a highly centralized administration, and "similar to the regime's other institutions the constitution was also structurally centralized with vertical power linkages. The structural distribution of power favoured the center and the Presidency."¹⁰⁹ This "constitutional autocracy," as one political scientist called it, gave the President absolute powers. He could veto any bills introduced by the legislature; he did not share power with the National Assembly; he could not be impeached under any circumstances, and he had the right to declare a state of emergency at any time, if he was satisfied that war or external aggression was threatening the dissolution

of the state. In that case, he was also empowered to legislate by ordinance, and the Assembly could not reject it.¹¹⁰

As regards the structural distribution of power, the state was declared to be "a form of federation," with Governors, a Council of Ministers, and provincial Assemblies, for the administration of the provinces. But as in the case of the basic democrats, the provincial chief executive was not vested with power to exercise on his own jurisdiction. Rather, the Governor was appointed by the President and was not therefore elected by popular will. His coordination lay with the centre and he was "directed" by the President.¹¹¹

The Bengalis, who had hoped for a working Assembly with representative powers, were greatly disappointed to find themselves thus restricted by government ordinances and constitutional handicaps which left them with no legislative power. Even though the Ayub constitution led to Bengali participation within the system, real power still evaded them through the weakness of the representative institutions. Also, the Opposition had little or no voice in the Assembly because the top political leaders were banned from participation under the Elective Bodies Disqualification Ordinance (EBDO), or jailed.¹¹² Without the opposition, no democracy can claim effective participation at any level of government, which further demonstrates the elitist nature of the Ayub regime.

(iii) Not only was the Army the focus of West Pakistani strength, but the businessmen and the entrepreneurs as well. After independence, the Hindu zamindars (landlords) and businessmen had left East Pakistan, and as the Bengali Muslims were educationally and economically "at the lowest level" of society, no Muslims in Bengal could adequately fill the vacuum¹¹³

In West Pakistan, on the other hand, immigrant entrepreneurs such as Adamji, Ispahani, Daud, Habib, and Saigal, did much to add to the economic prosperity and rapid industrialization.¹¹⁴ These were the new industrial entrepreneurial class who came from the Urdu-speaking mercantile castes in India.¹¹⁵ They came to be known as the "twenty-two families" of Pakistan, the industrial giants of the West,¹¹⁶ who, by the late sixties, "controlled 66 percent of the country's total industrial capital, 70 percent of insurance and 80 percent of banking."¹¹⁷ These industrialists had vested interest in East Pakistan because it was their products that were sold in the markets of the east wing.¹¹⁸ The "twenty-two families", the elite functionaries of the state, and the top military officers found powerful and willing allies among each other, all of whom were dedicated to serve the West Pakistani interests.¹¹⁹ No one of comparable entrepreneurial capabilities established base in East Pakistan. To add to the existing imbalance, the central government in the early years, decided to make Karachi (in West Pakistan) the capital, and "allocated nearly two-thirds of its developmental and non-developmental funds to West Pakistan."¹²⁰ This obvious disparity in the allocation was justified as governmental response to entrepreneurial demands in the western wing.¹²¹ Such manifestations of partisan politics did not go unnoticed in the eastern province. West Pakistani politicians and economists were quick to point out that this active policy of differentiation was discriminating against the Bengalis. There were a number of other factors which impeded East Pakistan from making strides towards economic progress. For example, the "one-economy" policy did not take into consideration the differences in economic infrastructure and patterns of the two provinces.

The east wing's low starting point, lack of private entrepreneurs in industry, and high labour and political unrest, which was one reason for the smaller influx of private foreign capital, meant that a deliberate and sustained effort on the part of the government was necessary for East Pakistan's development. In the absence of such an effort, resources tended to gravitate to the more developed region.¹²²

Even of the foreign development aid, East Pakistan received only 17%¹²³ when the east wing's share of total export earnings was between 50% to 70%.¹²⁴ After Ayub Khan came to power, he did try to rectify some of the injustices and spur economic growth in the eastern province, but well into the second decade after independence, the disparity between the two wings had deepened, and it became a major point of contention for the Bengalis, who began to demand autonomy for themselves.¹²⁵

There was also a net transfer of resources from East to West Pakistan. Over the 1948-49 to 1968-69 period, approximately U.S. \$2.6 billion was transferred to the West.¹²⁶ In addition to the biases incorporated into governmental decision-making process, East Pakistan was the market for "shoddy" products from West Pakistan--"a classic instance of the colonial economy."¹²⁷

The Central Government's instruments of tariffs, import controls, industrial licensing, foreign aid budgeting and investment allocation have been used to direct investment and imports to develop high-cost industries in West Pakistan whose profitability is guaranteed by an East Pakistan market held captive behind tariff walls and import quotas.¹²⁸

Whether in the political, economic, or military field, the domination of East Pakistan was facilitated by the domination of the central government by the West Pakistanis, initially as a natural outcome of the haphazard distribution of potentially capable leaders

and professional people between the two provinces, and later as a contrived or deliberate policy of the central government. Administrative policies geared towards maintaining the West Pakistani status quo had, as its ultimate goal, the economic domination of the eastern province. Even though exploitation may be a little exaggerated, it is nevertheless evident that "the subordination of the East's economic interest has been accomplished by the overwhelming concentration of governmental authority in the hands of the West Pakistanis."¹²⁹ In the two decades following partition, statistical figures and factual evidence show that East Pakistan had gained minimally from independence, and association with West Pakistan, other than a limited sense of security from Hindu domination. In the euphoria of the independence movement, the Muslims of the northwestern and northeastern provinces of India, laid aside any consideration of ethnic or cultural differences, to give life to the notion of an independent Muslim state. A noteworthy factor to be mentioned here is that here was no Hindu-Muslim alliance to force the withdrawal of the colonial rulers. The struggle for independence "was more a matter of resolving Hindu-Muslim differences."¹³⁰

The Muslim league, the Muslim party of All India, headed the nationalist movement for an independent homeland, but after the creation of Pakistan, it failed to transform its ideology into a coherent policy and evolve into a viable political organization. As a result, the Muslim League was "more a political movement than a political party in that it knew more clearly what it did not want to happen rather than what it should set out to do."¹³¹

Revolutionary movements are sustained by euphoria only until the desired goal is achieved. The post-revolution period requires the elite to channel their effort towards national consolidation and integration. In its embryonic stage, national consolidation lies in elites pursuing nation-building by creating a political and administrative system that cuts across cultural and class cleavages in a society.¹³² This is truer in plural societies where contention for scarce jobs may leave "primordial" groups or economic classes isolated from the decision-making arena, and thereby threaten a conflict in society. If "zero-sum conflict among group elites coincide with linguistic, cultural, ethnic and regional cleavages, secessionist movements are born."¹³³ A dominant political elite that operates in an oligarchic fashion can only be counter-productive, and create and enhance differences rather than integrate and assimilate within a corporate whole. A "sophisticated, complex and difficult strategy, aimed at the creation of union rather than unity, is necessary for creating an over-arching national identity among diverse regional and linguistic cultural groups."¹³⁴

Pakistan inherited a land of diverse ethnic groups, and its lack of geographical contiguity added to the number of problems within the political system. But repeated mismanagement and bunglings only showed the poor-sightedness of the elite, and the lack of management skills that ultimately led to the bifurcation of the country. The greatest flaw in Ayub's intricate political structure was the exclusion of effective Bengali participation within the system, which brought on the isolation of the latter, and ultimately the disin-

tegration of the nation. To draw a broad comparison with India, whereas the Congress Party led and organized a "strong bourgeois independence movement from the twenties" which had been able to enlarge its base of support on an organizational scale that reached out to the villages,¹³⁵ the Muslim League's platform had managed to capture only the educated middle class Muslims.¹³⁶ The Muslim League had set out to win the British and alienate the Hindus, and to that the Muslim elite remained faithful. It would be ignominious to find themselves the servants of a Hindu state, and it was therefore a struggle to ensure their position and dignity from discrimination in an overwhelmingly Hindu society. But while a grass roots organizational structure was not particularly necessary to pressure the British into conceding a separate state for the Muslim Leaguers, it nevertheless should have been a primary objective of the party ideologues after independence, to infiltrate and educate the masses. Instead, Jinnah, who was originally from Uttar Pradesh and "a stranger to the...provinces of Pakistan," as well as his colleagues, simply confirmed the power and position of the provincial, feudal landlords, and continued to exercise power through them.¹³⁷ As a result the Muslim League never developed into a mass political party. The nature of politics remained elitist while the party steadily discredited itself with corrupt practices and internal squabbling.¹³⁸ Any attempts to rectify wrong policies were undertaken in a half-hearted manner, and it was repeatedly evident that the West Pakistani government never really intended to share power with the majority of the population, over whom they were ruling. The next chapter will

focus on the events in the last year of East-West Pakistani relations, the November 1970 cyclone and its effects on the December elections of the same year, that provoked the final break between the two provinces.

