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Report of the Secretary-General on the good offices mission of
his Special Representative for humanitarian problems under
Security Council resolution 307 (1971)

1. On 21 December 1971 the Security Council adopted resolution 307 (1971), in which the Council, among other things,

"3. Calls upon those concerned to take all measures necessary to preserve human life and for the observance of the Geneva Conventions of 1949 and to apply in full their provisions as regards the protection of wounded and sick, prisoners of war and civilian population;

"4. Calls for international assistance in the relief of suffering and the rehabilitation of refugees and their return in safety and dignity to their homes and for full co-operation with the Secretary-General to that effect;

"5. Authorizes the Secretary-General to appoint if necessary a special representative to lend his good offices for the solution of humanitarian problems."

2. As indicated in his report of 25 December 1971 (S/10473), in the light of developments in the subcontinent, and after consultation with the Secretary-General designate, the Secretary-General decided, on 23 December, to appoint Mr. Vittorio Winspeare Guicciardi, Under-Secretary-General and Director General of the United Nations Offices at Geneva, as his Special Representative. The Secretary-General so informed the Permanent Representatives of India and Pakistan on the evening of 23 December and asked for the concurrence and co-operation of their Governments in the mission of the Special Representative. The Permanent Representative of Pakistan subsequently signified the concurrence of his Government in Mr. Winspeare's mission, and the Permanent Representative of India informed the Secretary-General that the Indian Government would extend its co-operation to the Special Representative within the limits of its legal and practical possibilities.

3. The terms of reference of the mission of the Special Representative were derived from the relevant paragraphs of Security Council resolution 307 (1971) in the context of the resolution as a whole. Only shortly before the action of the Security Council, the General Assembly had, on 6 December 1971, adopted unanimously resolution 2790 (XXVI) in which it endorsed the designation by the Secretary-General

of the United Nations High Commissioner for Refugees as the focal point for the co-ordination of assistance to East Pakistan refugees in India from and through the United Nations system, as well as the Secretary-General's initiative in establishing the United Nations East Pakistan Relief Operation. The Assembly had also requested "the Secretary-General and the High Commissioner to continue their efforts to co-ordinate international assistance and to ensure that it is used to the maximum advantage to relieve the suffering of the refugees in India and of the people of East Pakistan". In designating his Special Representative, the Secretary-General therefore drew attention to the continuing responsibilities for relief and rehabilitation of the United Nations relief operation and the High Commissioner for Refugees as focal point for assistance to the refugees in India. The Special Representative, he added, would be expected to deal directly with the Governments and authorities concerned in an effort to give maximum effectiveness to the specific concerns of the Security Council resolution, and in fulfilling this task he should obviously maintain close contact with the International Red Cross.

4. Finally, the Secretary-General requested that, on his appointment, the Special Representative should proceed with his mission with a minimum of delay.

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5. During the Christmas weekend the Special Representative held conversations in Geneva with the President of the International Committee of the Red Cross, Mr. Naville, and with Mr. Enrico Bignami who had been appointed on 23 December ICRC Commissioner for Red Cross action in the subcontinent. He spoke also to the High Commissioner for Refugees and with the Permanent Representative of Pakistan in Geneva and, in the absence of the Ambassador, with the Chargé d'Affaires of the Indian Mission.

6. The Permanent Representative of Pakistan, Ambassador Niaz Naik, drew to the attention of the Special Representative the contents of two letters addressed, in both cases, to the President of the International Committee of the Red Cross and to the Secretary-General of the United Nations. The text of these letters was conveyed by the Secretary-General to the Special Representative and also to the Permanent Representative of India with his request that the Government of India should take all possible measures in regard to the safety of the persons and groups concerned. In the first of these letters, dated 25 December 1971, the Government of Pakistan stated that "according to the representatives of the foreign press in East Pakistan, the towns of Mohammadpur and Mirpur which are largely inhabited by the non-Bengalis in East Pakistan have been surrounded and blocked by the Mukti Bahini assisted by the Indian Army. Food and medical aid is not being allowed to enter these towns and all attempts by the Red Cross teams to provide the necessary relief and assistance have failed so far. As a result, a number of people have already been killed and the entire population of the two towns, including the women and children, are in danger of being exterminated or dying of starvation and disease, unless immediate steps are taken to lift the blockade." The second letter, dated 27 December, quoting a message received from the Foreign Secretary of Pakistan, drew attention to "the grave humanitarian situation pertaining in East Pakistan.

