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Prologue and Overview

Nineteen seventy-one was a year of national and international crisis in South Asia. The year commenced with two historic elections; the first national election ever held on the basis of universal franchise in Pakistan, where the incumbent martial law regime was endeavoring to transfer power to civilian authority; the return of Prime Minister Indira Gandhi with an overwhelming parliamentary majority in an election with a massive turnout in India. By year's end there had been two wars; as a consequence of the first, millions of refugees from East Pakistan sought exile in the politically unsettled and economically impoverished eastern provinces of India; as a consequence of the second, most of the refugees returned to their homes in the new and sovereign state of Bangladesh, and the political contours of contemporary South Asia were given shape.

Pakistan fought both wars; India one. The first, a civil war, deprived the Pakistani government of legitimacy in its eastern province; the second, the Bangladesh War with India and various Bangladesh liberation movements, resulted in the dismemberment of Pakistan. Each war came at the end of a complex political process in which all the players hoped for and expected an outcome that would satisfactorily accommodate their interests and that would be reached nonviolently—by negotiation prior to the commencement of the civil war in the first, by international pressure and rational conciliation prior to declarations of war in the second. Our purpose in this study is to reconstruct as best we can the decisional structures and processes that characterized these two major crises as a matter of historical record; our purpose also is to understand the relations between motivation, calculation, and context in explaining why two wars were fought when at the outset the principals neither anticipated nor wanted them.[1]

The first crisis and war were the outcome of the efforts of Pakistan's military regime to arrange for the creation of a liberal

constitutional order and to withdraw from power. Upon assumption of power through an "invited" military coup on 26 March 1969, Gen. Agha Mohammed Yahya Khan indicated his intention of arranging a return to a representative form of government with a constitution to be devised by "representatives of the people elected freely and impartially on the basis of adult franchise."[2] Within six months, general guidelines had been decided upon; they were made public in November 1969, and were formulated in legally binding fashion in the Legal Framework Order (LFO) of 1970, promulgated four days after the first anniversary of the coup, with a call for general elections at both the national and provincial levels to be held in October of that year. The newly elected National Assembly would then be convened to draft a constitution within 120 days of its first sitting as a constituent body.

The LFO set forth a number of basic principles and arrangements that would have to be honored in the new constitution. It stipulated that the new constitution would have to provide for an Islamic republic in which laws repugnant to the Quran and Sunnah would not be admissible, though guarantees of religious freedom would be extended to minorities; the constitution was also to include constitutionally guaranteed fundamental rights of the citizen, together with an independent judiciary. The new order would be organized as a federal system that would allow for the "maximum" provincial autonomy concerning legislative, administrative, and financial powers, and, in a formal expression of concern to East Pakistan, stipulated a commitment to the removal of interprovincial "economic and all other disparities" within a "specified period."[3] Direct elections were to be held from territorial constituencies on the basis of a universal franchise, with no "separate electorates" for religious minorities or functional groups, thus giving East Pakistan an absolute majority in the National Assembly for the first time. In order to encourage expeditiousness in the drafting of the constitution, rules governing the transfer of power required that before the National Assembly could sit as a legislative body, provincial assemblies convened, and representatives from among them called upon to form governments, a constitution had to be completed and had to have received the "authentication" of the president.

In the elections to the 300-seat National Assembly held on 7

December 1970, the regionally oriented Awami League led by Sheikh Mujibur Rahman was elected with an absolute majority, all its seats being in East Pakistan. The Pakistan People's Party (PPP) led by Zulfiqar Ali Bhutto won the majority of the seats in the newly reconstituted provinces of West Pakistan, but none from East Pakistan. The elections resulted in the creation of two regionally dominant parties, each bent upon wielding power at the national level, the former asserting its right to govern as a consequence of its predominance under majoritarian rule, the latter asserting its claim to participate in governance on the basis of the necessity of a "concurrent majority" of broader regional representation to assure governmental legitimacy in Pakistan's consociational polity. Each threatened to make governance difficult, if not impossible, were its claim not honored.

In the political games and formal negotiations that followed, each of the players was committed at the outset to reaching a constitutional consensus and a transfer of power under the rules set forth in the Legal Framework Order.[4] Yet during the two weeks before civil war commenced on 25 March 1971 with a military crackdown in East Pakistan, the rules governing the transfer of power were abrogated by each of the three major actors. While the initial conflict between the Awami League and the People's Party was joined over the substance of the former's Six-Point Demand (first advanced in 1966), which provided for substantial decentralization of power and provincial autonomy and had served as the core of the party's election manifestos, agreement on a revised version of these points had been reached two days before a "military solution" was imposed.[5]

After the elections, as before, leaders of the martial law regime were committed to withdrawing from governance and transferring power to an elected civilian government. Increasingly during the negotiations, however, as their suspicions of the fidelity and trustworthiness of the Awami League leadership were aroused, a core group of army officers started to think in terms of a "military solution according to plan." With groups within the Awami League also preparing for armed resistance, and Bhutto threatening a revolution from the "Khyber to Karachi" if the interests of West Pakistan as defined by his People's Party were not conceded, this "solution" was imposed on 25 March.

Thus although each party to the negotiations commenced its labors with the expectation that a negotiated settlement of outstanding differences would be achieved, they ended them engaged in or prepared for armed combat. In the wake of the military crackdown, most of the leaders of the Awami League, except Sheikh Mujibur Rahman, who was taken prisoner, went underground and fled to India, where they established the Government of Bangladesh (GOBD) in "Mujibnagar," the "City of Mujib" (in reality 7 Theatre Road, Calcutta).