Notes for Chapter I

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Chapter II

THE POLITICS OF CRISIS MANAGEMENT - 1969 TO 1971

Conflicting forces in a plural society can be caused by a superimposition of inequalities between different groups. This conflict can be incorporated in different spheres, that is, in constitutional provisions for representation, economic discrimination by one group monopolizing the commercial and financial interests of the country, religious or racial harassment or discrimination, and educational opportunities.¹ The persistence of these inequalities polarize and distinguish the victim group or groups, and conflicts in any sphere of competition can rapidly spread to other areas until the entire society is polarized.² Peter Calvert in Revolution analyzes 'internal disturbances' quantitatively, as explained by Pitrim Sorokim:

Of these quantitative aspects four seem to be particularly important: (1) the proportional extent of the social (not merely geographical) area of the disturbance (social space); (2) the proportion of the population involved actively in the disturbance (for and against it); (3) the duration of the disturbance; (4) the proportional intensity (the amount and sharpness of violence and the importance of effects) of the disturbance.³

In qualitative terms the disturbances are: "the predominantly political; the predominantly economic; nationalist and separatist; religious or those with 'limited objectives,'" where the objectives were mixed.⁴ The intervention of the state authorities is of crucial importance because it is the method as well as the intention of the

government that can well decide the outcome. As genocide is "almost invariably a crime of governments, or of organized groups," it is important to invoke the elite theory.⁵

When the ruling elites decide that their continuation in power transcends all other economic and social values, at that point does the possibility, if not the necessity, for genocide increase qualitatively. For this reason, genocide is a unique strategy for totalitarian regimes.⁶

Isolated incidents of violence or rioting can escalate from a regional or local level to a national one, and the issues, however specific, can become more generalised and acquire a wide range of grievances.⁷ The situation becomes increasingly charged with emotion if the society has suffered a long history of communal violence.⁸

The scope and potential of conflicts are dependent on several variables that can affect the outcome. A certain degree of modernization is essential for a regional conflict to acquire national status.⁹ By the mid '60s East Pakistan could boast of better communications systems, a degree of industrialization, and urbanization.¹⁰ These elements of progress aided the process of mass political mobilization. Time and again disenchantment grew and became aggravated against the government of Ayub Khan, who came to power in a military coup in 1958.¹¹ Even though he did provide the country with a constitution in 1962 that in theory accepted the question of parity of representation between the two wings in the National Assembly, he continued to rule through the civil and military bureaucrats with total disregard to the Assembly, which had no control over the Executive under the constitution.¹² Resentment was strong against Ayub's regime which had failed to create representative institutions; did not adequately promote economic growth

in East Pakistan to reduce the disparity between the two wings; and left the east wing inadequately defended against Indian attack in the 1965 war between Pakistan and India.¹³

At this stage of Bengali nationalism, Sheikh Mujibur Rahman, the leader of the Awami League party in 1966 provided the leadership.¹⁴ He became the outspoken critic of the government and presented his six-point formula that advocated autonomy for East Pakistan.¹⁵ (This will be dealt with in greater detail in the following pages.) This formula "became the embodiment of the nationalist movement of East Pakistani Bengalis."¹⁶ Public consciousness rose to great heights and the government was faced with a crisis. At this point, it became the politics of crisis management. The government of Ayub Khan branded Mujib's politics as secessionist and brought charges against him of conspiring with India to dismember Pakistan.¹⁷ Despite the publicised trial of Sheikh Mujib in 1968, he was released from jail as the resurrected hero of Bengali nationalism, in March 1969.¹⁸ The Agartala conspiracy case, as it was named, discredited the Ayub government, and the tide of popular resentment drove Ayub out of office in March 1969.¹⁹

The repression method that some governments employ gives them a different perspective of the chaotic situation. Instead of the mob giving vent to their frustrations it becomes a movement led by and for the people. The mob suddenly becomes more organized, and their grievances become more politically challenging. They find their voice and their inspiration in the charismatic leader and it becomes the policy of the government to root out these potentially threatening leaders and destroy the nucleus of the movement. This plan first takes a systematic

approach to the destruction of the intelligentsia, and it then becomes a blueprint for genocide. Violence is met with greater violence, where reason and sanity lose themselves in sheer madness and inconceivable cruelty. The authority in power marks with satisfaction its progress through the destruction of the enemy, and authorizes any inhuman methods and skills to facilitate and aggrandize the process of annihilation. It is at the same time intimidating to the enemy, and glorifying to the perpetrators of destruction and genocide.

"Suddenly, politics in Pakistan were about wages, prices, and the riches of the 'twenty-two families.'"²⁰

Khalid B. Sayeed cites mass urban protests as indicators of the measure or degree of unrest in societies where political institution-building has failed and policy formulation has no effective ground. But more pertinently, mass urban protests are indicators that gauge the "nature and direction" of the economic and political changes in a society and its effects on new and existing groups.²¹

The latter part of Ayub's regime was plagued with such protests. He introduced his "Basic Democracy" which was a hierarchical system of administrative councils, from the sub-divisional, to the provincial level.²² The village self-government, the 'primary constituency', was composed of 800 to 1,000 men and women.²³ Eight or ten of these 'primary constituencies' grouped together to form a Union council or committee, and each of these councils were called Basic Democracies.²⁴ There were 4,000 basic democracies in West Pakistan, and 4,200 in East Pakistan.²⁵ The Constitution called for equal representation of West and East Pakistanis in the National Assembly. But the Assembly was

stripped of effective legislative and financial powers. Moreover, members of the National Assembly were chosen by 'basic democrats' who formed the electoral college (of 80,000 members).²⁶ Therefore, elections were not based on adult franchise, because the basic democrats were in turn elected from their respective Union Councils and Town and Union Committees.²⁷ Ayub's basic democracy had little to do with representative government and it failed to wipe out the inequalities that existed between the two wings of Pakistan.

Some political scientists have extolled Ayub for his political planning and incomparable institution building. However, the centralization of the constitution rendered the National Assembly effete and made the provincial governments mere fiefdoms of the president. The institution of Basic Democracies, for which Huntington gave high marks to Ayub, had neither provided any forum of expression to the opposition politicians nor afforded means of redress to the disaffected professional groups and industrial labor.²⁸

Ultimately, power always seemed to rest with the military, the bureaucrats, and the industrialists. Power was more centralised than ever, and access to power was denied to the masses. It was not so much the poverty itself but awareness of the degree of inequality in a society where "the benefits of economic growth and prosperity had been appropriated by the industrialists and some of the members of the government."²⁹ It was this that led the people to the streets to riot and demonstrate, because they felt that the system had become both "inequitable and vulnerable."³⁰ "It is in this context that one has to view the uprising, some of which were spontaneous and some planned."³¹

By mid-March 1969 the uprising against Ayub Khan had turned into a fullscale revolutionary situation in which the urban industrial workers, the white-collar workers, the peasants, and the dissatisfied intellectuals were in revolt against the entire bourgeoisie.³²

By March 25, 1969, Ayub's government could not hold sway under the revolt of the masses, and he could do nothing but resign. Responsibilities were handed over to General Yahya Khan, the Army Commander.³³

Army seizures of power were preceded by certain massive urban protests and demonstrations. It was these urban protests that had so robbed the government of their legitimacy and rendered them so ineffective that the military intervened in the name of law and order and stability.³⁴

General Yahya announced in April that elections would be held as soon as 'the health of the country was restored'.³⁵ But as he was not specific about the date, unrest followed. Therefore, the elections, initially set for October, were postponed to December.³⁶ Campaigning started from January 1970, and Sheikh Mujibur Rahman, the leader of the Awami League, recently released from jail, after the Agartala Conspiracy Case, was the forerunner in East Pakistan with his six-point formula, which was:

- (1) that the Constitution of Pakistan should provide for a federal structure on the basis of the Lahore Resolution, and a parliamentary form of government;
- (2) that the federal government should deal with only two subjects: defense and foreign affairs;
- (3) that there should be two separate freely convertible currencies for the two wings with two separate Reserve Banks to prevent inter-wing flight of capital;
- (4) that the power of taxation should be vested in the federating units;
- (5) that a series of economic, fiscal and legal reforms should be implemented to eliminate the economic disparities between the two wings;

(6) and that a militia or paramilitary force should be created for East Pakistan.³⁷

Islam seemed to lose its significance as the bond that tied the provinces initially. Disparate regions, classes and castes needed a new "integration denominator."³⁸ Furthermore, the political leadership did not seem very Islamic in their policies or behavior because Pakistan in its relation to its Bengali population resembled a neocolonial state with no efforts to follow principles of social justice. "Some even felt that the plight of the common man in terms of rising food prices, corruption and maladministration had become even worse under the brown Englishmen."³⁹ West Pakistanis had almost substituted the British colonial masters over the Bengalis, because in their manner, deportment, administration and exploitation of the East's economy, East Pakistan resembled a neocolonial state.⁴⁰ The Bengalis, held captive under west Pakistan's monopoly share of the market, were forced to buy high-priced goods from West Pakistan's "import substitution industries."⁴¹

Just as the Empire once provided Britain with much of the liquidity and market for its industrial expansion, so East Bengal served the West. Perhaps the main difference is that its common nation-state institutions provided West Pakistan with various additional 'internal' forms of exploitation which the British in India never fully enjoyed.⁴²

The Bengali movement was gathering strength when a cyclone hit East Pakistan in November, killing 200,000 persons. The government was so slow to react that it took General Yahya a whole week to get to the ravaged areas and take control of relief operations.⁴² To the Bengalis, the Central Government's reactions seemed to be one of callous indifference, when the disastrous cyclone had claimed 200,000 victims.⁴⁴

This was yet another incident which provoked bitterness and resentment against the Pakistani government.

The elections, held on the 7th of December 1970, gave the Awami League a complete victory. The party won 160 out of 162 seats in the national Assembly allotted to East Pakistan.⁴⁵ This meant that Mujib held a clear majority over the combined strength of all parties in West Pakistan.⁴⁶ Suddenly, the civil and military bureaucrats as well as the twenty-two industrialist families of Pakistan found themselves bereft of power. This was certainly not the result they had hoped for; now peaceful transfer of power would be almost impossible. "Resistance was certain--the only question was how it would come."⁴⁷ It was in the interest of the government to play the role of the mediator or the arbitrator between the different political groups, and at the same time maintain "the fundamental interests of the ruling elite."⁴⁸

Democracy in Pakistan has been elusive at best. Since independence in 1947, the politicians of the East and the West have been immersed in issues of conflicting regional interests.⁴⁹ The forceful attempt of the Pakistani government to impose Urdu as a national language in 1952,⁵⁰ the economic exploitation of East Bengal, as well as the forced unification of the four provinces of West Pakistan into a single unit for parity of representation in parliament between the two wings,⁵¹ helped to strengthen the Bengali identity by alienating themselves from the West Pakistanis. After nine years of political infighting, the constitution of Pakistan was drawn up with provisions of two state languages and democratic universal suffrage elections in a parliamentary government.⁵² The members of the parliament were chosen by provincial

assemblies, "which themselves had been constituted on a limited franchise prior to independence."⁵³ But democracy was never given full rein because President Iskander Mirza, with the help of the civil and military elites "manipulated the fall of successive governments at the centre and provinces" to maintain their own pockets of power, thereby discrediting the system. That signalled the end of parliamentary democracy when Ayub Khan took over power in 1958 to bring "stability" to the country.

