

The original documents are located in Box 13, folder “India/Pakistan - U.S. Security Commitments to Pakistan (1)” of the National Security Adviser. Kissinger-Scowcroft West Wing Office Files at the Gerald R. Ford Presidential Library.

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On November 5, 1962, Ambassador McConaughy gave
to President Ayub an Aide Memoire reading as follows:

"The Government of the United States of
America reaffirms its previous assurances to the
Government of Pakistan that it will come to
Pakistan's assistance in the event of aggression
from India against Pakistan."



PAKISTAN
SECURITY COMMITMENTS

Following is the text of Articles contained in the original Pact of Mutual Cooperation between Iraq and Turkey, signed in Baghdad on February 24, 1955, subsequently acceded to by Iran, Pakistan and the United Kingdom. Iraq withdrew in 1959:

Article 1 Consistent with Article 51 of the United Nations Charter the High Contracting Parties will cooperate for their security and defence. Such measures as they agree to take to give effect to this cooperation may form the subject of special agreements with each other.

Article 2 In order to ensure the realization and effect application of the cooperation provided for in Article 1 above the competent authorities of the High Contracting Parties will determine the measures to be taken as soon as the present Pact enters into force. These measures will become operative as soon as they have been approved by the Governments of the High Contracting Parties.

Article 3 The High Contracting Parties undertake to refrain from any interference whatsoever in each other's internal affairs. They will settle any dispute between themselves in a peaceful way in accordance with the United Nations Charter.

Article 4 The High Contracting Parties declare that the dispositions of the present Pact are not in contradiction with any of the international obligations contracted by either of them with any third state or states. They do not derogate from, and cannot be interpreted as derogating from, the said international obligations. The High Contracting Parties undertake not to enter into any international obligation incompatible with the present Pact.

Article 5 The Pact shall be open for accession to any member state of the Arab League or any other state actively concerned with the security and peace in this region and which is fully recognized by both of the High Contracting Parties. Accession shall come into force from the date on which the instrument of accession of the state concerned is deposited with the Ministry of Foreign Affairs of Iraq.

Any acceding state Party to the present Pact may conclude special agreements, in accordance with Article 1, with one or more states Parties to the present Pact. The competent authority of any acceding state may determine measures in accordance with Article 2. These measures will become operative as soon as they have been approved by the Governments of the Parties concerned.

Article 6 A Permanent Council at Ministerial level will be set up to function within the framework of the purposes of this Pact when at least four Powers become parties to the Pact.

The Council will draw up its own rules of procedure.

Article 7 This Pact remains in force for a period of five years renewable for other five-year periods. Any Contracting Party may withdraw from the Pact by notifying the other Parties in writing of its desire to do so, six months before the expiration of any of the above-mentioned periods, in which case the Pact remains valid for the other Parties.

Article 8 This Pact shall be ratified by the Contracting Parties and ratifications shall be exchanged at Ankara as soon as possible. Thereafter it shall come into force from the date of the exchange of ratifications.

Bilateral Agreements:

Following is the text of the identical Bilateral Agreements of Cooperation signed by the United States with Iran, Pakistan and Turkey in Ankara on March 5, 1959:

The Government of (Iran/Pakistan/Turkey) and the Government of the United States of America,

Desiring to implement the Declaration in which they associated themselves at London on July 28, 1958;

Considering that under Article 1 of the Pact of Mutual Cooperation signed at Baghdad on February 24, 1955, the Parties signatory thereto agreed to cooperate for their security and defence and that, similarly, as stated in the above-mentioned Declaration, the Government of the United States of America, in the interest of world peace, agreed to

members of the Pact of Mutual Cooperation making that Declaration affirmed their determination to maintain their collective security and to resist aggression, direct or indirect;

Considering further that the Government of the United States of America is associated with the work of the major Committee of the Pact of Mutual Cooperation signed at Baghdad on February 24, 1955;

Affirming their right to cooperate for their security and defence in accordance with Article 51 of the Charter of the United Nations;

Considering that the Government of the United States of America regards as vital to its national interest and to world peace the preservation of the independence and integrity of (Iran/Pakistan/Turkey);

Recognizing the authorization to furnish assistance granted to the President of the United States of America by the Congress of the United States of America in the Mutual Security Act of 1954, as amended, and in the Joint Resolution to Promote Peace and Stability in the Middle East; and Considering that similar agreements are being entered into by the Government of the United States of America and the Governments of (Iran/Pakistan/Turkey) respectively;

Have agreed as follows:

Article I. The Government of (Iran/Pakistan/Turkey) is determined to resist aggression. In case of aggression against (Iran/Pakistan/Turkey) the Government of the United States of America, in accordance with the Constitution of the United States of America, will take such appropriate action, including the use of armed forces, as may be mutually agreed upon and as is envisaged in the Joint Resolution to Promote Peace and Stability, in the Middle East, in order to assist the Government of (Iran/Pakistan/Turkey) at its request.

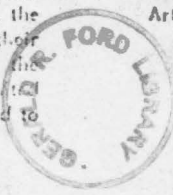
Article II. The Government of the United States of America in accordance with the Mutual Security Act of 1954, as amended, and related laws of the United States of America, and with applicable agreements heretofore or hereafter entered into between the Government of (Iran/Pakistan/Turkey) and the Government of the United States of America, reaffirms that it will continue to furnish to the Government of (Iran/Pakistan/Turkey) such military and economic assistance as may be mutually agreed upon between the Government of (Iran/Pakistan/Turkey) and the Government of the United States of America, in order purposes set forth by the Governments associated in the preservation of its national independence and integrity and in the effective promotion of its economic development.

Article III. The Government of (Iran/Pakistan/Turkey) undertakes to utilize such military and economic assistance as may be provided by the Government of the United States of America in a manner consonant with the aims and purposes set forth by the Governments associated in the Declaration signed at London on July 28, 1958, and for the purpose of effectively promoting the economic development of (Iran/Pakistan/Turkey) and of preserving its national independence and integrity.

Article IV. The Government of (Iran/Pakistan/Turkey) and the Government of the United States of America will cooperate with the other Governments associated in the Declaration signed at London on July 28, 1958, in order to prepare and participate in such defensive arrangements as may be mutually agreed to be desirable subject to the other applicable provisions of this agreement.