According to a Radio Dacca broadcast the Governor of East Pakistan, Dr. A.M. Malik, his cabinet ministers, a number of civil officials and distinguished citizens including the Vice-Chancellor of Dacca University, have been handed over to the so-called 'Bangla Desh' authorities by the Indian Military Commander'. The letter said that the Indian military authorities had previously removed these persons to the Dacca military cantonment from the Hotel Intercontinental neutral zone and that "the latest report received from Dacca is thus extremely alarming as the life, honour and safety of these persons are seriously endangered at the hands of lawless elements who are armed and on the loose in Dacca and indiscriminately killing anyone who is loyal to Pakistan. It will be recalled that the Indian Military Commander had recently publicly declared that all forces including those of the so-called 'Bangla Desh' authorities, therefore, are wholly responsible for the safety and security of human life and in particular the group of persons mentioned above. The Government of Pakistan therefore holds Indian Government fully responsible for the security of these persons." The letter concluded by drawing attention to the Geneva Conventions of 1949 and requesting assistance in ensuring the early repatriation of the officials concerned.

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7. Mr. Winspeare decided to travel first to Delhi with a view to making the necessary arrangements for his onward journey to Dacca. He proposed to go to Islamabad after visiting Dacca. He departed on 27 December and arrived in Delhi the following morning. He was accompanied by Mr. Erik Jensen, Chef de Cabinet of the Office of the Director-General, who travelled with the Special Representative throughout. After his arrival in India and during the following three days Mr. Winspeare met senior officials of the Indian Government: the Foreign Minister, Mr. Swaran Singh; the Foreign Secretary, Mr. T.H. Kaul; the Principal Secretary to the Prime Minister, Mr. P.N. Haksar, and Mr. D.P. Dhar in his capacity as special envoy of India to "Bangladesh". Mr. Winspeare also had discussions with the Ambassador of Switzerland (in the role of Switzerland as protecting power for Pakistan interests in India) and met with United Nations officials in Delhi, including representatives of the High Commissioner for Refugees as focal point, UNICEF and others.

8. In the course of his initial talks, which were maintained at an exploratory level, Mr. Winspeare stressed that his function as Special Representative appointed under Security Council resolution 307 (1971) was to offer to the Governments and other authorities involved the services of his good offices mission. It was for the parties concerned to decide how best to avail themselves of this particular instrument.

9. The background to the current situation, as seen from Delhi, emerged clearly from these conversations, as did an indication of those problems which, in the Indian view, came within the scope of the mission. As had originally been communicated to the Secretary-General in the official response to his proposed appointment, the Government of India was willing to assist the mission within its legal and practical possibilities, but the limits of such assistance were governed by official insistence that India was not and should not be considered either an

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"occupying" or a "protecting power" in Bangladesh. Indian troops remained where they were at the invitation of the Dacca authorities and would remain there only so long as their presence was requested. The Government of India had recognized Bangladesh as an independent sovereign State. In consequence, the Indian Government did not presume to speak for the Dacca authorities, nor could it accept their responsibilities or pre-empt their right to decide; in so far as there were humanitarian problems in the region, the Bangladesh Government was the sole authority with which to confer.