The elections were the first democratic effort in Pakistan since the failure of the parliamentary democracy in 1958 to establish a representative government by and for the masses. It was thus to be expected that the military leadership would be cautious about the future constitution of the nation. The Legal Framework Order (LFO) proclaimed by Yahya in March 1970, spelled out the "directive principles" for a democratic federal government.⁵⁴ But Sheikh Mujib's six-point formula which demanded autonomy for East Pakistan was the most controversial, as well as the most volatile issue facing the nation. As a result, the LFO went as far as saying that the "province shall have maximum legislative, administrative and financial powers", but that the federal government would retain "adequate powers including legislative, administrative and financial powers to discharge its responsibilities in relation to external affairs and to preserve the independence and territorial integrity of the country."⁵⁵ Furthermore, the president would be given the power to refuse validation of the constitution.⁵⁶ This was the safeguard that the military leaders sought to guarantee their voice in the future constitutional order in Pakistan. More specifically, the LFO

simply stated that as a multi-party system was expected to emerge from the elections in 1970, and as only 120 days were allowed to frame the constitution, the government would play a key role in negotiating and balancing the parties. Even in the case of a one party majority in the National Assembly, the President would have the power to veto the validation of the constitution. In this way, it would still be possible for the West Pakistani elite to keep power.

But the regime's overconfidence about the election results was shattered by the overwhelming victory of the Awami League. The cyclone that hit East Pakistan in November was enough reason to vindicate the east wing's demand for autonomy. In West Pakistan, the People's Party of Pakistan (PPP) led by Zulfikar Ali Bhutto won 81 seats.⁵⁷ It was the majority party in the West but was overshadowed by the Awami League victory. Thus, the election results left three main actors on the scene--Yahya, Mujib and Bhutto. Each had his own interests and ideas about a workable constitution, and a compromise formula seemed unrealistic. Yahya, for all his moderate views, still represented the "elite" of the nation; both Bhutto and Mujib played up their specific interests, that is, Punjabi and Bengali aspirations respectively, but none of them reflected any national spirit. Mujib's call for autonomy was too radical for the elite to indulge while Bhutto had no specific platform or programme; but he had the advantage in this respect because he seemed to be in a better position to bargain with the military leaders. Bhutto elected to reach an agreement with the Army rather than negotiate

power-sharing in the Assembly, where his party could not hold any majority, and where there could be no question of his assuming the Prime Ministerial role. The shrewd political tactic on his part to side with the military was based on his interpretation of the psyche of the leaders. He knew well that by convincing them of Indian subversion in East Pakistan, he could win their support and their understanding. But more importantly, he also knew that to overthrow Yahya Khan in West Pakistan would be very difficult as a predominantly West Pakistani army could not be turned against its own people.

It was in Bhutto's interests to make it difficult for Mujib to consolidate his victory. He knew well that by threatening to boycott the national Assembly he could make it unworkable, "unless the President was simply able to disregard him."⁵⁹ In other words, Bhutto's powers lay outside the Assembly, not inside. He was also more keenly aware than anyone else that General Yahya, unlike Ayub or any of his other generals, lacked the political astuteness and would thereby be more pliable and agreeable to an agreement with the leader of the majority. This was evidenced by the fact that Yahya called Mujib the future Prime Minister of Pakistan soon after the elections.⁶⁰ Bhutto therefore capitalised on his personal relationships with the members of the high military command to sway the election results in his favor.⁶¹

Bhutto and other West Pakistani leaders travelled to East Pakistan for talks with Sheikh Mujib in January 1971, but he and Mujib could not reach a compromise because Mujib supposedly did not

accept the former's demands for power-sharing.⁶² Feeling defeated, Bhutto announced on the 15th of February to boycott the National Assembly, scheduled to open on the 3rd of March.⁶³ Facing pressure from Bhutto and with the deadlock in the talks between the two majority leaders of the two wings, Yahya decided to postpone the opening of the National Assembly indefinitely.⁶⁴ This came as a blow to the leaders. There was a sense of betrayal, and it was strongly felt that the West Pakistani authorities did not have any intentions of allowing themselves to be over-ridden by Bengali politicians. In response, Mujib called for a five-day general strike on March 2.⁶⁵ Complete cooperation was granted him by Bengalis from all walks of life, including government employees, businessmen, and factory workers.⁶⁶

Evidence gathered by the International Commission of Jurists (ICJ) indicated that it is probable that West Pakistani authorities had reached a decision, as early as February 15, to use force if necessary to frustrate attempts to achieve autonomy in the eastern wing.⁶⁷ Military buildup in East Pakistan continued, despite talks between the politicians of both wings.⁶⁸ On February 19, the army set up checkpoints in various parts of the capital city, Dacca, and three days later, President Yahya dismissed his civilian cabinet and the provincial governors, and brought in his generals.⁶⁹ The army was in full control.

Following Mujib's call for a five-day strike, the army was asked to exercise its authority, and clashes between the civilians and the army resulted in civilian deaths.⁷⁰ From all accounts,

violence erupted from both the Bengalis and the army. To add to it, there were also the Biharis, who were immigrants from Bihar in India at the time of the partition of India in 1947.⁷¹

The Biharis provided the economic leadership in East Pakistan, though not comparable to any of the West Pakistani industrialists.⁷² This minority community monopolized a large fraction of the industries in the east wing, but they transferred much of their wealth to West Pakistan for profitable investments.⁷³ This was perceived as disloyalty to the Bengalis and blatant exploitation of their economy for profit, which did not endear them to the masses. Furthermore, during the agitation for independence after the general elections in 1970, the Bengalis had tried to mobilize the Biharis to support their campaign, but was resolutely denied their cooperation.⁷⁴ The result was a clash between the two communities, resulting in casualties on both sides, numbering almost 300 dead and injured.⁷⁵ As a result, they became the target for Bengali distrust and mob violence. At the end of the five-day strike, Mujib put forward four demands for the government to be met before he could consider attending the National Assembly. The demands were:

- (1) Immediate withdrawal of martial law;
- (2) Immediate withdrawal of all military personnel to their barracks;
- (3) An official inquiry into the army killings in East Pakistan;
- (4) Immediate transfer of power to the elected representatives of the people (i.e. before the National Assembly met.)⁷⁶

The demands supposedly were not rejected by Yahya but the first and fourth demands would have meant automatically acknowledging the

election results in full.⁷⁷ Despite the fact there was no categorical acceptance or denial talks continued between President Yahya and Mujib. The second demand was complied with and the third was accepted "in principle", but there was no agreement about the form of inquiry.⁷⁸ A fifth demand was later made to cease further reinforcements of army units, but that, of course, was rejected.⁷⁹ The strikes were called off, but the resistance did not die.⁸⁰ Sheikh Mujib had full cooperation from the Bengalis, and it was he and his party who were in control of civilian life in East Pakistan.⁸¹

By March 21, the talks had progressed to the point where President Yahya invited Bhutto to Dacca in the hope of a solution. The day before, there had been an agreement between Yahya and Mujib to form an interim constitution until the National Assembly came up with a new constitution.⁸² Yahya, in the meantime, would continue as the Head of State under the 1962 constitution, with a Cabinet of Ministers selected from representatives of political parties from both East and West Pakistan.⁸³ In other words, this would follow the same principles used in the transfer of power during the partition of India, from the British government to the elected representatives of India and Pakistan. But Bhutto's objections, notwithstanding questions of legality, were numerous. He wanted the martial law to stay in place until a new constitution was formed.⁸⁴ Furthermore, the new constitution would have to be agreed upon by the majority of the members of each wing before being presented to the National Assembly. Even if approval were granted, it would still be subject

to presidential veto under the LFO.⁸⁵ The International Commission of Jurists's (ICJ) report went as far as to say that, "It may be assumed that Mr. Bhutto's objection was to ensure that there was no lawful way in which East Bengal could obtain their economic independence, still less their political independence."⁸⁶

There are two sides to the story. Some maintain that President Yahya had no intentions of surrendering power to the Awami League but was playing for time.⁸⁷ Others believe that left alone, he could have agreed to a plan regarding the transfer of power to the majority, but that Bhutto was going to prevent that at any cost.⁸⁸ Mr. Hazelhurst wrote in the Times:

It was Bhutto who finally brought the President to take the decision which set East Bengal on fire. When the President put the Sheikh's proposal to the West Pakistan leaders, Bhutto pointed out that if Martial Law was withdrawn, Pakistan would be broken up into five sovereign states, the moment the President restored power to the Provinces. He expressed fear that Sheikh Mujibut Rahman was trying to liquidate the Central Government, because when the President withdrew Martial Law, he had no sanction to carry on as Head of the State. Half-convinced, the President went back to Sheik Mujibar Rahman and expressed these fears. He promised Mujib that he would withdraw the Martial Law the moment the National Assembly met and gave the Central Government some form of validity. Sheikh Mujib reiterated his demand for the immediate withdrawal of the Martial Law...⁸⁹

The breakdown in the talks on March 25, 1971, signalled that the final hour had arrived and the Army was going to move in, once "again, to restore order."

By 25 March the President had evidently concluded that no negotiated settlement was possible. There was no need to protract the fruitless constitutional negotiations any further. The Army's contingency plan was brought into force. It struck, and struck with terrifying brutality.⁹⁰

Accounts relating to every pertinent point of negotiation or decision made before or after the army crackdown on March 25, will probably never be made public. Because of the cloud of mystery that surrounds the discussions between Mujib, Yahya and Bhutto, it is also not possible to ascertain to what degree Mujib was convinced of reaching an accord with the West Pakistani authorities and Bhutto on his terms, that is, autonomy for East Pakistan. It is difficult to comprehend the naivete, if that was the case, of the Awami League leaders as to the outcome of the talks. There had been enough indication, that the government, and especially Bhutto, was not amenable to a shift in the power base from one wing to the other. That the army could take over so swiftly and so completely after March 25, and take the people unaware, seems to indicate two very important facts: first, the Awami League believed so completely in their victory and the overwhelming support accorded them since March 2, that they could not possibly conceive of anyone doubting the legality of a constitutional government with Sheikh Mujib as the next Prime Minister of the state, as well as an Awami League majority in the National Assembly. Mujib was overcome by a "belief in his own destiny" after his election victory, and it is possible that his overconfidence gave him the strength to defy authority because he knew that, with the power of the masses supporting him, he did not have to yield.⁹¹ Second, a contingency plan that enabled the army to strike out so swiftly and methodically, as will be seen later, could not have been made on the spur of the moment. It seemed that the generals had done their homework well, because the systematic

approach, as well as the buildup of the military personnel and equipments in East Pakistan since mid-February had been a serious consideration; and whether the talks had been a serious attempt at a negotiated settlement or just a ploy to buy time, does not signify much in the face of the last offensive. That the talks were breaking down was evident on the evening of March 24, and it must have been quite evident to one and all that the army would be used to "restore order" and reinstate Martial Law.⁹² Even then, whether people were convinced of a military operation in East Pakistan or not, it would have been too late to form or plan an armed resistance against the army. According to the White Paper published by the Pakistani Government, there were reports of an Awami League armed rebellion at dawn, March 26, and therefore the army acted.⁹³ The White Paper further asserted the need for military action citing the complete breakdown of law and order in the eastern province.⁹⁴ The International Commission of Jurists found no evidence to justify this assertion, at least till March 24. The breakdown of law and order did occur later, and it happened as a consequence of the breakdown in the talks on March 24.⁹⁵ But that the army was considered at all as a principle arbitrator after an election based on democratic principles to elect a parliamentary government puts in serious question the intentions of the military government, to seek a peaceful solution to political problems. Once in power the army can never completely relinquish their authority even if it signals a tremendous risk of losing a great number of lives. This law had become ingrained in the minds of the military leaders of Pakistan, and they

were intent on preserving the status quo at all costs. Simply put, Sheikh Mujib's victory "undermined the moral basis of Yahya's authority."⁹⁶