Article V. The provisions of the present agreement do not affect the cooperation between the two Governments as envisaged in other international agreements or arrangements.

Article VII. This agreement shall enter into force upon the date of its signature and shall continue in force until one year after the receipt by either Government of written notice of the intention of the other Government to terminate the agreement.



3A

THE WHITE HOUSE
WASHINGTON

SECRET/EXDIS

December 6, 1971

Henry:

Attached are relative documents pertaining to the so-called U.S. secret commitments to Pakistan. State maintains that the only relative agreements involving Pakistan are the Secret Treaty and our 1959 Bilateral Defense Cooperation Agreement, both of which are public. At Tab A is State's memorandum. At Tab B is Oehlert's letter referring to secret agreements and at Tab C is a public line memo which has been circulated in State.

I have assembled these for you in case the issue comes up before staffing of the State memorandum is completed.


Al Haig

DECLASSIFIED *State Review*
E.O. 13526 (as amended) SEC 3.3 *3/1/04*
NSC Memo, 3/30/08, State Dept. Guidelines
By *HR* NARA, Date *9/21/11*

SECRET/EXDIS



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A





DEPARTMENT OF STATE

Washington, D.C. 20520

~~SECRET~~/EXDIS

December 5, 1971

MEMORANDUM FOR MR. HENRY A. KISSINGER
THE WHITE HOUSE

Subject: U. S. Security Assurances
to Pakistan and India

As requested at the December 3 WSAG meeting, we have again reviewed the record and have found no secret international agreements in which the United States has formally agreed to assist Pakistan in the event of hostilities. The only relevant agreements involving Pakistan are the SEATO Treaty and our 1959 bilateral defense cooperation agreement, both of which are public.

A number of public and private statements were made in the 1950s and 1960s by high U. S. officials to leaders of India and Pakistan to the effect that the United States would assist them if either were subject to aggression. Enclosed for your information are copies of such statements, including a 1954 letter from President Eisenhower to Prime Minister Nehru (unclassified), a 1962 letter from President Kennedy to President Ayub (Secret), and statements by President Johnson in 1963 to Foreign Minister Bhutto (Secret) and in 1965 to President Ayub (Secret).

While these policy statements do not constitute binding agreements under international law, such statements might still be considered current U. S. political "commitments" and might be referred to as such by either India or Pakistan, in requesting U. S. assistance in the current conflict.

~~SECRET~~/EXDIS

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~~SECRET~~/EXDIS

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For your background information, we also enclose a paper summarizing the manner in which Pakistan sought to invoke the 1959 Bilateral at the time of the September, 1965 Indo-Pak war. You will note that at that time the Government of Pakistan made specific reference to two of the policy statements described above and which the Government of Pakistan clearly viewed as substantiating its interpretation of the 1959 Agreement.

R. Miller for
Theodore L. Eliot, Jr..
Executive Secretary

Enclosures:

Statements.

~~SECRET~~/EXDIS



34-1

IndiaB. Official Declarations

1. Letter from President Eisenhower to Prime Minister Nehru of India, February 24, 1954¹

Relevant Passage

... I am confirming publicly that if our aid to any country, including Pakistan, is misused and directed against another in aggression I will undertake immediately, in accordance with my constitutional authority, appropriate action both within and without the U.N. to thwart such aggression. ...

¹Text as printed in Dept. of State Bulletin, XXX, No. 768, Mar. 15, 1954, pp. 400-401.



PakistanB. Official Declarations

1. Note Presented by the American Ambassador in Karachi to the Pakistani Minister of Foreign Affairs, April 15, 1959¹

Relevant Passages

[The Note quoted two previous statements. One had been issued by the Minister of Foreign Affairs of Pakistan following a conversation with Secretary Dulles in November 1957, in which the Foreign Minister said, "Secretary Dulles ... left me in no doubt but that the United States would promptly and effectively come to the assistance of Pakistan if it were subjected to armed aggression which, however, the United States did not anticipate." The second statement, by the Department of State on November 29, 1956, had announced that "the United States reaffirms its support for the collective efforts of these (the Baghdad Pact) nations to maintain their independence. A threat to the territorial integrity or political independence of the members would be viewed by the United States with the utmost gravity." The Note concluded as follows:]

The Ambassador has been instructed by his Government to inform His Excellency the Minister of Foreign Affairs that the position of the United States remains unchanged from that set forth in the two statements quoted above.

¹To Ayub Khan, Note 676, Apr. 15, 1959, unclassified (not for publication), enclosure to dispatch 943 from Karachi, Apr. 16, 1959, confidential; file 780.5/4-1659.



Pakistan

B. Official Declarations

2. Letter from President Kennedy to President Ayub of Pakistan, January 26, 1962¹

Relevant Passages

As a firm ally, Pakistan is entitled to the re-affirmation you have requested of the prior assurances given by the United States to Pakistan on the subject of aggression against Pakistan. My Government certainly stands by these assurances. ...

¹To Karachi, tel. 1500, Jan. 26, 1962, secret; file 711.11-RE/1-2662. President Kennedy's letter was delivered on Jan. 30, 1962.

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E.O. 13526 (as amended) SEC 3.3
State Dept Guidelines

~~SECRET~~

By HR NARA, Date 9/21/11

Pakistan

B. Official Declarations

3. Message from Secretary Rusk to American Embassy, Karachi, November 3, 1962¹

Relevant Passages

[For a meeting of the American Ambassador and President Ayub of Pakistan on November 5, 1962, Secretary Rusk sent the following instructions:]

... United States reaffirms its previous assurances that it will come to Pakistan's assistance in event of aggression from India against Pakistan.²

¹To Karachi, tel. 715, Nov. 3, 1962, secret-limit; file 790d. 11/11-162.

²An aide memoire to above effect was presented to President Ayub Khan on Nov. 5, 1962.