10. In the light of this position and having been authorized by the Secretary-General to consult on an ad hoc basis with any authorities relevant to the situation in Dacca, Mr. Winspeare, as a practical matter, made the necessary arrangements for his onward travel through the representative of the Dacca authorities in Delhi. Mr. Winspeare flew, in the United Nations aircraft which had been placed at his disposal especially for the mission, via Calcutta to Dacca on 31 December.

11. In his meetings with the authorities in Dacca, Mr. Winspeare was careful to emphasize the humanitarian nature of his mission and to state explicitly that neither the mission as such nor his meetings with the authorities should or could possibly be interpreted as having implications for political recognition on the part of the United Nations since such questions lay within the exclusive competence of the Member States acting according to the Charter through the appropriate organs of the United Nations. This point was well understood.

12. On the evening of his arrival in Dacca he met the Foreign Minister, Mr. Abdus Samad. He also conferred with the Foreign Secretary, Mr. F.M.A. Fateh, and the Minister for Relief and Rehabilitation, Mr. A.H.M. Quamaruzzaman, and the Minister's senior advisers. In addition he had extensive meetings with United Nations personnel belonging to the United Nations relief operation in Dacca, representatives of UNICEF and the High Commissioner for Refugees, as well as the principal delegates of the Red Cross (Mr. Laurent Marti of the ICRC and Mr. Sven Lampell of the League of Red Cross Societies).

13. From these meetings in Dacca various points emerged relating to the issues covered by the terms of reference derived from the Security Council resolution 307 (1971) and to the letters submitted by the Government of Pakistan.

14. With regard to the non-Bengali minorities, principally the inhabitants of Mohammadpur and Mirpur, it was stated that although isolated personal vendettas and criminal acts might still be taking place, the situation was rapidly returning to normal. While no one attempted to deny the tragic events of recent months, the Dacca authorities gave their assurance that under their auspices water and electricity were being supplied to Mohammadpur and Mirpur, and food was being distributed. As proof that there was nothing to hide, the authorities decided to invite the International Red Cross to visit the areas concerned and to report on conditions, and the following day they issued to the press an official communiqué to this effect. It was the hope of the Government that the non-Bengali element (comprising Bihari and other mainly Urdu-speaking groups) would be absorbed as full citizens in the secular non-racial society which it was intended to create.

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15. Having been assured that he was free to observe the situation for himself, Mr. Winspeare, accompanied only by Mr. Jensen, unescorted and in one case without previous warning, visited in a United Nations car both Mohammadpur and the Mirpur complex. He was able to satisfy himself that conditions at the time of his visit were tolerable, water and electricity supplies were functioning and some food distribution taking place. Protective measures by the very small number of military personnel stationed at check points along the road were evidently designed not to control movement out but to prevent trouble makers from entering the non-Bengali enclaves; however, the inhabitants of these areas clearly felt insecure about leaving. Since the majority had been employed as labourers or in business they were consequently deprived of their source of income. Thus two serious problems existed: in the first place, the non-Bengalis' fear of the Bengalis was keeping them marooned in their enclaves, without employment and without income and, secondly, the prevailing circumstances prevented the free movement of small tradesmen and pedlars on which the Mohammadpur and Mirpur areas had relied in the past for many commodities. Representatives of the Red Cross also visited these and other non-Bengali areas. They confirmed Mr. Winspeare's impressions of the problems, but reported that conditions generally were acceptable; they found no signs of starvation or serious malnutrition. Certain suspected cases of disease discovered in one area led immediately to a programme of inoculation.

16. With regard to Dr. Malik and other officials of the former régime, the Dacca authorities gave assurances that these were being correctly treated. This was confirmed by a visit undertaken by the principal delegates of the ICRC and the League of Red Cross Societies during Mr. Winspeare's stay in Dacca. The officials remained in a cantonment under the custody of the Indian forces. While the authorities were sympathetic in principle to the repatriation of officials of the former régime who were themselves West Pakistanis, they viewed the case of Bengali members of the East Pakistan Government in a different light. It was the intention of the Dacca authorities to establish at the national level and at the subdivisional level tribunals under which "collaborators" would be tried. For these tribunals judges were being sought who were to be men of eminence and international acceptability. Assurance was given that there would be no summary justice, the due process of law being fully respected.