The army's assessments and assumptions about the outcome of the election results were naive and superficial to begin with. Its working knowledge of the masses was negligent or nonexistent at best. The army had visualised a multi-party system to come out of the elections, where none would be in a commanding position, and would thereby leave the President with initiative. In other words, a coalition government where the President would maintain his calm and authority over the bickering of the politicians.⁹⁷

But what the army was not prepared for was a political campaign that would polarise the two wings, and bring forth issues pertaining mainly to regional interests and ambitions. It did not enter the mind of an army commander such as Yahya to contemplate such issues because, by tradition, the army tends to identify itself with the nation as a whole. There are no specific interest to guard, save that of its own authority. In the case of Pakistan, however, the irony that lends a twist to the otherwise simplistic notions of the army is that by safeguarding its interests, and therefore the "national interest," it was in effect protecting and promoting a regional interest because by composition, the army was overwhelmingly West Pakistani. In either case, whether it was Bhutto or the army, the interests of West Pakistan were going to be served. In the concluding chapter of the dramatic negotiations, Mujib and Bhutto

(with the army behind him), faced each other with a stubbornness that did not augur well for the future of Pakistan.

Like figures in a Greek tragedy, each of these two popular Pakistani leaders refused to let the other cross the threshold beyond which lay power for both of them; they would yield to necessity but not to each other.⁹⁸

Notes for Chapter II

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⁴Ibid., p. 128-129.

⁵Kuper, p. 49.

⁶Ibid., p. 49.

⁷Ibid., p. 58.

⁸Ibid., p. 58.

⁹Talukder Maniruzzaman, Group Interests and Political Changes: Studies of Pakistan and Bangladesh (New Delhi: South Asian Publishers Pvt. Ltd., 1982), p. 13.

¹⁰Ibid., p. 14.

¹¹Ibid., p. 10.

¹²Ibid., pp. 10-11.

¹³Ibid., pp. 14-17.

¹⁴Ibid., p. 18.

¹⁵Ibid., p. 18.

¹⁶Ibid., p. 18.

¹⁷Ibid., p. 19.

¹⁸Indian Ministry of External Affairs, Bangladesh Documents, vol. I (Madras: B.N.K. Press, 1971), p. 2

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²¹Khalid B. Sayeed, Politics in Pakistan: The Nature and Direction of Change (New York: Praeger Publishers, 1980), p. 139.

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- ²⁵Ibid., pp. 203-204.
- ²⁶Ibid., pp. 203-204.
- ²⁷Maniruzzaman, p. 11.
- ²⁸Sayeed, pp. 144-145.
- ²⁹Ibid., pp. 144-145.
- ³⁰Ibid., pp., 144-145.
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- ³²Siddiqui, p. 129.
- ³³Ibid., p. 130.
- ³⁴Sayeed, p. 139.
- ³⁵Siddiqui, p. 131.
- ³⁶Ibid., p. 135.
- ³⁷Bangladesh Documents, vol. I, pp. 2-3.
- ³⁸Lawrence Ziring, The Ayub Khan Era (Syracuse, New York: Syracuse University Press, 1971), p. 193.
- ³⁹Sayeed, p. 167.
- ⁴⁰Ibid., p. 167.
- ⁴¹Mairuzzaman, p. 43.
- ⁴²Ibid., p. 42.
- ⁴³Siddiqui, p. 145.
- ⁴⁴Crawford Young, The Politics of Cultural Pluralism (Madison, Wisconsin: The University of Wisconsin Press, 1976).
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- ⁴⁸Rounaq Jahan, Pakistan: Failure in National Integration (New York: Columbia University Press, 1972), p. 186.
- ⁴⁹Young, p. 481.
- ⁵⁰Ibid., p. 481.
- ⁵¹Maniruzzaman, p. 9.
- ⁵²Young, p. 484.
- ⁵³Ibid., p. 484.
- ⁵⁴Jahan, p. 187.
- ⁵⁵Ibid., p. 187.
- ⁵⁶Ibid., p. 188.
- ⁵⁷Ibid., p. 190.
- ⁵⁸Sayeed, pp. 144-145.
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Chapter III

Genocide: The Ultimate Solution

"For nine months all human rights were completely suspended in East Pakistan. Not only the Government and the Army, but every soldier with a gun had supreme authority over life and death and property, and could use that authority at will . . ."¹

It is often the case in authoritarian regimes that the elite in power views its power and authority as over and above any questions of political or economic exigencies.² When disaffection with the government becomes acute and resistance to the regime takes the form of violent protests and demonstrations, then the regime responds in the only way it knows how. It retaliates in full force, thereby destroying the nucleus of the opposition. The process of retaliation is carefully planned, and it is authorized by the highest executive authority of the state, thereby granting legitimacy to the gruesome carnage. This process of elimination is called genocide.

History has provided us with countless examples of genocide. Yet the severe and mass persecution of mankind had escaped a universal definition because of a lack of collective effort and consensus on the nature, intent, types, and extent of the massacre.³ The term 'genocide' was first coined by Raphael Lemkin, a jurist, who initiated a "one-man crusade for a genocide convention" as early as 1933. He explained genocide to mean,

. . . not necessarily . . . the immediate destruction of a nation, but is intended to signify a coordinated plan of action aiming at the destruction of the essential foundations of the life of national groups, with the aim of annihilating the group themselves.⁴

As a result of Lemkin's efforts, the problem of the prevention and punishment of genocide was beginning to concern the United Nations. On December 11, 1946, the UN General Assembly passed the resolution (96-1) that,

Genocide is the denial of the right of existence of entire human groups, as homicide is the denial of the right to live of human beings . . . The General Assembly Therefore, Affirms that genocide is a crime under international law . . . and for the commission of which principals and accomplices . . . are punishable.⁵

Genocide is a multi-faceted subject and can be loosely titled under two headings, domestic and international. It constitutes mass killings of ethnic, religious, racial or national groups by another group. But it is not a spontaneous action; it involves "intent" and "premeditation" on the part of the perpetrators. The mass annihilation or destruction of any group necessitates a systematic and calculated approach. Moreover, domestic genocide has relatively distinct forms, according to Leo Kuper:

1. Genocide against indigenous people;
2. Genocide following upon decolonization of a two-tier structure of domination;
3. Genocide in the process of struggles for power by ethnic or racial or religious groups, or struggles for greater autonomy or for secession;
4. Genocide against hostage or scapegoat groups.⁶

Genocide against indigenous people is carried out against those groups of people who live in isolated areas, and whose contact with the society and the world are marginal.⁷ Their elimination is usually desired for economic purposes, as in the case of the Guyaki (Ache)

Indians of Paraguay.⁸ The Paraguayan Government was charged with genocide in the killings, torture, slavery, and destruction of cultural and tribal heritage of these Indians, to "take possession of the land of the victims."⁹ In the second category, genocide has followed in countries in the process of decolonization where colonial powers superimposed their authority on the already existing dominant-minority system of order of society.¹⁰ In these plural societies, the precolonial dominant group and their previous subjects were exposed to open confrontations in democratic electoral contests, once the colonialists departed.¹¹ In Rwanda, the genocide of the Hutus by the Tutsi elite and the counter response by the Hutus over the Tutsis in Burundi is a convincing example of the conflict for struggles for power.¹² The hostage or scapegoat groups are often foreigners who either maintain quite extensive or just minimal contact with the society in which they reside, limited to only economic transactions.¹³ These groups maintain their distinctive identity based on culture, religion, or even membership in lucrative and covetous occupations.¹⁴ They are an extremely vulnerable group in any society because they are stereotyped in dehumanizing and hostile terms, and their persecution can follow with mass expulsion or annihilation, by which the society can gain material advantages by taking over their trade or property.¹⁵ These groups are also scapegoats for any misfortunes or disasters befalling a country, as the Jews who were held responsible for the Black Death in fourteenth century Europe, and the Jewish 'Liberals' who were held responsible for Russia's misfortunes in the early twentieth century.¹⁶

The genocide in Bangladesh comes under the third category of "struggles for greater autonomy or for secession". But it is also necessary to delineate the prerequisites that provide the ideal situations for the basis of domestic genocide. "The plural society provides the structural base for genocide" because of the existence of the diverse ethnic, racial, religious or even linguistic groups.¹⁷ A plural society in this context does not just mean the existing differences between the various groups per se, but more pertinently the cleavages that exist between them. As J.S. Furnivall describes it, a plural society

. . . is a distinctive type of society, recognized as such in the literature under a variety of names--divided societies, communally fragmented societies, multi-ethnic or multiple societies, composite societies, segmented societies and internally colonized societies.¹⁸

In such societies, one group is dominant over the others and it is the inequality of the distribution of wealth, power, prestige, education, plus the denial of human rights, that creates a sense of ill-feeling towards the group in power and leads to unrest. The divisions between the 'haves' and the 'have-nots' become pervasive and consistent and the "structural conditions are likely to be conducive to genocidal conflict. They aggregate the population into distinctive sections, thereby facilitating crimes against collectivities."¹⁹ It is the inequality in the allocation of resources, in job opportunities, and discrimination at different levels that tend to isolate a section of society. The struggle for power and equality between different groups tend to polarize group relations to destructive levels.²⁰ It is of course, not the accepted behavioral pattern of interaction between

groups, and definitely not the norm, but "the source of genocide is to be found in the social conditions of men's existence".²¹ The discovery of modern weapons has disturbed the equilibrium between the ability to kill and the inhibition to kill one's own species.²² The victims of society are identifiable groups such as the hostage groups, the indigenous people of colonized territories, ethnic and racial groups, and even cultural groups.²³ Groups are collectivities, and by collectivizing the victims, it is easier to eliminate them by the efficient methods of mass extermination provided by modern technology.