PakistanB. Official Declarations

4. Assurances to Pakistan Respecting the Extension of Military Assistance to India: Statement by the Department of State, November 17, 1962¹

Relevant Passages

[Referring to an exchange of notes between the United States Government and the Government of India released the same day (November 17), which concerned the provision of military aid to India, and citing the assurances given to India in 1954 when similar aid was extended to Pakistan,² the statement continued:]

The Government of the United States of America has similarly assured the Government of Pakistan that, if our assistance to India should be misused and directed against another in aggression, the United States would undertake immediately, in accordance with constitutional authority, appropriate action both within and without the United Nations to thwart such aggression.

Needless to say, in giving these assurances the United States is confident that neither of the countries which it is aiding harbors aggressive designs.

¹Dept. of State press release 683, Nov. 17, 1962, text as printed in Dept. of State Bulletin, XLVII, No. 1223, Dec. 3, 1962, pp. 837-838.

²See ante, page 80.



3d-4

Pakistan

B. Official Declarations

5. Memorandum of Conversation between President Johnson and Foreign Minister Bhutto of Pakistan, et. al., November 29, 1963¹

Relevant Passages

The President [said] ... he wanted Mr. Bhutto to know [that] ... the United States was not going to let anyone attack Pakistan. ...

¹Presidential Memoranda of Conversation, 1956-1964. Lot File 66D 149, Box 171. (Memorandum drafted by Phillips Talbot).



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By HR NARA, Date 9/21/11

Pakistan

B. Official Declarations

6. President Johnson's Comments to American Advisers on his private meeting with President Ayub of Pakistan, White House, December 15, 1965

Relevant Passages

In discussing his afternoon's conversation with President Ayub, the President said that Ayub had told him that Pakistan's first obligation was to the United States. Ayub had no agreements of any kind with the Chinese but what if the Indians were to try to gobble up Pakistan. The President replied that we would do what we did in Viet-Nam. We were not going to let anybody overrun them. Ayub said that was all he wanted to know. ...

The President told Ayub that ... our Indian policy is our business. Ayub said he fully understood this but what if the Indians tried to knock us [Pakistan] off? The President said we would not let them. ...

Ayub had said, "I know you won't believe it but those Indians are going to gobble us up." President Johnson had replied that if they tried this we would stop them and that he believed we could do this simply by telling India we would not allow it. We cannot believe that India would attack Pakistan if the United States were opposed. ...

¹Conference Folders 2568 and 2569, Visit of President Ayub Khan, Dec. 14-16, 1965, S/3 Files (Document drafted by W. J. Handley).

Invocation of Assurances by Pakistan in 1965 Indo-Pak War

Aide Memoire of September 6, 1965

On September 6, 1965, President Ayub delivered to Ambassador McConaughy an Aide Memoire which stated, inter alia,

"1. At 0300 hours last night the Indian armed forces launched an armed attack in full strength against Pakistan on the West Pakistan border thereby unleashing a war of aggression against this country.

"2. The Government of the United States and Pakistan entered into an agreement in 1959 under which the United States declared that any threat to the security, independence and territorial integrity of Pakistan would be viewed with utmost gravity by the United States and that the United States would take effective action to assist Pakistan to suppress the aggression.

"3. On several other occasions from 1957 onwards, the United States assured the Government of Pakistan that in the event of such a threat, the United States will come to the assistance of Pakistan, and will also take prompt and effective action both inside and outside the United Nations as to meet the common danger.

"4. The following United States assurances are specifically recalled:

A. In November, 1957, Secretary of State Dulles authorized the Pakistan Foreign Minister to make a public declaration that: 'He (Mr. Dulles) left me in no doubt that the United States will promptly and effectively come to the assistance of Pakistan, if it were subject to armed aggression which, however, the United States did not anticipate'.

B. In November 1962, the Government of the United States stated that it 'reaffirms its previous assurance to the Government of Pakistan that it will come to Pakistan's assistance in the event of aggression from India against Pakistan'.

"5. As Pakistan has become a victim of naked aggression by armed attack on the part of India, the Government of Pakistan request the Government of the United

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EO. 13526 (continued) SEC 3.3
State Dept Guidelines

By AK NARA, Date 9/21/11

States to act immediately to suppress and ~~vanquish~~ the aggression."

The same day (September 6, 1965) Ambassador McConaughy was instructed to respond to the Pakistan request as follows:

"(2) In accordance with our assurances to Pakistan we are acting urgently, as we said we would to meet this common danger by full support for immediate UN action to end the hostilities; that must be the first objective of all concerned."

In Cable No. 428 of September 9, 1965, ~~concerning~~ on his presentation of the United States response to Pakistan Foreign Minister Bhutto, Ambassador McConaughy stated, "I paraphrased reftel and later sent FonMin Minute." (The paraphrase of paragraph (a) above is not known).

The Minute delivered by Ambassador McConaughy included the following:

"In accordance with our assurances to Pakistan, the United States is acting urgently to meet this common danger by fully supporting immediate UN action to end hostilities. This must be the first objective of all interested parties."

(NOTE: PAK REACTION

"Bhutto replied that if the UN were only means of securing justice and meeting armed aggression, there would be no need for bilateral alliances. The only reason for bilateral agreement with United States were to refer to UN, then Pakistan might as well not have that agreement. U.S./Pak agreement is special arrangement and obligation United States with respect Pakistan. To refer ~~to UN~~ is to say United States not willing ~~to accept~~ obligations.

"I (Ambassador McConaughy) acknowledged United States bilateral responsibilities go beyond appeal to UN if that should not work. However, as our treaties usually indicate, we seek to work within UN if possible.

"Bhutto said late Secretary Dulles had promised immediate United States action event Indian aggression. Said Under Secretary Ball became irritated when Bhutto pointed out United States would not intervene promptly enough. Cited ~~is~~ Kennedy's saying United States would ~~accept~~ obligations with India in event aggression. Ambassador ~~Warriman~~



~~SECRET~~

-3-

had asserted United States simply would not permit Indian attack. Bhutto commented now GOP fears being realized..." (Karachi Cable No. 428, September 9, 1965)

~~SECRET~~

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B





70 MIDDLE ROAD
PALM BEACH, FLORIDA 33480

December 1, 1971

Honorable Henry Kissinger
The White House
Washington, D. C. 20500

Dear Henry:

If the enclosure does not enable the boys at Foggy Bottom to find the Bilateral Mutual Defense Agreement with Pakistan, to which I refer, I will be happy to send a nickel so that they can buy a copy of it from the Superintendent of Documents of the U. S. Government Printing Office.

