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A Normative Study of the Ordeal of 1971 and the Same Being Faced by Europe

SURATH CHOUDHURY¹

ABSTRACT

Refugees are the symbol as to how much wrong goes on in the planet. The refugees around the globe are a result of human greed, ego and the feeling of superiority. This paper is a normative study between the refugee crisis that prevailed in the Indian subcontinent during the 1971 East Pakistan Civil War and the refugee crisis that exists in Europe in relation to the Syrian refugee crisis. The paper analyses as to how India despite of its strained economy and limited resources took the effort of accepting refugees from East Pakistan in 1971 when they were being persecuted against by the Pakistani military. In doing so, the paper is divided into three sections.

Firstly, the paper looks into the technical facets of the refugee crisis that existed along the eastern and north eastern boundaries of the country and compares it with the refugee crisis that exists in Europe as a result of the Syrian Civil War. In doing so, the paper delves into the differences of the humanitarian aid provided to the Bengali refugees and the Syrian refugees in the contemporary period.

Secondly, the paper looks into the ground reality comparison between the two phases. It analyses as to how India effectuated the process of providing shelter to the East Pakistani refugees and how successful they were in its planning and execution despite the economic restraints that existed during that period. The paper also tries to highlight the resolve that India as a country took to help the persecuted Bengalis fleeing East Pakistan irrespective of their religion. In doing so, the paper tries to highlight the flaws that exist in the approach of the European countries and how a consensus is required to be reached to help the Syrian refugees much like the consensus that existed between the different Indian states.

Thirdly, the paper looks into the legal obligations that India faced during the acceptance of the refugees from East Pakistan and compares it with the existing legal mechanisms that are compelling the European countries to accept refugees from Syria and provide them with shelter and other human rights in the region. It needs to be mentioned that countries like the United Kingdom, France, Germany, Greece, Italy and even Turkey have been very active in providing the refugees with shelter and other basic amenities in

¹ Author is a student at School of Law, Christ University, Bangalore, India.

their region.

Finally, the paper looks into the possible lessons that can be learned from the Indian experience which might be put forth and applied in the European context and at the same time, the paper looks into some of the policies of India during the 1971 crisis and how the world community can take a leaf out of it in order tackle refugee crisis across the globe and not just the Syrian refugee crisis in Europe.

I. THE CRISIS IN EAST PAKISTAN

“Do they know we are coming”² is how the American journalist Peter Grbac described the 1971 East Pakistani refugee crisis in India. India back then was an economy that was already under serious strain and the acceptance of around ten million refugees would have been a serious burden. However, the Indian Government at the time realised that the Bengali refugees didn’t have anywhere else to go since East Pakistan was bordered by India on three sides barring one i.e. the south where the Bay of Bengal is located. A huge influx of refugees started coming in during the month of March 1971³ which caught the Indian authorities under surprise and they had no alternative but to accept the refugees fleeing persecution. Initially, during the months of March, April and May a total of almost 4 million refugees flooded the eastern border and the north eastern border of India with East Pakistan. This number drastically increased during the months of September and October when the total number stood at almost ten million refugees.⁴

Most of these refugees crossed the border by swimming across rivers or by escaping skirmishes between the Mukti Bahini and the Pakistani forces.⁵ In a sentence, the refugees from East Pakistan escaped the genocide that was generated and unleashed by the Pakistani Army. These refugees were scrambled in hospitals, schools and made-up shelter camps. A serious humanitarian crisis came into existence. The refugees that crossed the border just wanted to lead a life of peace and had nothing to do with politics.⁶ Most of them were apprehensive that once the war gets over, they will be able to return home. At the same time, many were of the opinion that they would fare well in India out of the fear of persecution of the Pakistani Army on religious lines. Most of these refugees were Hindus who have always viewed India as “Amar Desh”.

² Sydney H. Schanberg, *Bengali Refugees in Squalor in India*, NYT, May 22, 1971

³ Aasha Khosa, *How India responded to the influx of 10 million refugees*, Governance Now, Oct 5, 2015

⁴ Sonia Cordera, *India’s Response to the 1971 to the East Pakistan Crisis*, 17 Journal of Genocide Research 45-62(2014)

⁵ Sydney H. Schanberg, *Bengali Refugees in Squalor in India*, NYT, May 22, 1971

⁶ Sidhart Shekhar, *When Indira Gandhi said: Refugees of All Religions Must go Back*, TNN, Apr 19, 2019

A huge humanitarian crisis emerged along the eastern and north eastern border of India with East Pakistan. The Indira Gandhi led Government took the resolve of providing these refugees with shelter and with other basic amenities but at the same time, since it was too costly for the Government to undertake, Mrs Gandhi assured the country that the refugees would be sent back to their homeland once the conflict in East Pakistan comes to an end. However, by the time November came, the influx of refugees from the erstwhile East Pakistan to India touched almost ten million. The realisation came among the heads of the Indian Central Government that providing for the refugees is proving to be much costlier than a war with Pakistan which may have the potential to resolve the crisis within a short time.