To deal with a topic of such emotional and horrifying magnitude in factual and analytical terms does not make the task any less difficult. On the contrary, one has to distance oneself from human misery and assess what injustice and cruelty, if any, has been inflicted on the victims. To complicate matters, facts alone do not necessarily substantiate the assumption that a genocidal massacre has taken place, when dealing with questions of sovereignty of nation-states, territorial integrity, and the right to adjudicate 'internal disputes' within one's boundaries. Charges of genocide to be truly effective have to prove the "intent" of the perpetrators to systematically eliminate a group. It is hardly to be expected that the responsible party, who are mostly governments of their own countries, would reveal documented evidence of their plans.²⁴ In a court of law it would therefore be almost impossible to prove intent, and this controversial issue provides a "ready basis for denial of guilt".²⁵ Furthermore, a sovereign state is protected by legal rights under the United Nations which not only expressly denounces secessionist movements in independent states²⁶ but jealous-

ly guards the policy of non-interference in internal affairs of sovereign territorial states.²⁷ There is no meeting point between the questions of territorial integrity of states and of self-determination, as yet.

What took place in Pakistan after March 25 was not a civil war as many called it, but a process of elimination and annihilation of the people of East Pakistan that could only be called genocide. In a civil war, opposing armies of groups fight against each other. Such was not the case in Pakistan because war was not declared against the Bengalis by the West Pakistanis. In the first place, use of force by the West Pakistanis was intended to 'teach the Bengalis a lesson' instead of working towards a politically negotiated settlement. Secondly, it was a sneak attack on the Bengalis who were unarmed, initially, and who were fighting for their rights for a representative government. The West was not fighting for any ideals; rather, they were denying the majority of the population their rightful share of power in the government.

The massacre that was launched on March 25 was planned and coordinated, and unleashed with fury. The army using "bazookas, flame-throwers, machine guns and automatic rifles, sometimes also supported by tanks, were attacking predetermined targets".²⁸ The military operations on the 25th of March and thereafter were planned and carried out simultaneously against groups who were deemed to be the most potentially threatening to the government. These selected groups were,

(1) The Bengali militarymen of the East Bengal Regiment, the East Pakistani rifles, police and para-military Ansars and Mujahids.

(2) The Hindus--"We are only killing the men; the women and children go free. We are soldiers not cowards to kill them."

(3) The Awami Leaguers--all office bearers and volunteers down to the lowest link in the chain of command.

(4) The student--college and university boys and some of the more militant girls.

(5) Bengali intellectuals such as professors and teachers whenever deemed by the army as "militant".²⁹

The horror of it all was that the army carried these lists with them wherever they went and it was obvious that these lists had been compiled before March 25.³⁰ The reasons for the selection of these particular groups is obvious when one considers the purpose of the military action. The Bengali militarymen and the police were the only trained men who were capable of offering resistance to the Pakistani soldiers, as they did on several occasions.³¹ Awami Leaguers were the leaders of the nationalist movement, and therefore, instigators against the government. As for the students and Hindus,

. . . the students were the nucleus of a future Bengali independence movement. The professors represented the East Pakistani intelligentsia, vital for administration of a future independent Bengal . . . As for the Hindus, the troops were led to believe that they were the malign forces behind the secessionist movement.³²

Such was the nature of unrestrained brutality that,

In the apartments of the faculty staff, children were seen shot in their beds. The dead bodies of what appeared to be the entire family of a senior professor, were found in another apartment.³³

Within the city itself,

. . . two of the old city's largest bazaars, one entirely Hindu and the other predominantly so, the stench of dead and burning bodies was so overwhelming that the survivors walked about with cloths over their noses.³⁴

In fact, it was estimated that 8,000 men, women, and children were killed in Shankaripatti alone, (one of the two Hindu bazaars in Dacca).³⁵ Newspaper offices such as The People, a pro-Awami League journal, and the Daily Ittefaq, a prominent Bangali newspaper, were fired at, and their staff killed on sight.³⁶

Fleeing Bengalis went to India for refuge, with stories of ghastly murder and of the unexplained disappearances of friends or relatives, "professors, doctors and teachers--the cream of the intellectual set."³⁷ They were apparently taken to army centers for "questioning" never to be seen or heard from again.³⁸

Bhutto, who for some curious reason stayed behind in Dacca after talks with Mujib and the President, was taken for a tour of the city on March 26, to witness the army's operation of the night before. When he arrived in Karachi (in West Pakistan) that same day, he publicly declared that "Pakistan is saved."³⁹ What was appalling was that such strict censorship of the press was enforced in Pakistan that at least until the end of July, no West Pakistani knew what was really happening in the east wing. They were assured by the government that the East was returning to 'normal', and were shown films on West Pakistani television of pro-government public demonstrations and peaceful villages, which evoke memories of Potemkin villages.⁴⁰ It was the government's immense propaganda machinery at work which distorted the truth blatantly and without compunction, and maximised the "imminent threat" from India.⁴¹

Anthony Mascarenhas, a correspondent sent from West Pakistan by the government, and his colleagues, were flown to Dacca in April and instructed to "boost the army" and to make much of the "normalcy".⁴² It

was this visit that opened his eyes to the actual happenings and atrocities in East Pakistan, and he wrote his story in the book entitled The Rape of Bangladesh, as well as in the Sunday Times (London). From his accounts, it becomes clear that the army's solution to the political problem was to cleanse the province of unwanted elements.⁴³ "Hand in hand with it would go an equally brutal colonization of the province".⁴⁴ When he visited the 16th Division Headquarters in Comilla, he was bluntly told by one of the officers that, "We are determined to cleanse East Pakistan once and for all of the threat of secession even if it means killing off two million people and ruling the province as a colony for 30 years".⁴⁵

The army described their operations euphemistically as the "cleansing process", "final solution", "disposal" and "justifiable retaliatory action".⁴⁶ They all referred to the butchery and gruesome killing of civilians. "Disposal" was specifically applied to a particular method of elimination--clubbing people to death.⁴⁷

The killing of Biharis by the Bengalis followed soon after in East Pakistan.⁴⁸ Although the killings can never be justified, there still remains some clear distinction between the mob retaliation in anger and frenzy (by the Bengalis), and the level of state-sanctioned murder of civilians on such a massive scale as was taking place in East Pakistan. The army brutality in the east points to four important facts:

First, the military action by West Pakistan preceded, not followed, the massacre of non-Bengalis. Secondly, an "imminent mutiny" of the Bengali servicemen, as some of us were made to believe, was not planned for 26 March and is no justification for the professedly "preemptive strike" the night before. Thirdly, the Nazi-style pogroms were intended, in the context of the ambitions of the present West Pakistani

regime, as a military answer to what was essentially a political problem of its own making. Fourth, the obliteration of the Bengali language and culture is the continuing purpose of the regime . . . This is the reality of the rape of Bangladesh. Not all the propaganda in the world can hide it.⁴⁹

No Bengali journalist was allowed to visit the country or report on the situation because they were considered "undependable" and "brain-washed" by the Awami League, whereas carefully screened West Pakistani journalists could be depended upon to make the correct pronouncements.⁵⁰ Mascarenhas notes that he had "never seen a republic so humiliated."⁵¹

The forceful tactics employed by the military authorities in Pakistan to impose the idea of a united Pakistan only bred further distrust and hatred. Bengali culture and language was suppressed to the extent that even street names were changed to Urdu names; Bengali officers in high government positions were removed from their posts, to be replaced by West Pakistanis; and the abandoned property of the fleeing Bengalis were given over to West Pakistanis and their collaborators.⁵²

One could recount endless stories about the atrocities that were committed against the Bengalis, but it would only belabour the point. That genocide was being committed in East Pakistan was apparent from the first day of the nine-month orgy of violence. The crucial question was whether the fact was acknowledged by the international community, and if so, what actions, if any were taken to stop the killings. Even if the world were totally ignorant of the situation in East Pakistan, the increase in the refugee population in India alone would have sufficed to arouse suspicion, if nothing else. The refugees who began fleeing since April, amounted to nearly ten million by November,⁵³ and this placed a

severe financial burden on the Indian government.⁵⁴ People from the villages were killed or driven away, and "millions of people," according to a reporter from The Times, had been left homeless. "Famine is around the corner and there are not enough doctors left to combat the expected epidemic".⁵⁵ The Army "embarked on a scorched earth policy in East Bengal . . . to clear the principal communication routes and urban areas of all pockets of resistance."⁵⁶

The Indian government in the meantime, asked foreign governments to stop giving aid to Pakistan because Pakistan was "diverting economic aid to military use."⁵⁷ Bengali rebels were also sending evidence of Pakistan Army's reign of terror and brutality to the United Nations and all heads of governments.⁵⁸ But the disturbing fact was that in spite of the deteriorating situation, "World leaders," as The Times noted, "are, of course, talking glibly about the hope that East Bengalis and West Pakistanis will come to a 'political settlement'. But even the most naive student of Pakistani affairs knows that a political settlement is out of the question now."⁵⁹

While the Bengalis were terrorized into fearful submission, the Bengali guerilla movement increased and gathered force, primarily with Indian assistance.⁶⁰ The occupation of East Pakistan by November 1971 no longer remained an internal concern of Pakistan, but one which demanded Indian involvement. There was imminent threat of war between India and Pakistan.⁶¹ On August 9, 1971, India signed a political pact with the Soviet Union entitled 'The Treaty of Peace, Friendship and Cooperation between USSR and the Republic of India'. It was signed in an atmosphere of apprehension (about China) because in the event of an

Indo-Pakistani war it was thought that "China might intervene on Pakistan's behalf".⁶² But China was not the only threat in sight. Mrs. Gandhi, India's Prime Minister, was, noted The Times, "inflamed by the American attempt to maintain an 'even-handedness' towards India and Pakistan". But, "American officials are appalled at what they see as Indian determination to turn a bad situation in East Pakistan into a disaster by giving assistance for a guerilla war."⁶³