Sincerely,

A handwritten signature in cursive script, appearing to read "B. H. Cehlert, Jr.".

B. H. Cehlert, Jr.

gp
enc.



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BENJAMIN H. OEHLERT, JR.
70 Middle Road
Palm Beach, Florida 33480

November 30, 1971

Mr. Charles W. Bray, III
Department of State
Washington, D. C. 20520

Dear Mr. Bray:

Under the byline of Benjamin Wells, an article on Page 13 of the New York Times for Saturday, November 27th, 1971, quotes you as saying: "There are no secret commitments binding the United States with respect to Pakistan, as former Ambassador Oehlert suggested in his letter to the New York Times."

There is not a word in my Letter to the New York Times which could possibly be interpreted as suggesting the existence of any such secret commitment.

I know of no such secret commitment.

If there were a secret commitment and if I had knowledge of it, I would not make it public. In that connection, please see the attached copy of a letter to the Editor of the New York Times from me, which was published on July 26th, 1971, with respect to the publication of the so-called "Pentagon Papers". Similar letters to the editors from me appeared in approximately a dozen other leading newspapers throughout the country.

There is an outstanding Bilateral Agreement with Pakistan, to which I referred in the November 3rd letter to the Editor.


It is not a secret agreement.

It was executed in Ankara, Turkey on March 5, 1959 by Fletcher Warren for the government of the United States of America and Sayid M. Hassan for the government of Pakistan.

It is filed with the United Nations "Treaties and Other International Acts Series 4190". It is for sale by the Superintendent of Documents, United States Government Printing Office, Washington, D. C., for the price of five cents.

Article I thereof reads as follows:

The Government of Pakistan is determined to resist aggression. In case of aggression against Pakistan, the Government of the United States of America, in accordance with the Constitution of the United States of America, will take such appropriate action, including the use of armed forces, as may be mutually agreed upon and as is envisaged in the Joint Resolution to Promote Peace and Stability in the Middle East, in order to assist the Government of Pakistan at its request.



Mr. Charles W. Bray, III
Page 2
November 30, 1971

You will note that the commitment of the United States of America in case of aggression against Pakistan to take appropriate action "including the use of armed forces."

That commitment is of course limited by the phrase "in accordance with the Constitution of the United States of America" and by the phrase "as may be mutually agreed upon as is envisaged in the Joint Resolution to Promote Peace and Stability in the Middle East."

The Joint Resolution referred to is the "Declaration Respecting the Baghdad Pact", signed at London on July 28, 1958 by John Foster Dulles for the United States of America; and M. Eshbal, for Iran; Feroz Khan Noon for Pakistan; A. Menderes for Turkey and Harold MacMillan for the United Kingdom of Great Britain and Northern Ireland.

In that Declaration, it is stated that "Similarly, the United States in the interest of world peace, and pursuant to existing Congressional authorization, agrees to cooperate with the nations making this Declaration for their security and defense, and will promptly enter into agreements designed to give effect to this cooperation."

Reservations such as those referred to above are common in all of our mutual defense treaties and agreements with which I am familiar and properly so. For example, in the Southeast Asia Collective Defense Treaty and Protocol, signed at Manila on September 8, 1954, on behalf of Australia, France, New Zealand, Pakistan, Republic of the Philippines, Kingdom of Thailand, The United Kingdom of Great Britain and Northern Ireland and the United States of America, it is stated that each party agrees that it will in that event (armed attack in the treaty area against any of the Parties) "act to meet the common danger in accordance with its constitutional processes." (underlining supplied).

At least four successive presidents of the United States have based our military presence in South Vietnam, upon the provisions of the SEATO Treaty quoted above.

To return to the Bilateral of March 5, 1959, Article VI states that:

"This agreement shall enter into force upon the date of its signature and shall continue in force until one year after the receipt by either Government of written notice of the intention of the other Government to terminate the agreement."



Mr. Charles W. Gray, III
Page 3
November 30, 1971

So far as I am informed, neither party to that Agreement has ever given written notice to the other Government of its intention to terminate the Agreement.

Please be informed that I am sending copies of this letter to the Secretary of State, the Honorable Henry Kissinger, and to members of the Press from whom I have received inquiries with respect to your statement as quoted in the New York Times of November 27th, 1971.

Sincerely,

B. H. Cehlert, Jr.
B. H. Cehlert, Jr.

GP
CC: Secretary of State
Hon. Henry Kissinger
Benjamin Wells, N. Y. Times
Jim Anderson, Westinghouse
Ken Freed, AP
Frank Starr, Chicago Tribune



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July 16, 1971

The Editor
The New York Times
New York, N. Y. 10036

Dear Sirs:

Neither the decision of the Supreme Court in the cases of the purloined Pentagon Papers, nor that of the House of Representatives in the case of the CBS Documentary has resolved the fundamental conflict between press freedom on which the preservation of our democracy rests and national security on which the preservation of our nation rests.

It is undeniable that the right of classification has been severely abused and that more realistic procedures must be devised.

But neither the Court nor the Congress has denied either that criminal penalties may be assessed against those who improperly use classified documents or that there may not be situations in which press freedom is not absolute but must yield to the requirements of national security.

In the great debate which will continue, the press must realize that its freedom can be destroyed by its own irresponsibility.

It must therefore, give pause to the publication of classified documents improperly come by, when the national security is involved; eschew the publication of the exact text of coded messages without paraphrasing - this endangering the security of every coded message sent up to and perhaps even after the date of first publication; and refrain from analyses which improperly treat position papers and contingency plans as Presidential decisions.

Unless these principles are followed, the press will destroy its own credibility and perhaps even its freedom for it is extremely doubtful that a majority of an enlightened citizenry will long permit any and all journalists to be individual absolute arbiters of our security.

Nor can the press continue to demand a double standard for itself. It cannot successfully maintain on the one hand that it is free to publish any government document regardless of its sensitivity to national security and on the other that it can with impunity falsify documents and interviews even to the point of presenting answers to one question as though they had been answered to a totally different question.