For this reason, the Indian Government started training refugee who were willing to join the struggle under the Mukti Bahini and at the same time also started retaliating against the Pakistani Army both along the western sector and the eastern sector. India successfully defended herself along the western sector and was successful in compelling 90,000 Pakistani soldiers to surrender at Dhaka in East Pakistan which was very soon to become the liberated and independent country of Bangladesh. The war got over within a span of fifteen days and finally on December 16, 1971, the name Pakistan was obliterated from the identity of the newly liberated country of Bangladesh.

The Central Government at the time stood to its word and the repatriation of the refugees from India to Bangladesh took place. The scale at which the repatriation occurred was the largest in the post Second World War era. However, many were not willing to go back and only to the number of 8.5 million of the refugees were repatriated back to Bangladesh.⁷

The method that was followed by Indian Government was indeed very successful and the one aspect that stands out was that India under no obligation did accept the refugees from East Pakistan, they did it out of their own will and desire and at the same time had a definitive plan of repatriating the refugees as soon as the conflict ends. The Indian Government took the risk of interfering with the situation in East Pakistan since it affected its national interest because of the financial burden that was unleashed by the East Pakistani refugees along the eastern and north eastern borders of the country. The European countries may take a leaf out of the book of India in the handling of the refugee crisis that has been unleashed upon it as a result of the Syrian Civil War.

II. CRISIS IN SYRIA

The crisis that is unfolding in the middle-east especially in Syria is something which is a

⁷*Ibid*

direct protest against the misrule of the tyrants. For many years these countries were ruled by tyrants who did not have any form of democracy and was completely under an authoritarian regime. The case study of the Syrian Civil War is also not different. Syria has been under the authoritarian rule of the Baath Party for almost 60 years now. As is the case with most of the third world countries, sustained authoritarian regimes have always led to a revolt. The same happened in Syria when in the March of 2011, popular uprising against the dictatorial rule of the Baath Party led the foundation stone for a revolt. Many factions came into existence during the civil war including the ISIS and the Free Syrian Army. The crisis in Syria led to the impediment of peaceful existence of its common folk. Their lives were disrupted. They faced food shortages, destruction of their livelihood and the destruction of the roof over their head⁸. Humanitarian aid through the UN and other non-governmental organisations has proved to be inefficient and the authoritarian regime under the leadership of Bashaar Al Asad has been alleged to attack its own civilians. The situation turned extremely grim when it was reported that the Syrian Armed forces dropped biological weapons on its own civilians thinking that insurgents have infiltrated the city of Homs. This incident led to the mass exodus of Syrians from their homeland.

Many of the fleeing refugees fled to Europe to countries like Germany, Italy, Greece, United Kingdom and also France. The refugees were hopeful that the European countries would welcome them with open hands but to their misery that has not been the case. Many countries like Hungary, Poland, Netherlands and even the United Kingdom have acted with restraint in allowing Syrian refugees crossing its border. Many countries have even put a specific limit as to the number of refugees they will accept.

The humanitarian crisis that has emerged in Europe is in many ways similar to the one that existed in India during the 1971 War. During that period India was not governed by any international instrument and despite being an already overburdened economy went out of its way to help and provide basic amenities to the refugees. The European countries should indeed take a leaf out of India's approach towards the East Pakistani refugees and act in a similar manner under the lines of humanitarianism.

III. REASONS AS TO WHY INDIA SUPPORTED THE EAST PAKISTANI REFUGEES:

It needs to be contended that one of the reasons as to why India went out of its way to help the East Pakistani refugees was the fact that India was culturally and politically connected to the fleeing refugees. The refugees were fleeing from a country which many consider to be

⁸*Syria's Civil War Explained from the Beginning*, Aljazeera, Apr 14, 2018

India's primary foe. Moreover, the fleeing East Pakistani refugees were all Bengalis and India has a massive Bengali population in its eastern state of West Bengal which is predominantly Bengali along with states like Assam and the then Tripura Union Territory. Sentiments of these people were very much associated with the sentiments of the fleeing refugees and especially with the Hindu refugees. Therefore, there was immense political pressure on the Central Government to provide help to the refugees.

Moreover, India had a specific plan as to how to deal with the almost 10 million refugees. India always maintained that the refugees would be repatriated back to their homeland once the conflict comes to an end. This in return would not have affected the balance of population in the states of West Bengal and Assam. Therefore, the existence of a specific policy was crucial in justifying the stand the Central Government took in providing humanitarian aid to the refugees.

Lastly, India always had the military option of intruding into East Pakistan and ending the conflict as soon as possible so that it gets relieved of the huge economical burden the refugees were proving to be.

Therefore, India had a number of justifiable reasons to help the fleeing Bangladeshi refugees.