India was forced into a corner because international concern over Bangladesh's plight was negligible, whilst India's problems with Pakistan increased. The refugee population in India increased at a drastic pace, and in addition to the financial and moral responsibility placed on that government, Pakistan accused the former of having goaded the Bengali guerillas into unprovoked hostility and sabotage.⁶⁴

By mid-November, Mrs. Gandhi gave "the international community a time limit of two weeks to resolve the crisis in East Bengal."⁶⁵ Mr. C.S. Pandit, a political correspondent for the Indian Express claimed that,

If the problem was not resolved within this two-week time limit the Indian Government would declare a national emergency, extend recognition to Bangladesh, enter into a defense treaty with the Bengal guerillas and openly support the Liberation Front.⁶⁶

On November 23, President Yahya of Pakistan declared a state of emergency in East Pakistan, "faced with the threat of national aggression."⁶⁷ The Mukti Bahini (the freedom fighters of East Pakistan) with the help of the Indian Army "were holding pockets of territory in several districts in East Pakistan."⁶⁸ Convinced that India was provoking a war, Pakistani forces moved from their defensive positions in

Mendhar, a small town on the cease-fire line, in Kashmir, and provoked hostility with the Indian forces.⁶⁹

At the same time, India's retaliatory measures and armed assistance to the Bengali guerillas angered the U.S. officials.⁷⁰ India was duly criticized by the U.S. at the UN Security Council debate, and the U.S. called for India to withdraw its forces from East Pakistan, while mildly admonishing West Pakistan for its behavior in the eastern wing.⁷¹

Full-scale war broke out between India and Pakistan over Bangladesh by the beginning of December. The United States, in a show of force and solidarity with West Pakistan ordered the Seventh Fleet into the Bay of Bengal to contain India's advance. Soviet Deputy Foreign Minister, Vassily Kuznetsov, "informed the Indian Government" that "China and the United States . . . might be forced to come to Pakistan's assistance if the integrity of the country's western wing was threatened".⁷²

By the 15th of December, the Indian Army and the Mukti Bahini moved towards Dacca, and General Niazi, Pakistan Army's Commander in Chief, moved all his forces to Dacca to fortify their strength in the capital city.⁷³ The Chief of Staff of the Indian Army, General Sam Manekshaw, gave the Pakistanis a deadline of 9 am the next day to cease fighting. General Niazi neither refused nor accepted this deadline, but only asked to "withdraw his soldiers to safe areas from which they could be repatriated to West Pakistan".⁷⁴ The United States Seventh Fleet was also positioned in the Bay of Bengal with guns trained on Chittagong (the major port of East Pakistan, as well as the second largest city in the country), possibly to "intervene militarily to prevent the secession of East Pakistan", or to assist in the repatriation of West Pakistani

soldiers and civilians in the event of a cease-fire.⁷⁵ The United States also warned the Soviet Union to stay away from getting involved because the situation would have exacerbated into a major international conflict.⁷⁶ But by then, the Bengali guerillas, with the help of the Indian Army had moved well into East Pakistan, and the Pakistan Army found itself in the unpleasant situation of surrendering to the Indian Commander in Chief, General Jagjit Singh Aurora, on December 16, 1971.⁷⁷

One cannot help wondering why the West Pakistanis persistently followed such a disastrous policy in East Pakistan. The most obvious reasons were of course the vested interest of the military, the commercial and industrial classes, the landed aristocracy, as well as the bureaucrats, all of whom had much to gain from an oligarchic form of government, monopolised by West Pakistanis which meant the domination of the east wing in all of these spheres. But a more insightful observation would lead to the conclusion that the West Pakistanis suffered from an incurable ethnocentrism that assured them of their superiority over the inferior breed of Bengalis.⁷⁸ This ethnocentrism derived from two great fallacies that, (a) the Urdu language, literature, and culture were vastly superior to that of the Bengalis, and that, (b) West Pakistanis were racially superior to their eastern counterparts.⁷⁹ These rationalizations were put forward as justifications for the repression of the Bengalis, because the westerners refused to be ruled by the "down-trodden races".⁸⁰ This was an underlying cause of one of the largest genocides of this century.⁸¹ The exclusion of the victims from a common human status is typical of the mode of thought that, when other conditions are ripe, can lead to mass slaughter.⁸²

Notes for Chapter III

¹The International Commission of Jurists, The Events in East Pakistan 1971 (Geneva 1972), p. 24.

²Leo Kuper, Genocide (New Haven: Yale University Press, 1981), p. 49.

³Kuper, p. 24.

⁴Ibid., p. 24.

⁵Ibid., p. 23.

⁶Leo Kuper, The Prevention of Genocide (New Haven: Yale University Press, 1985), pp. 148-160.

⁷Ibid., p. 201.

⁸Kuper, Genocide, p. 34.

⁹Ibid., p. 34.

¹⁰Ibid., p. 62.

¹¹Ibid., p. 62.

¹²Ibid., p. 62-3.

¹³Kuper, The Prevention of Genocide, p. 201.

¹⁴Ibid., p. 201.

¹⁵Kuper, Genocide, p. 43.

¹⁶Ibid., p. 43.

¹⁷Ibid., p. 57.

¹⁸Ibid., p. 57.

¹⁹Ibid., p. 53.

²⁰Kuper, The Prevention of Genocide, p. 201.

²¹Kuper, Genocide, p. 53.

²²Ibid., p. 53.

²³Ibid., p. 53.

- ²⁴Ibid., p. 35.
- ²⁵Ibid., p. 33.
- ²⁶Kuper, The Prevention of Genocide, p. 65.
- ²⁷Ibid., p. 51.
- ²⁸Anthony Mascarenhas, The Rape of Bangladesh (New Delhi: Vikas Publications, 1971), p. 114.
- ²⁹Ibid., pp. 116-117.
- ³⁰Ibid., pp. 116-117.
- ³¹Ibid., p. 117.
- ³²Ibid., p. 114.
- ³³"Pakistani Army said to be wiping out leaders in brutal war", The London Times, April 2, 1971, p. 1a.
- ³⁴Mascarenhas, p. 114.
- ³⁵Ibid., p. 114.
- ³⁶Ibid., p. 115.
- ³⁷Ibid., p. 115.
- ³⁸Ibid., p. 116.
- ³⁹Ibid., p. 122.
- ⁴⁰Ibid., p. 125.
- ⁴¹Ibid., p. 125.
- ⁴²Ibid., p. 117.
- ⁴³Ibid., p. 117.
- ⁴⁴Ibid., p. 117.
- ⁴⁵Ibid., pp. 117-19.
- ⁴⁶Ibid., p. 119.
- ⁴⁷Ibid., pp. 118-19.
- ⁴⁸Ibid., pp. 119-20.

⁴⁹Ibid., p. 126.

⁵⁰Ibid., p. 126.

⁵¹The Indian Ministry of External Affairs, Bangladesh Document, Vol. II (Madras: B.N.K. Press, 1971), p. 4.

⁵²Robert Payne, Massacre (New York: Macmillan Company, 1973), p. 101.

⁵³"Call for aid to Pakistan refugees," The London Times, May 6, 1971, p. 17.

⁵⁴Ibid.

⁵⁵Ibid.

⁵⁶"India seeks aid to 'blockade' on Yahya Khan regime", The London Times, May 26, 1971, p. 6g.

⁵⁷"Pakistani rebels send UN evidence of Dacca terror", The London Times, June 2, 1971.

⁵⁸"Secret catalogue of guilt and disaster over East Pakistan", The London Times, June 4, 1971, p. 14a.

⁵⁹"Force of 50,000 trained guerillas join Bangladesh resistance as reprisals by Army continue", The London Times, September 13, 1971, p. 1g.

⁶⁰"Indians sign surprise treaty of friendship with Moscow", The London Times, August 10, 1971, p. 1f.

⁶¹Ibid.

⁶²"Wave of sabotage in East Bengal as border tension rises", The London Times, November 5, 1971, p. 1g.

⁶³Ibid.

⁶⁴"Mrs. Gandhi reported to have given ultimatum over Bengal", The London Times, November 17, 1971, p. 9a.

⁶⁵Ibid.

⁶⁶"Pakistan declares state of emergency", The London Times, November 24, 1971, p. 8g.

⁶⁷Ibid.

⁶⁸"Clashes between India and Pakistan spread to Kashmir", The London Times, December 13, 1971, p. 1a.

⁶⁹"US demands Indian withdrawal in angry Security Council speech", The London Times, December 13, 1971, p. 1a.

⁷⁰Ibid.

⁷¹"Big Power warning on occupation of West Pakistan", The London Times, December 15, 1971, p. 8c.

⁷²Ibid.

⁷³"India replies to Dacca cease-fire inquiry with morning deadline for army surrender", The London Times, December 16, 1971, p. 1a.

⁷⁴"US Navy may evacuate defeated troops", The London Times, December 16, 1971, p. 1a.

⁷⁵"US warning to Russia to exercise restraint as war could affect relations", The London Times, December 16, 1971, p. 6c.

⁷⁶"Indian Army wins peace in East Bengal as well as the war", The London Times, December 30, 1971, p. 1d.

⁷⁷Talukder Maniruzzaman, Group Interests and Political Changes: Studies of Pakistan and Bangladesh (New Delhi: South Asian Publishers Pvt Ltd, 982), p. 24.

⁷⁸Ibid., p. 24.

⁷⁹Ibid., p. 25.

⁸⁰Ibid., p. 25.

⁸¹Ibid., p. 25.

⁸²Helen Fein, Accounting for Genocide: National Responses and Jewish Victimization During the Holocaust (New York: Free Press, 1979), p. 8.

Chapter IV

Conclusion

Genocide: A Matter of State Policy in the Twentieth Century

What indeed has happened to our conventions on genocide, human rights, self-determination, and so on?¹

One cannot help but ask the question: What is it within ourselves that enables us to commit such beastly conduct, or to condone it? That genocide is conducted on such a vast scale today is due to a number of factors that facilitate the process. The greatest contribution to mass extermination is the advancement of technology.² It permits the obliteration of large communities or groups, which, in previous centuries, was a painful task of taking individual lives in direct man-to-man confrontations or even physical combat. Casualties suffered were high by the oppressors, even if less than their victims. The other equally important factor in modern warfare is the fact that "ethics seemed to be a matter of distance and technology".³ Physical distance from victims signals an "egalitarian" approach which draws no distinction to the individuals' age, race, characteristics, and so on. The victim forms part of a 'mass', the 'enemy', and thus, by blurring the distinction, it eliminates any question of individual guilt or responsibility.