The Editor
Page 2
July 16, 1971

The public has as much right to know about press machinations
as it does about government machinations.

The profession of journalism carries heavy responsibilities,
not the least of which is not to destroy freedom of the press
by abusing that freedom.

Sincerely,

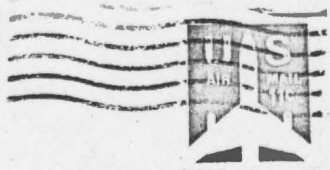
Benjamin H. Dehert
United States Ambassador to
Pakistan, 1967-1969.

gp

COOP



24



Honorable Henry Kissinger
The White House
1600 Pennsylvania Avenue
Washington, D. C. 20500



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C



~~SECRET~~

32
①

Nov. 25, 1951

Following is excerpt of memorandum from Sisco to Secretary dated, on U.S. treaty obligations, and which ^{was} discussed Laingen/Saunders December 4:

Press Guidance

We are taking the line with the press that we do not feel it would be useful at this point to get into detail on what our position or obligation might be under one or more of the above treaty arrangements should the present hostilities continue or deepen. We are saying that our objective is to keep the closest possible relationship with both India and Pakistan and to retain maximum flexibility in our dealings with both to be as effective as possible in counseling restraint and preventing further conflict. We have also noted your comments before Sigma Delta Chi that we have no intention of getting into another war.

In the present highly fluid situation on the ground, we believe we should stick to this position as long as possible. As pressed, we are acknowledging what is public knowledge about the treaties, e.g.:

- the position we took at the time we signed the SEATO Treaty that our obligation to act applied only in the case of communist aggression;
- the references in both the SEATO and Bilateral Treaties to the possibility of consultation under certain circumstances.
- that there is no commitment or legal obligation on our part to provide armed forces in support of Pakistan (this has reference to former Ambassador to Pakistan Oehlert's public assertion that we have such a commitment with Pakistan).

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E.O. 13526 (as amended) SEC 3.3
State Dept Guidelines

By 142 NARA, Date 9/21/11

MEMORANDUM

NATIONAL SECURITY COUNCIL

INFORMATION

35439

SECRET/NODIS

December 6, 1971

MEMORANDUM FOR: DR. KISSINGER

FROM: HAROLD H. SAUNDERS *HS*

SUBJECT: US Involvement in the Political Side of the South Asian Problem

Attached are the materials you asked for on (1) our efforts to facilitate talks between the Pakistani government and the Bangla Desh and (2) our efforts to persuade Yahya to improve his own political performance.

This material has been sliced several different ways to begin relating it to different possible uses:

Tab 1 -- A generalized statement that might be used as talking points for a backgrounder. If it were diluted a little more it might become the basis for a speech.

Tab 2 -- A somewhat more detailed summary of our contacts with the Bangla Desh in Calcutta. This is the kind of presentation you might use in a memo for the President.

Tab 3 -- A comprehensive chronology. This is what you will want to read first.

Tab 4 -- A list of our approaches to Yahya on his political program.

We can go in any direction you wish from here.

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HR 6/24/11

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*Nov 14 15
Hakson.*

*12 meetings
with Indian
amb.
HR*

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~~SECRET~~

December 6, 1971

DRAFT TALKING POINTS

The US has from the outset recognized that the only solution to the problem in East Pakistan is a political one. We have not taken a position on what might be an appropriate solution. That is a matter for Pakistanis to work out. However, we did try to help as much as we could as outsiders to build a framework for a political solution. Specifically for that reason, we:

--We did what we could to facilitate reconciliation between West and East Pakistan in the context of a return to constitutional government;

--We tried to open a direct line of negotiation between Pakistani authorities and Bengali leaders in India as a supplement to the political process of the Pakistani government.

To begin with, the US played a major role in averting province-wide famine so that (a) a framework could be maintained within which the political process might take place and (b) an added flood of refugees would not further add to tensions which could disrupt the political process:

--US experts in June and July worked with the government of Pakistan first to sharpen estimates of food requirements and then to help present Pakistan's needs in food and transport to the international community.

--The US supported the Pakistani government's request for an international staff to assist with the relief effort in East Pakistan. The US contributed to the expenses of such a group. As it developed, that group included both experts in meeting the famine problem under the Secretary General and others under the UN High Commissioner for Refugees to facilitate the return and resettlement of the refugees.

--The result was that large-scale famine was averted.

In the course of our dialogue with President Yahya, we were informed that he would take a number of other steps to improve the political framework:

--He made statements on May 24, June 28 and September 5 proclaiming amnesty and welcoming the return of refugees of all creeds.

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--On September 1, he replaced the military governor of East Pakistan with a civilian.

--He affirmed that East Pakistani leader Mujibur Rahman was alive and still undergoing trial.

--He indicated readiness to talk with cleared Awami League Leaders in India. The Indian government was informed during Prime Minister Gandhi's visit to Washington.

--He planned to promulgate a constitution on December 18, call an Assembly into session on December 27, and form a civilian government shortly after.

As tensions mounted, the US proposed a mutual pullback of forces from the borders in an effort to allow additional time for the political process to work. Pakistan accepted. India did not.

The US also recognized that it could be of great potential value if the political process within Pakistan could be supplemented by a direct dialogue between the Pakistani government and Bengali leaders in Calcutta.

In late August, therefore, we began with the understanding of President Yahya and some Bengali leaders in Calcutta to try to arrange direct talks without preconditions, although it was understood that at some point the status of Mujibur Rahman would enter the talks.

By the end of September, we were told in Calcutta that the Bangla Desh leadership no longer had an interest in talking directly with the Government of Pakistan. We understood that the Government of India had made clear its opposition to such talks, as well as to contacts with Americans. By mid-October we understood that Bengali representatives would need Indian permission for such talks, and by late October articles in the Indian press began warning Bengali representatives against talks with "foreign representatives."

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GENERAL SUMMARYUS-Bangla Desh Contacts

One of the avenues we explored during our search for a basis for a political accommodation in East Pakistan was that of talks between representatives of the Bangla Desh movement and the Government of Pakistan. This effort began in late July and August with feelers for such talks from the Bangla Desh side but stalled completely in November as the Bangla Desh position hardened -- with apparent Indian encouragement -- to the point where there was nothing to talk about.