17. For their part, the Dacca authorities maintained that a humane solution to the difficulties of the non-Bengali minorities and other problems was related to certain specific issues. The first point, and this as regarded as a point of paramount importance, concerned the release of Sheikh Mujibur Rahman. As the elected leader of the people, the Sheikh was said to have a unique potential for uniting the inhabitants of the country and might by his personal authority be instrumental in preventing further acts of reprisal. However, it was not merely a question of his release, but of his very early return to Dacca. The second point concerned Bengali civil servants employed by the Government in Islamabad; on the one hand these were needed for the new administration in Dacca, and on the other, there was concern for their position in West Pakistan. The third point concerned the Bengali minority in West Pakistan, a group said to number some 400,000 and living principally in the Karachi area. The fourth point concerned other Bengalis living in the West, especially students. Mr. Winspeare was specifically requested to transmit these concerns to Islamabad.

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18. Finally, the Dacca authorities drew attention to the plight of their country. It was expected that the refugees who would return shortly from India, together with the many displaced persons in the country itself, would bring the total of those needing assistance to some 30 million. Aid from both bilateral and multilateral sources would be welcome. However, the authorities were most anxious to avoid the distribution of relief as such, since it tended to instil a sense of dependence in those receiving it. They wished to concentrate on rehabilitation and reconstruction. They asked Mr. Winspeare to convey to those concerned their hope that potential aid givers, both within the United Nations system and without, would respect their sovereignty and contribute assistance in response to requests from Dacca and through the appropriate Dacca authorities. Mr. Winspeare agreed to transmit these views to those within whose competence such matters lay.

19. On 3 January 1972, Mr. Winspeare returned from Dacca to Delhi before continuing to Islamabad. While in Delhi he met again Mr. D.P. Dhar, who supported on behalf of the Government of India the main points expressed by the authorities in Dacca - in particular the vital significance attached to the release of Sheikh Mujibur Rahman.

20. Mr. Winspeare then travelled to Rawalpindi and Islamabad where he remained from 5 to 10 January. He had meetings there with President Bhutto and also the Foreign Secretary, Mr. Sultan Mohammed Khan, the Defence Secretary, Mr. Ghiasuddin Ahmed and, at their request, with the Government of Pakistan committee for repatriation of prisoners of war and civilians - a joint committee with a membership drawn from the armed forces and civilian administration chaired by Major-General Ehsan Malik. Mr. Winspeare also spoke with United Nations officials and delegates of the International Red Cross.

21. In response to inquiries, he reported at these meetings on the situation in Dacca in the humanitarian context of his mission. He was asked in particular about the circumstances of the non-Bengali minorities living in Mohammadpur and Mirpur. He described the situation as he had seen it. The Pakistan Government published subsequently, as a press communiqué, a resumé of his findings with a view to reassuring public opinion.

22. Mr. Winspeare raised with the Islamabad authorities at a meeting on 6 January the points which had been stressed in Dacca. He laid particular emphasis on the vital and urgent need for the return to Dacca of Sheikh Mujibur Rahman. He then conveyed the other concerns of the Dacca authorities and received from the Government of Pakistan the assurances which follow.

23. The decision to release Sheikh Mujibur had been taken but the President had yet to decide when it would be implemented. With regard to Bengali civil servants it was said that they remained in Government service and had not indicated any desire to leave Islamabad. It was also stated that a number of Bengalis in the armed forces should be considered in the same category. The Bengali minority in the West was not an identifiable community, as were the non-Bengalis in the East, being dispersed among other groups. No significant incidents had occurred, and the Government of Pakistan gave an assurance that it had adopted measures to protect Bengali life and property. Mr. Winspeare was invited to speak freely to Bengalis

and inspect their circumstances himself. Concerning students and others, it was said that schools and colleges in West Pakistan had been circularized with a view to ascertaining the names and numbers of persons from the East. The Government proposed to accept financial responsibility for their fees and other expenses until the situation returned to normal.