Similarly, the Bangladesh war, the third between India and Pakistan during their first quarter century of independence, was neither expected nor judged necessary by any of the major players before early fall of 1971. This is not to say that war was entirely unanticipated or, indeed, that it came as much of a surprise. India and Pakistan both had long-standing contingency plans for war, and as the crisis escalated in the summer of 1971, the possibility of war was openly referred to by leaders of both states. Each side, however, endeavored to seek the satisfaction of its "interests of state," as it perceived them, in a manner short of war. Furthermore, in a rare instance of confluent interest and intent, the international patrons of each exerted pressure on their respective regional "clients" to exercise restraint, defuse the crisis, and avoid war. Other states likewise urged restraint, although with less vigor and involvement. Perception of viable options and appropriate strategy with respect to outside powers varied among the Awami League leaders, both those who went into exile in India and those who remained behind in Bangladesh, until the fall of 1971. Yet a war was fought, a state divided, and one created.

Indian decision makers expected that Pakistan's leaders would find a political solution to the country's domestic problems; solutions to such internal conflicts had always been found in the past, imperfect perhaps, but sufficient to reestablish political stability. With the expected political reconciliation, the refugees streaming into India to escape state and social violence in East Pakistan would return to their homes, encouraged also by the firm hand of the Indian government, which from the outset, and without lengthy deliberation, had decided that not under any circumstances would the refugees be allowed to settle in India. Pakistani decision makers at the outset neither desired this particular war with India nor

anticipated that it would occur. Given that the defense of East Pakistan under circumstances of such severe domestic dissent was problematic, the question was not whether to escalate tension to a state of war, but to avoid providing India with the occasion to commence one. It was also a commonly shared perception on the part of the Pakistani governing elite that the international community would constrain any Indian propensity for aggression, and that if hostilities were to commence, they would be halted before either side won a "victory." This had been the pattern in Indo-Pakistani wars in the past; there was no reason to believe, so they thought, that international peacekeepers would abandon their long-standing commitment to the international state system now. To leaders of the martial law regime, such an eventuality was unthinkable. India, too, during the first months of the crisis sought to impress upon the international community the threat of the massive influx of refugees from East Pakistan on the country's domestic tranquility and to persuade major states to bring their influence to bear on Pakistan to persuade it to reach an accommodation with the Awami League so that political stability, and the refugees, would return to East Pakistan. Neither side communicated directly with the other; both chose to speak through intermediaries or through national forums.

At another level of temperament, Pakistani military leaders commonly believed that the armies of "Hindu India," as they were referred to in common parlance, were no match for those of "Islamic Pakistan." Pakistan had been created in the face of Hindu opposition; its independence had been successfully defended against Indian "machinations"; and the larger Indian armies had been unable to defeat the smaller ones of Pakistan in battle. Any effort on the part of India to take territory in East Pakistan would be countered by Pakistani occupation of Indian soil in the west; and the Indian army had to labor under the control of a civilian government headed by a woman.

Notwithstanding all this, on 21 November Indian troops moved to assert control over territory in East Pakistan by force. Pakistan responded with a declaration of war on 3 December and Pakistani troops surrendered in East Pakistan on 16 December. India's unilateral ceasefire declaration of 16 December was accepted the following day by the Pakistani government, which had lost all control

over its eastern province and its credibility in the west. It is ironic that political power was ultimately transferred to a civilian elite in Pakistan after defeat in war, and was forced by way of a mini military coup, rather than transferred voluntarily or by a "general consensus" among political parties and the martial law regime as had originally been planned and intended.

This book is devoted to explaining why things turned out that way. It analyzes the process by which perceptions became increasingly rigid and information more restricted and frequently distorted, so that options for the successful prosecution of the political game were reduced to those based upon collective withdrawal and ultimately the use of force. The book falls into two parts, each encompassing one of the subcontinent's two wars of 1971. In part 1 we analyze the efforts on the part of the military regime and political parties to reach a negotiated agreement between what ultimately became two sovereignties—the military regime in West Pakistan, and the Awami League in East Pakistan, or Bangladesh—together with their abortion in the military crackdown of 25 March and the beginning of civil war. The process is as complex as it is fascinating, and it is necessarily understood in terms of the political context from which the major figures in the drama derived much of their understanding of the situation in 1971, as well as of the intentions of their allies and adversaries. Chapter 2 examines the context provided by political conflict and development in Pakistan, including the crucial elections of December 1970, and chapter 3 reviews the images and legacies in Indo-Pakistani relations that were critical in shaping the perceptions that each held of the other in the 1971 crisis. In chapter 4 we analyze the first phase of negotiations and the definitions of interest and perceptions of distrust that attended them. Chapter 5 concerns the negotiations between two "domestic sovereignties"—the military regime centered in Rawalpindi and the Awami League centered in Dhaka—after the collapse of central authority in East Pakistan that attended the postponement of the convening of the National Assembly and the ineffective employment of military force to quell dissent and reassert central authority in the eastern province. Chapter 6 constitutes an analysis of the negotiations toward constitutional agreement by the civil side of the state, the preparation and imposition

of a "military solution" to political conflict by the military side of the state, and the commencement of civil war.

In part 2 we analyze the war of liberation and the relationships between context, perception, and decision that led to the outbreak of the Bangladesh war. Chapter 7 analyzes the Indian response to the military crackdown by the Pakistani government, and chapter 8 reviews the strategies and timing of the military regime in attempting to recreate the state in East Pakistan and in pursuing a different political settlement in the context of the developing international crisis with India. Chapter 9 discusses the development of Indian policy toward the crisis in East Pakistan, and chapters 10–12 analyze the process of decision making that led to war between India and Pakistan, as well as the role of external powers in ameliorating the crisis and as witnesses to its close. We conclude in chapter 13 with a discussion of our findings and their implications for issues of war and peace in the region.