The following recaptures the general development of our contacts with both the Bangla Desh movement and the GOP on getting talks between them underway:

--In mid-August our contacts with the Bangla Desh movement informed us that they were willing to accept a negotiated settlement for less than complete independence, if Mujib were released to do the negotiating. They were willing, however, to begin with talks at a lower level on the soil of some third country.

--By the end of August we had informed President Yahya of our contacts with the Bangla Desh movement. He reacted favorably to our acting as a communications link with the Bangla Desh and expressed interest in secret talks between GOP and Bangla Desh representatives, if they could be arranged.

--We then began the process of attempting to establish the bone fides of our Bangla Desh contact by verifying his proposals directly with the BD leadership. But by early September we learned that Indian officials were pressuring the BD and that a harder line had emerged. Now, according to our contacts, the precondition for any talks with the GOP was essentially to return to the status quo ante March 25 and the objective was full independence.

--We continued, nonetheless, to attempt at least to hear the story directly from the BD leadership. Increasingly we heard from our lower level BD contacts that the BD cabinet was under pressure by the

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GOI which was watching them closely and questioning the desirability of talking with US officials.

--Finally, at the end of September, we were able to talk directly with a BD cabinet member. He said there was now no BD desire to talk directly with the GOP, although he would like to maintain a discreet channel of communication with us. He listed BD "desires" as full independence, freedom of Mujib, long term assistance from US and normal relations with Pakistan and asked that we so make this case with Yahya.

--In early October, we informed our BD contacts that we were still willing to do what we could to facilitate talks between GOP and BD, in which Yahya had expressed a positive interest, but would not become involved in passing the substance of respective positions. But by mid-October our BD contacts told us the BD needed Indian permission to initiate any talks with Paks, although if the Indians approved the BD would begin such talks at once.

--By late October US officials in contact with BD concluded that BD leadership had decided that nothing was to be gained by talking with the Paks without more specific commitments. About this time, there also appeared an Indian press campaign warning BD and Awami League against talks with "foreign representatives."

--As part of Mrs. Gandhi's visit to Washington in early November, she and her party were informed that Yahya had told us that he was prepared to meet with a cleared Awami Leaguer from Dacca or, alternatively, with a Bangla Desh representative from India, provided he was not charged with a major crime. Indian reaction was generally negative and they only showed very slight interest in talks between a Mujib designee and Yahya. Yahya subsequently ruled out the idea of talking with a Mujib designee.

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USG CONTACTS WITH BANGLA DESH1971

July 30

Qaiyum, an elected Awami Leaguer closely associated with the Bangla Desh government in Calcutta, told our consulate that BD Foreign Minister Mushtaq Ahmed had selected him to establish ties with USG. He suggested initially that the best way out of the impasse would be discussions between Nixon, Yahya, Gandhi and Mujib (this later expanded to include Sov). Said in those circumstances, AL would retreat from demand for total independence.

August 14

Qaiyum reaffirmed that if Mujib were involved, the BD could accept negotiations for less than total independence. He pressed for contacts with USG.

August 17

Qaiyum reported BD cabinet attitudes towards contacts with USG. He said any agreement reached by Mujib would satisfy them. They hoped USG would participate and did not favor agreement arranged by the Soviets. Commented that if India recognized BD, all would be finished for anything less than independence (i. e. compromise solution such as loose confederation).

August 21

Farland was instructed to mention this approach to Yahya. Calcutta not to further encourage Qaiyum at this point.

August 24

Farland told Yahya. Yahya expressed interest.

August 27

Qaiyum again urged US to expedite contacts with BD.

September 4

Farland recalled Yahya's favorable reaction of August 24. Explained our strategy to check Qaiyum's bona fides with Foreign Minister Ahmad (BD) and if ok, then we would plan to tell Qaiyum that US had passed Qaiyum's approach to Yahya and that Yahya was interested in notion of GOP/BD talks. Told Yahya we would pass reaction of BD back. Yahya agreed.

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September 9

Consul Calcutta met with Qaiyum to arrange for talks with BD Foreign Minister Ahmad. In course of conversation it became apparent that the BD cabinet position had hardened, taking the line that only Mujib could negotiate with the GOP. He set down "four conditions" for negotiations. In the course of this conversation, Qaiyum said Dhar put intense pressure on cabinet to form an all-party steering or advisory committee for the duration of the emergency. Said AL opposed while Dhar made clear he was interested in giving Moscow-oriented elements a voice in BD affairs, saying "our friend the Russians" are insisting on such participation as price for continued support of both GOI and BD. Qaiyum said Kaul subsequently nailed bargain down. Qaiyum then described four conditions, saying he told by BD cabinet "things had changed": (1) free Mujib; (2) settlement based on Mujib's six points; (3) departure of Pak army in East; (4) BD security to be guaranteed by UN, not Pak Army. Summarized current BD cabinet positions as two point: free Mujib and general amnesty to BD. Suggested again conference of Nixon, Yahya, Gandhi and Mujib. Warned BD would be taking hardline on Mujib and independence in contacts with USC.

September 14

Qaiyum reported that Foreign Minister Ahmad wondered about the utility in meeting with Consul Calcutta and wanted Qaiyum to find out what we have in mind. Pointed to increasing Indian Government surveillance of BD movement. Said Dhar/Kaul pressure led to committee. Said he would talk again to BD cabinet about talks with US.

September 23

Qaiyum's messenger told Consul Calcutta that the Indian government had learned that the US was talking to BD reps and apparently warned Acting President Islam that this could be a ticklish matter.

Qaiyum then saw Consul Calcutta re possibility of Islam's meeting with Consul. Said Indians saying they knew of contacts and felt they should be arranged through GOI. Qaiyum volunteered he and Islam felt GOI causing internal BD dissension and are fed up with GOI control.

Opined GOI wanted to prolong situation which would have effect of working to the advantage of the leftists which Qaiyum against. According to their information, Mrs.

Gandhi would talk about BD in upcoming visit to Moscow.