IV. CONTEMPORARY EUROPEAN SITUATION:

Unlike India, the European countries have no cultural similarity with the Syrian refugees, they don't have any political interest as such with the Syrian crisis and their people don't relate themselves to the cultural heritage of the Syrians. However, there is a greater reason as to why the European countries should provide humanitarian help to the Syrian refugees. Humanitarian help goes beyond boundaries and culture and it certainly goes beyond nationality. Therefore, in the hour of need the European countries must indeed provide basic help and amenities to the refugees as much as possible. Countries like Germany and a non-European country like Canada have stood out in helping out the refugees whose lives have been ravaged by war.⁹

One of the main reasons as to why countries like Germany and Canada are adamant in providing help and relief to the refugees is because of their ageing population and the need for the induction of people in the working class. Along with this Germany and Canada also possess a definite plan for the handling of the crisis which many other countries like Greece and Italy and even France and the United Kingdom lack. Besides the obligation of the Geneva Convention 1951 and the three protocols of 1977 and 2005 the countries are also

⁹Ernesto&Gabriela et. al, *Europe's Great Challenge: Integrating Syrian refugees*, The Rand Blog, Apr 20, 2018

bound under humanitarian grounds and on grounds of natural justice.

Despite such obligations countries like Hungary and Greece are reluctant in accepting any Syrian refugees which is ironic because scores of Hungarians were looking for refuge when the secessionist revolt against the Soviet was brutally suppressed.¹⁰ Moreover, there is a lack of resolve among the European countries collectively in providing aid to the refugees which is evident from the treatment of refugees by the United Kingdom wherein they have accepted to allow only 25,000 refugees to cross its borders.¹¹

Apart from these, there have been incident of racism and discrimination in many European countries against the Syrian refugees and despite some progress, Europe's reaction to Syrian asylum seekers has been woefully inadequate. Added up, Western Europe's commitments simply do not accommodate the more than one million migrants who are expected to arrive there. Why not, especially when India was able to handle a similar situation in 1971?

Moreover, any military intrusion inside the Syrian territory to stop the war seems futile and economically very expensive since the war in Syria is fought by multiple factions and there is no one single solution to the crisis. Therefore, a military solution to the problem seems futile and extremely expensive.

V. THE DIFFERENCE BETWEEN THE SITUATIONS

There are certainly differences between the East Pakistan crisis and the situation in Europe today. The porous border between India and East Pakistan meant that there was little chance of stopping the millions of asylum seekers from getting to India, and, of course, East Pakistan had been part of the British Indian Empire until 1947 when the subcontinent had been partitioned. More to the point, the Bengali-speaking population of East Pakistan had far more in common with its counterparts in the Indian state of West Bengal. In this regard, India's situation was more akin to the one that Jordan and Lebanon now find themselves in following the civil war in Syria. Europe simply does not have similar ties to the Syrian refugees.

The international dynamics at play were also considerably different. The Nixon administration, dependent on Pakistan for the opening to the People's Republic of China, turned a blind eye to the plight in East Pakistan. Furthermore, in the wake of the Balkan and Rwandan tragedies in the 1990s, global norms about humanitarian intervention and refugees have evolved. Even though the United States and its allies in Europe have failed to forge a

¹⁰Katherine Reid, *Syrian Refugee Crisis*, World Vision, (2020)

¹¹Sumit Ganguly & Brandon Miliate, *When Refugees were Welcome*, Foreign Affairs, Sept 22, 2015

common strategy to deal with the crisis in Syria, high-level policy discussions are under way, including with Russia, to find a way out of the present imbroglio.¹²

VI. SOLUTIONS

One of the possible solutions that may be applied to the existing Syrian crisis is the resolve shown by the major powers of the world in resolving the crisis through dialogue and possibly reaching a middle ground between the two.

In order to stop the influx of refugees into Europe it is important to solve the underlying problem that is the war situation in Syria. India initially tried to resolve the crisis in East Pakistan through diplomatic means but failed and it is only because of that, India sought to act militarily to resolve the crisis. In the Syrian matter military action by one country cannot be applied and at the same time various global players are supporting different organisations and groups. For example, the United States of America supports the Free Syrian Army faction while the Russian Federation supports the existing Baath party led by Bashaar-Al-Asad. Therefore, a military solution to this seems bleak and unrealistic.

However, diplomacy is something which can always be an efficient substitute to war and if the global community takes heed of the seriousness of the situation in Syria, a solution through dialogue is a possibility. The global community can also declare a no-fly zone over the Syrian territory to stop the barrage of missiles by the Russians upon civilians and also to stop the barrage of biological and chemical weapons by the Syrian Air Force against the civilians and alleged 'Freedom Fighters'.

India through its resolve during the Bangladesh crisis showed to the entire world that during times of calamities against humanity a strong resolve is required to help the people in need and at the same time a specific policy is required so that the situation does not spin out of control and if required, even military actions may be applied. The European community and the world community have a lot of examples from the bold actions of India during the 1971 crisis and to an extent may try to execute some of them as stated above. During times of great peril it is the sense of humanity that makes good triumph over evil.

¹²*Ibid*