24. In addition to the problem of non-Bengali minorities in the East, the Government of Pakistan had two continuing preoccupations. The first concerned the persons and condition of Dr. Malik and 33 senior officials of the former East Pakistan régime. The second concerned the state of prisoners of war. With particular regard to prisoners of war the Government was anxious that communications should be established between prisoner-of-war camps and Pakistan; they also wished to have from the Indian command lists of prisoners of war; they hoped that arrangements for their repatriation might be made as soon as possible and urged, especially, the early return of the sick and wounded. Finally, with regard to both prisoners of war and civilians, they wished to see established a tracing service. Since all of these areas fell within the traditional responsibilities of the Red Cross, a fact of which the Government of Pakistan was aware, Mr. Winspeare communicated them to the Red Cross delegates in both Islamabad and subsequently in Delhi. He was assured that arrangements to respond to these requests were in hand. On a personal basis Mr. Winspeare also spoke to a few wives of prisoners of war who had asked to see him.

25. In the early hours of 8 January, Sheikh Mujibur was released unconditionally and left Rawalpindi for London on his way to Dacca. Before leaving Rawalpindi Mr. Winspeare was given to understand that the Pakistan Cabinet had approved in principle the free movement of Bengali officials and others should they wish to leave the West. He was asked by the Pakistan authorities to transmit to Delhi their continuing concern for the non-Bengali minorities in the East and their hope for a conciliatory approach to problems of common concern.

26. On 11 January Mr. Winspeare met the Foreign Secretary of India in Delhi and repeated to him the points which he had been requested to transmit. He also spoke at length with the ICRC Commissioner for Red Cross action in the subcontinent and other Red Cross representatives. He reiterated to them the areas of concern and the wishes of the Pakistan authorities.

27. Before travelling to New York to report to the Secretary-General on his mission, Mr. Winspeare was in contact in Geneva with the High Commissioner for Refugees and senior representatives of the ICRC and the Secretary-General of the League of Red Cross Societies. He communicated to them for their information the relevant findings of his mission in their respective fields of involvement and action. On 14 January he received a further request from the Government of Pakistan, identical to that transmitted to the Secretary-General by the Permanent Representative of Pakistan in New York, "for help in securing relief for two million Pakistani nationals rendered homeless" by recent military activity especially in the border areas of Sind and Punjab in West Pakistan. Details of estimated requirements were requested of the Permanent Representative of Pakistan in Geneva.

The appeal was also conveyed to the Red Cross authorities directly concerned, with a view to their appraising the needs on the spot, and it is being transmitted to the relevant United Nations organizations.

28. In Delhi, Dacca and Islamabad Mr. Winspeare received full assistance from government officials at all levels and the nature and scope of his mission within the terms of reference were generally well understood. Without the willingness of the relevant authorities to use the good offices of the Special Representative of the Secretary-General for the solution of humanitarian problems, the mission would have been ineffective. The good offices instrument which was made available in pursuance of Security Council resolution 307 (1971) could again be placed at the disposal of the Governments and authorities directly concerned, should they so desire.

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29. To those Governments and authorities I should like to express my appreciation for the co-operation they extended to Mr. Winspeare. I wish also to thank the many officials of organizations of the United Nations system, Red Cross delegates and others who assisted him in his mission.

30. Finally, I would wish to record my satisfaction and my appreciation for the objective, wise and efficient way in which Mr. Winspeare has carried out his important and delicate task. I shall, of course, keep under review the various humanitarian problems of concern to his mission and take further action if deemed desirable in pursuance of the relevant provisions of Security Council resolution 307 (1971).