September 27

Sisco stressed to Ambassador Jha the desirability of talks between the parties without preconditions. Jha said it was not possible to have dialogue which by-passed Mujib. He argued that only Yahya could make dialogue possible and it was USG that had influence with him. Sisco said US has been in touch with BD reps. Jha wanted to know who is the best point of contact short of Mujib and if Mujib is only point of "no contact" for Yahya.

September 28

In a talk with Consul Calcutta, BD Foreign Minister Ahmad: Put blame on USG for helping Yahya. Said he was a conscious anti-communist but was forced in to consultative committee arrangement involving communists. Warned BD would be forced further in that direction if US did not intervene. Consul Calcutta told him of Yahya "interest" in talks. Ahmad said talks useless with him unless US used influence. Outlined BD "desires"--full independence, freedom of Mujib, long-term assistance from US for BD, normal relations--details to be worked out by US, GOP and BDG. Unless US picked up the ball, the Russians would, which Ahmad fears. In short, onus on US. Noted in possibility of talks, that it be done "where they (read Indian intelligence) can't look over our shoulders." Said Hossain Ali sole channel to US.

October 3

In course conversation with Consul Calcutta re BD "desires", Qaiyum said among other things (1) BDG had been pressing Sovs and Indians in recent weeks either to offer more assistance to BD or to push GOP to political independence for BD, with BD preferring latter; (2) best method of settlement would be to have USG, GOP, GOI and Sovs sit at conference table with Mujib and negotiate settlement; (3) explained fall scenario for fighting in East would be abetted by fact that Indian army would keep GOP forces busy, "not actually engage" Pak army but keep them off balance, while MB forces snuck into interior.

- October 9 Consul Calcutta was instructed to tell BD contacts USG reply (to September 28 demarche on BD "desires") is that US will help facilitate talks between GOP and BDG--in which Yahya has expressed interest--but would not become involved in passing substance of respective positions.
- October 12 Consul Calcutta transmitted foregoing to "High Commissioner" Hossain Ali. Ali wondered about utility of trying to arrange talks with Yahya in view of latter's recent speeches; implied Yahya not fully aware of situation in East but isolated from the truth. Noted BD objectives still total independence and release of Mujib. Consul Calcutta stressed opportunity BD take advantage of chance to talk to GOP re settlement. Mentioned US might have contacts with BD in other contexts. No mention Indian role in this talk.
- October 16 Qaiyum told Consul Calcutta in course of conversation during which Qaiyum talked about increasing MB strength and fact Indian army was moving troops from Chinese to East Pak border, that "BDG reps certainly could not talk to GOP without permission of Indians." In reply to Consul's comment that USG was told by the GOI that they are not in control of BDG, Qaiyum said "this is a lie. Whoever told you that is a liar." Went on to suggest reason Acting President Islam had not seen Consul was fact that Indian MEA officials objected. Qaiyum promised to try to convince Islam to see Consul Calcutta in any event, but thought Islam would be reluctant. Consul urged Qaiyum to ask Islam to send message asking Yahya whether latter interested in meeting with BDG. Qaiyum replied if Indians suggested BDG talk to GOP, BD "would go at once," provided assurance Mujib would participate. But Qaiyum promised to press Islam to do so without Indian approval.
- October 20 High Commissioner Hossain Ali talked to Consul Calcutta. Ali said BDG not interested in passing message to Yahya. Obvious solution would be release of Mujib and Yahya's

agreement to BD independence. Said BDG position-- and "four conditions"--well known and no need for BDG/GOP talks. In response to Consul query whether BD willing to say this directly to GOP, Ali replied affirmatively but thought useless. If US wanted, it could pass a message. BD heard Yahya "interested" in talking and BDG willing but a free Mujib would have to represent BD in talks. (Ali gave this as almost-official BD view.)

Consul Calcutta subsequently concluded BDG had lost interest in our contacts--since we refused to pass substantive message to and fro--and that new effort would be needed to win BDG interest. Hiatus in talks ensues.

Late October

Indian press coverage warned against AL negotiations with "foreign representatives" built up.

November 21

Qaiyum called on Consul Calcutta. Discounted GOI (or AL, BD) would object to renewed contact; then said he didn't care what anyone thought. Came to ask US to redouble its efforts to get Mujib released. Said among other things Acting President Islam was an anti-communist but was coming under increasing communist pressure--including Soviet. Said GOI also worried about future of BD leadership, fearing leftist control would spill into India. Qaiyum concluded GOI would like a loose confederation between East and West Pakistan and had heard in such event GOI expected Mujib would agree to be part of a "right-wing" government with which he could live. Noted fresh MB victories and said final push on Pak army in East would be supported by Indian Air Force and acknowledged "all help" coming directly from India. Noted Kaul and other GOI officials currently talking with BDG in Calcutta.

November 24

Qaiyum urgently told Consul Calcutta that the entire BD cabinet had left for Delhi; presumed GOI/BD agreement possibly on BD recognition imminent. Said war could be avoided by release of Mujib; USG only effective lever

to that end. Noted if MB raids continued at present rate GOP would be forced to declare war. Noted BM success and said Indian Army could come in "if it wanted" to provide artillery support for next attack. Denied however that Indian army doing most of fighting inside BD, saying BD did not want Indian army in its land just as we don't want Pak army. However, allowed Indian army might venture into East behind MB since there would be no Pak army to keep them out.

November 27

Qaiyum told Consul Calcutta BD cabinet still in Delhi at Mrs. Gandhi's request. Claimed Dhar called Mushtaq a "traitor" if rumors he negotiating with USG was true. Dhar claimed knowledge by saying State told Indian embassy about in Washington. Qaiyum said he took hard line saying BD not sold to India and could do what it liked, and claimed he and others in AL threatened to work out on BDG rather than "sell out" to India.



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December 6, 1971

ACHIEVEMENTS OF US INFLUENCE IN PAKISTAN

The US had a continuing series of contacts with the Pakistanis:

--The President has seen M. M. Ahmad (June), Hilaly (June, July), Sultan Khan (November) and written to Yahya three times. Ambassador Farland or our Charge has seen Yahya alone at least a dozen times since March. Maury Williams has visited twice and seen Yahya each time.