The intent to promote genocide for one's purposes calls into question the overriding reason for killing one's victims. It is not only a question of sufficient ground or justification for one's actions, but also the necessity to legitimise the reason. That is to say, that 'ideology' is needed to justify the acts of genocide, so that the 'crime' is exalted as a necessary state policy, instead of the work of

common criminals and murderers.⁴ It is thought that the killing or slaughter of one's own species is repugnant to man, and therefore horrifying to man's nature. Therefore, without the ideological justification, the crime is exposed as a gruesome act, horrifying even to the perpetrators themselves. The act of ideological justification, by necessity, then tends to dehumanize the victims,⁵ thereby glorifying the task, and at the same time, depicting them as evil, sub-human, and a cancer within the society, the removal of which becomes imperative.

The third factor in facilitating genocide is the collectivization of the victims.⁶ When this happens, individual persons are seen as lacking specific identities, independent and distinguishable from each other. They are simply part of a despised group. Precisely how groups come to be despised, rejected, or viewed as threatening will vary with historical circumstances, but once this group is placed outside the boundaries of the acceptable, the victim's only crime is then his membership in the group. Examples of terminology used to describe the "outcasts" are "gooks", the American term for the Vietnamese; "vermin criminals, money-grabbers, and sub-humans without genuine culture", as the Ibos were described by the Northern Nigerians;⁷ the language of demonization as well as the medical images of disease used to characterize the Jews in the concentration camps of Nazi Germany;⁸ and the Pakistani's description of the Bengalis as the "down-trodden races".⁹

Genocide is most often a crime of governments: state-sanctioned mass extermination. The process of killing, the organization as well as the hierarchical set-up of command, have all helped to institutionalize genocide in the twentieth century, and exalt it to the level of state

policy. As a rule, the state is empowered to govern its territory in any way it chooses, without outside interference. The question of genocide, though difficult to comprehend as a matter of state policy, is still unchecked because interference in a sovereign country by other governments or international organizations is hampered by legalities that protect the rights of sovereign states.

The central ideological commitment of the United Nations and the primary basis of relations between states is the respect for sovereignty of states.¹⁰ Intervention in affairs that fall under the domestic jurisdiction of states is explicitly forbidden.¹¹ Yet, in the name of law and order governments have committed genocide within their own territory.¹² The right to commit genocide by governments, never stated expressly or otherwise, has almost become an integral part of sovereignty.

The genocide in Bangladesh is unique in one aspect when compared with other genocides of this century. The distinguishable feature is that Bangladesh emerged as an independent country after experiencing a relatively short period of genocidal brutality within its territory. But the response from the international community at large to the genocide was slow in forthcoming, and thereafter there was a reluctance to deal with the international status of East Pakistan since it raised important issues about the conflicting principles of self-determination and territorial sovereignty of states.

The crisis in East Pakistan arose out of a political impasse between the central government in West Pakistan and the people of East Pakistan. Resolution of the conflict was subject in principle to a

political solution between the two wings, and therefore, a strictly internal dispute. But in simultaneous conjunction with the political crisis, was the fact that it generated a flow of refugees from East Pakistan to India, thereby creating problems and tensions in that country as well. Not only was India financially and morally responsible for sheltering and looking after them, but the influx of 10,000,000 refugees in West Bengal was bound to cause political tensions there, thereby subverting peace in that area. It was obvious that humanitarian relief was not going to be enough to solve East Pakistan's crisis, while a political solution by the end of 1971 seemed too far-fetched because West Pakistan's military action had already undermined the integrity of the state.

The United Nations Secretary General did respond personally to the crisis and tried to mobilise the UN machinery to take some action in halting the tragedy. He gave warning to the members of the organization that,

The conflict between the principles of the territorial integrity of States and of self-determination has often before in history given rise to fratricidal strife and has provoked in recent years highly emotional reactions in the international community.¹³

Pakistan, for its part, maintained throughout the crisis that the situation in East Pakistan was purely a matter of internal concern to the government of Pakistan, and that any interference in the dispute would be tantamount to violating the principles of the United Nations. Pakistanis argued that questions concerning self-determination were flawed, unless it concerned the liberation of states from colonial rule because it was,

. . . the established jurisprudence of the United Nations that, while the principles of self-determination governs the liberation of territories which are under colonial rule or are in dispute between Member States, it cannot be extended to areas that are recognized as integral parts of territories of Member States. Any such extension on the ground of ethnic, linguistic or racial composition of the people, or of economic disparities within a country, would give rise to such a multiplicity of disputes and cause anarchy and ceaseless strife as to destroy the present international order. Such a development would be disastrous from a purely humanitarian point of view, particularly for the newly-independent states of Asia and Africa. Pakistan is only one among the many multi-racial or multi-religious states which would then be exposed to the dangers of fission and disintegration.¹⁴

The Security Council was of course, the most appropriate body to deal with this conflict, but it was only "seized" with the matter as late as December 4, when full-scale war waged between India and Pakistan. But once again the council proved its impotency because it failed to resolve anything in the face of a grave situation. The debate was immediately siezed by the General Assembly under the Uniting for Peace resolution which provides that,

. . . if the Security Council because of lack of unanimity of the permanent members fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed forces when necessary, to maintain or restore international peace and security.¹⁷

Thereby, on December 7, the General Assembly called for an immediate cease-fire, with reference to a political solution, as well as creating conditions for the voluntary return of the refugees. Despite all appeals, war continued until the 16th of December, when the Indian Army helped the Bengali guerillas to liberate the country.

Self-determination, as an issue, underwent much scrutiny during the Bangladesh crisis, not just as a concept but also in terms of its applicability, because the right in this case, extended to secession, not from colonial domination, but in a postcolonial society. Self-determination was a "liberating revolutionary doctrine" that was originally applied to the decolonization process.¹⁸ But, "in other contexts, the doctrine has been domesticated to serve the interests of the ruling classes".¹⁹ The United Nations, sympathetic to the plight of the suffering and the oppressed, is still enshrined in political conservatism when dealing with the matter of independent sovereign states. A provision of the Declaration of the Granting of Independence to Colonial Countries and People (1960) states that,

. . . the principle of equal rights and self-determination is not to be applied to parts of the territory of a sovereign state. Such a provision is needed in order to prevent the principle from being applied in favour of secessionist movements in independent states.²⁰

Within the United Nations Charter therefore, there exists no condonation or justification for the dismemberment of a postcolonial member state. But at the same time there is also a proviso that colonial or alien domination could still be persistent "under the guise of an ostensible national unity".²¹ It is maintained, in the Declaration of Principles of International Law concerning Friendly Relations and Co-operation among States, that the state should comply with the principle of equal rights and self-determination, and thereby be "possessed of a government representing the whole people belonging to the territory without distinction as to race, creed, or colour".²² It is this clause alone that introduces revolutionary radicalism to the

otherwise conservative outlook of the United Nations and it serves both as a basis for international concern with the events in East Pakistan and recognition of Bangladesh as a sovereign state. It was not only a case of almost internal colonialism but the repression of the majority of the population, not the minority. The fact that the UN was powerless and ineffective in taking action was not so surprising for a variety of reasons.

The U.N. is first and foremost an organization of states, not of nations, and since most states are, in fact, threatened by the claims of nations, it is little wonder that the U.N. is pro-state and anti-nation.²³

The statement above, though extreme in its form, does express the general feeling that pervades the system, by reason of its ineffectiveness. It endows membership to any or all, thereby encompassing the good and the bad elements of world society. The reluctance that accompanied the discussion of genocide in East Pakistan, as doubtless in other similar cases, is understandable because there are those member states who have themselves participated in similar massacres, like Cambodia, Uganda, Nigeria, and so on.

Genocide is, unfortunately, one of those crimes that is difficult to prove. International bodies and governments are confronted with masses of 'evidence' or stories of the atrocities, sometimes even contradictory, and while accounts available from foreign journalists, refugees, and foreign embassies do corroborate some of them, there still remains the question of "intent", on the part of the perpetrators. Governments who commit genocide do not expose themselves to close scrutiny, and neither do they declare their genocidal plans.²⁴

The involvement of the superpowers in the United Nations adds another dimension to the existing dilemmas about implementing plans. Superpowers, with their spheres of influence and vested interests, more often than not, hamper the workings of the Security Council by the sheer weight of their veto power. As permanent members, their veto can effectively block the proceedings of the Council, as adequately demonstrated in the case of Bangladesh. In the Bangladesh crisis, the situation was in further danger of escalating into an international conflict because the United States and the Soviet Union had allied themselves on opposite sides, the former with Pakistan and the latter with India. It was later known that Kissinger, President Nixon's National Security advisor, made a secret trip to China from Islamabad, to prepare for a later presidential visit. Pakistan was the broker who mediated between the U.S. and China to establish diplomatic relations.²⁵ In the midst of intense diplomatic negotiations, East Pakistan's resistance movement was a thorn in the flesh for U.S. foreign policy analysts. As Ian McDonald noted in The London Times,

In two weeks the Nixon Administration has alienated the largest democratic nation in the world, aligned itself on the wrong side over the moral issue of the refugees, strained its fragile relations with the Soviet Union and proved its powerlessness in the face of a crisis brought about by two relatively small military powers.²⁶

Problems of implementation of programmes abound in the United Nations, as in the case of human rights programmes.²⁷ For example, the United States, which had enthusiastically lobbied for more effective implementation, had nonetheless "failed to ratify, such key covenants and conventions as those on economic, social and cultural rights, civil

and political rights, the prevention and punishment of the crime of genocide and the elimination of all forms of racial discrimination",²⁸ until recently when it ratified the genocide treaty. As a leader among nations, it is a strange anomaly to find that the United States supports some of the most tyrannical governments in the world.²⁹

As far as the UN is concerned, the most important contribution to date had been the provision of humanitarian relief to victims of genocide.³⁰ The founding of the UN was inspired by humanitarian ideals, but progressively over the years, it has come to resemble a political institution, where the humanitarian ideals are at the mercy of the political forces at work within the institution.³¹ At present, states are entrusted with the care of its citizens, as well as acting as the guarantor of their rights--political, civil, economic, and so on. But it is the states themselves that violate these rights, and therefore, cannot be entrusted completely with the sole protection of human rights. It would require "supranational institutions and procedures" to judge and sentence governments that violate human rights and thereby act as deterrents to the crime of genocide.³²

The fear of punishment, at least in the early stages, could act as a deterrent, but no international penal court exists that can try governments. It is most absurd, especially in the case of domestic genocides, because "it is only the governments of states, in the territories of which the crime was committed, that can institute proceedings for its punishment."³³ In the original draft, formulated by the secretariate, there were provisions for an international penal court, which provided for universal enforcement, "permitting the state

whose authorities had arrested those charged with the crime to exercise jurisdiction regardless of the nationality of the accused or of the place where the offense was committed".³⁴ But the principle of universal enforcement was omitted, and there is no international penal court which leaves the absurd prospect of governments having to prosecute themselves for their own crimes.³⁵

But there are still methods that can be utilised for the implementation of the Genocide Convention. As Leo Kuper states, the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and the Security Council are still the most effective forums for raising complaints.³⁶

The most effective sanctions are those within the competence of the Security Council in situations that constitute a threat to the peace or a breach of the peace. These include the interruption of economic relations and communications, severance of diplomatic relations, recommendations to the General Assembly for the suspension or expulsion of offending member states, and the use of armed force. They are clearly available for action against genocides committed in the course of international war. But they could also be available in what would appear to be purely internal domestic genocides.³⁷

Applicability to domestic genocides is possible for at least three important reasons. Firstly, violations of human rights can create unbearable conditions for the people to survive in, and it can start a train of refugees, headed towards foreign borders. That can, and does initiate the involvement of a foreign government, as in the case of India's involvement in Bangladesh. Secondly, sympathetic neighboring states may be tempted to come to the assistance of the suffering masses; and thirdly, it has also been the case that the oppressive regime has sought to divert the attention of the dissatisfied masses by exciting

external conflict.³⁸ For all of these valid reasons, it is entirely possible to intervene through diplomatic, economic, and other channels, in domestic strife, because of the danger of escalating into an international conflict.

Punishment for the crime of genocide is still a rather far fetched ideal. The genocide convention had originally sought to draft a resolution to set up an international penal court that would prevent and repress acts of genocide "wherever they may occur".³⁹ But an international tribunal would have to exercise rights over the offending party or governments and thereby infringe on the rights of sovereignty.⁴⁰ Furthermore, it was expressed that the tribunal would have to rely on state authorities to suppress genocide within their territories which would run contrary to expectations as governments are themselves perpetrators of domestic genocide.⁴¹ Hence, the effectiveness of the prevention or suppression of genocide is challenged because governments cannot be asked to judge their own crimes.

Thereafter, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities were created to devote themselves to any questions of violation of human rights.⁴² But problems of joint resolutions and implementation are still the constant malaise of the Commission and the sub-Commission. Both the bodies consist of members who are representatives of their governments and therefore neither independent of bias, nor from censure from their governments.⁴³ This is the barrier to effective implementation of any measure that the UN could take, because the General Assembly accords membership to all, including the most repressive governments.⁴⁴

This pessimistic outlook seems forbidding when one considers the high ideals that the UN organization had originally inspired. The UN has become increasingly political, but it is still not devoid of humanitarian ideals. Nor is it impossible to save those ideals. There are a number of measures that can gradually create more responsive means of dealing in a swift and efficient manner for the effective prevention of discrimination, and violation of human rights.

Apart from the speeding up of bureaucratic and procedural work that delay and hamper the work of these Commissions, it is also necessary to take preventive action against governments who discriminate against minority groups. At present, respect for sovereign territorial integrity and non-interference in matters of domestic jurisdiction are two very serious limitations that obstruct the protection of minorities. The UN Charter proclaimed "the principles of equal rights and self-determination of peoples, and respect for human rights and fundamental freedoms" without discrimination to race, sex, language or religion.⁴⁵ Therefore, the principle of non-discrimination is the first step towards the protection of minorities. A resolution was also passed in 1948 by the General Assembly, recognizing the fate of minority groups and the difficulty in dealing with questions relating to special aspects of their problem in every society.⁴⁶ The International Covenant on Civil and Political Rights first established the accepted rule for the protection of minorities in 1966.⁴⁷

Article 27. In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of the group, to enjoy their own culture, to

profess and practice their own religion, or to use their own language.⁴⁸

The work of the International Covenant established the rights of "persons belonging to" minority groups thereby dealing with individual rights, but did not extend it to mean the collective right of the group. However, the group is entitled to its right of enjoyment in the implicit statement, "in community with other members of their group".⁴⁹

Since 1948, several conventions have dealt with the minority problem and specific bodies have been set up to deal exclusively with matters of human rights, including minority rights.⁵⁰ The several conventions so far, have been the Genocide Convention in 1948; the ILO Convention of 1957 concerning indigenous and tribal populations; the UNESCO Convention in 1960 against discrimination in education, the UN Convention of 1965 against racial discrimination; and the International Convention of 1973 on the suppression and punishment of the Crime of Apartheid.⁵¹

The UN has only just begun to frame a declaration for the protection of minorities, and drafts for the resolution are being written.⁵² The crucial problem facing the framing of the draft resolution lies in the definition of minorities.⁵³ Francesco Capotorti in his "Study on the Rights of Persons Belonging to Ethnic, Religious, and Linguistic Minorities", proposed the following definition:

A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members--being nationals of the State--possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion, or language.⁵⁴

Leo Kuper proposes the inclusion of numerical 'majorities' in his definition of minorities, who are in a subordinate position in society. Other groups, such as racial groups, "national groups" and "the settled population of aliens" are also the focus of his definition.⁵⁵ The formulation of the draft faces overriding questions of the definitions of minority groups, their place in different societies, their past history with the dominant group, and distinction between the minorities in the societies of colonization and the societies of immigration (which are almost synonymous in their description).⁵⁶ There are also levels of discrimination and persecution of minorities, but many divisions and differences could be resolved by constitutional means. Power sharing and recognition of equal status in society could appreciably reduce the risk of sectional polarization, where the individual cultural and religious rights can be exercised in private, with or without government support.⁵⁷

Other than constitutional provisions and UN resolutions, governments of democratic nations could take a stand against oppressive regimes by imposing economic sanctions. The terms of compliance to certain norms of behavior could be imposed by donor governments who provide countries with economic assistance. Aid could be withheld or cancelled if the recipient government failed to respect the rights of minorities or individuals. This could act as a preventive stand taken by one or more governments and could encourage and assist in the possibility of stronger UN actions in future cases. The psychological fear of isolation, set off by a chain of sanctions, for example, would discourage repressive regimes from risking further alienation. They

might even be obliged to offer concessions to the masses, in a gesture of peace, even if in superficial terms at first.

The peacekeeping force and relief operations are of course the UN's best performance to date, but there is an urgent need for the creation of a 'supranational' body, capable not only of monitoring the suppression of human rights and discrimination against minorities, but also capable of taking preventive measures, primarily against governments, to eliminate discrimination and ensure "guaranteed" rights with legal protection of life and property of individuals. It would be necessary to observe and report development of tensions in minority-government relations, and study the 'cycles' of polarization (from local and the specific to the national and the general level), as prime indicators of genocidal potential. Prevention is the greatest deterrent for the crime of genocide.

It is still within the competence of the United Nations to undertake and pursue all means available to create an effective barrier against the potential for genocide. Ultimately, the eternal hope and belief that good will triumph over evil, has to be justified to prove the nobility of mankind, and rid ourselves of the scourge of the century by conquering the evil in our midst.

Notes for Chapter IV

¹Leo Kuper, Genocide (New Haven: Yale University Press, 1981), p. 56.

²Ibid., pp. 14-17.

³Ibid., p. 17.

⁴Ibid., p. 84.

⁵Ibid., p. 85.

⁶Ibid., p. 86.

⁷Ibid., p. 85.

⁸Ibid., p. 86.

⁹Talukder Maniruzzaman, Groups Interest and Political Changes: Studies of Pakistan and Bangladesh (New Delhi: South Asian Publishers Pvt Ltd., 1982) p. 25.

¹⁰Kuper, p. 181.

¹¹Ibid., p. 181.

¹²Ibid., p. 161.

¹³Leo Kuper, The Prevention of Genocide, (New Haven: Yale University Press, 1985), p. 49.

¹⁴Ibid., p. 51.

¹⁵Ibid., p. 52.

¹⁶Ibid., p. 52.

¹⁷Ibid., p. 56.

¹⁸Ibid., p. 63.

¹⁹Ibid., p. 62.

²⁰Ibid., p. 65.

²¹Ibid., p. 64.

²²Ibid., p. 64.

²³Kuper, Genocide, p. 161.

- ²⁴Ibid., p. 35.
- ²⁵S.M. Burke, Mainsprings of Indian and Pakistani Foreign Policies (Minneapolis: University of Minnesota, 1974), p. 209.
- ²⁶"Mr. Nixon on the wrong side", The London Times, December 20, 1971, p. 10a.
- ²⁷Kuper, The Prevention of Genocide, p. 97.
- ²⁸Ibid., p. 97-98.
- ²⁹Ibid., p. 98.
- ³⁰Kuper, Genocide, p. 175.
- ³¹Ibid., p. 175.
- ³²Kuper, The Prevention of Genocide, p. 102.
- ³³Ibid., p. 102.
- ³⁴Ibid., p. 102.
- ³⁵Ibid., p. 102.
- ³⁶Ibid., p. 103.
- ³⁷Ibid., 103-04.
- ³⁸Ibid., p. 104.
- ³⁹Kuper, Genocide, p. 36.
- ⁴⁰Ibid., p. 37.
- ⁴¹Ibid., p. 37.
- ⁴²Ibid., p. 178.
- ⁴³Ibid., p. 180.
- ⁴⁴Ibid., p. 173.
- ⁴⁵Kuper, The Prevention of Genocide, p. 204.
- ⁴⁶Ibid., p. 204.
- ⁴⁷Ibid., p. 205.
- ⁴⁸Ibid., p. 205.

⁴⁹Ibid., p. 205.

⁵⁰Ibid., p. 205.

⁵¹Ibid., p. 205.

⁵²Ibid., p. 206.

⁵³Ibid., p. 206.

⁵⁴Ibid., p. 206.

⁵⁵Ibid., p. 206.

⁵⁶Ibid., p. 207.

⁵⁷Ibid., p. 207.

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