While the US cannot claim exclusive credit for the following Pakistani steps, US influence played a substantial role and each of these steps was designed to contribute in some way to making the situation less dangerous.

1. Most important, US experts and pressures in June and July were responsible for persuading the Pakistan government that famine was likely in East Pakistan in October and that only massive early preparations could forestall it. Maury Williams has just reported from Dacca that widespread famine seems to have been averted as a result of major US, Pakistani and UN efforts. While this has not stopped a steady flow of refugees, famine right now could have produced a massive new flow of Muslim refugees and a tremendous new burden on India.
2. In April, Yahya rejected an international relief presence in East Pakistan. In May, under US pressure he accepted. The UN presence is by no means a panacea. Our feeling, however, was that an international presence established on the ground could at the right moment be an important factor in encouraging an energetic refugee resettlement effort. [Farland has pursued staffing questions in June and July.]
3. It was also at US urging that a civilian governor replaced the military governor in East Pakistan. The tough military governor (Tikka Khan) was transferred at the same time. [Farland first urged this May 22 and followed up July 15 and August 14. Appointment announced September 1.]
4. The US urged President Yahya's statement welcoming refugees back and his public proclamation of amnesty and specific public reference to returnees of all creeds, i. e., Hindus as well as Muslims. [Farland urged this at meetings May 22 and June 5. Yahya made statements May 24, June 28, and September 5.]
5. US representations secured assurance that Mujibur Rahman would not be executed. [Farland has mentioned at almost every meeting since May.]

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6. US representations elicited Yahya's agreement November 2 to pull some military units back from the western border as a first step to de-escalation.

7. President Yahya told Ambassador Farland November 2 that he was prepared to hold direct discussions with cleared Awami League leaders, to meet with a Bangla Desh leader from India and to consider our suggestion that Mujibur Rahman be allowed to designate the representative.

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The USG has made a major effort to avert famine and help refugees:

- We have committed dollars 90 million for the support of the refugees in India and dollars 155 million to avert famine in East Pakistan.
- The U.S. financed chartering 26 vessels to increase the capacity to transport grain from ocean ports into the interior of East Pakistan.
- The President requested that the Congress appropriate an additional \$250 million to continue this work. To this further food shipments would be added if they were needed.
- The U.S. has provided financial and other help to the United Nations officials who are helping with this effort on both sides of the border.
- When this is all added up, it comes to an effort of at least one-half a billion dollars this year.
- Provincewide it should also be reported there is not now an imminent danger of famine in East Pakistan. There are still danger points ahead and millions of refugees to care for. But the U.S. early spotted this problem and moved massively to get ahead of it.

The USG has also recognized the importance of progress toward resolution of the political problems that caused the refugees to leave their homes and now provides a stimulus for guerrilla war.

- President Yahya has accepted an international presence in East Pakistan to deal with relief, oversee the return of refugees and now to serve as observers on the borders where recent fighting has taken place.
- President Yahya has announced a timetable for returning Pakistan to civilian rule at the end of December.
- He has accepted a proposal for the pullback of troops from the borders.
- He has declared that all refugees regardless of caste or creed will be welcomed back in East Pakistan.



In the light of all these measures, the American people -- who have supplied over dollars \$10 billion in assistance of all kinds to India over the years -- would not understand if India jeopardized its progress by resorting to war.



Dec. 4, '71

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MR. SISCO: What I thought I would do is -- obviously we are reaching a new phase --

Q What are the ground rules?

A The ground rules are attributable to high-level State Department official.

What I thought I would do is to -- now that we are reaching a new phase in this -- try to give you a little background, a little perspective, as to how we got where we are, and then to focus on, a little bit, what we see coming in the future, and then obviously give you an opportunity to ask as many questions as you may have.

I want to go back for a moment, because I think that you have got to look at the present action of recourse to the Security Council in the context of what has gone on since the beginning of the crisis.

I would say at the outset that the beginning of the crisis, I think, very fairly should be said to be the use of force by Pakistan which, without going into the events that preceded -- which was obviously regrettable, and which has given rise to a number of difficulties



Now, the point that I really want to make is this -- that even if one assumes, as we do, the crisis in its initial stage was not really of Indian making, we believe that since the beginning of the crisis that Indian policy in a systematic way has led to the perpetuation of the crisis, a deepening of the crisis, and that India bears the major responsibility for the broader hostilities which have ensued.

And this last sentence, I don't mind being directly quoted -- attributed to a high-level State Department official. And if you will all read it, just so we know what I am authorizing here.

Q We quote you.

A Not me -- a high State Department official.

Q Starting with "...even if...?"

A 'Would you read that?

(The reporter read from his notes as requested)

A Now, going back now to the same ground rules, no direct quotation, I would like to try to give you a little picture of what we have tried to do, both on the military side and the political side over the last X number of weeks and months.

First, when this crisis occurred we were in the



forefront in terms of material support to try to deal with the refugee question. And, as you know, we were the major financial contributor in this regard. It was directed at the refugee problem. It was directed at trying to avert a famine.

First, we committed \$90 million for the support of the refugees in India and \$155 million to avert famine in East Pakistan.

Secondly, we financed the chartering of 26 vessels to increase the capacity to transport grain in East Pakistan from ocean ports into the interior.

Third, the President, as you know, has requested that the Congress appropriate \$250 million additional to continue this work.

And we committed ourselves to further food shipments if they were needed.

Next, the U.S. provided financial and other help to the UN officials who are helping with this effort.

And when this is all added up, it comes roughly to an effort of about half-a-billion dollars this year.

Q This is the whole thing.

A Yes. Now, this was directed at trying to take the kind of humanitarian steps which obviously would help



try to avert famine, deal with the refugee problem, to contribute in some small way to creating stability in East Pakistan.

But obviously there are two other factors in this whole situation; namely, what about the military situation, what about the political situation?

We operated on the assumption that in order for stability to be achieved, or an improvement of stability in East Pakistan, that, sure it required the maximum cooperation of the Pakistan Government vis-a-vis the UN, but it also required at least the minimal cooperation of the Government of India, a cooperation which was not forthcoming.

And I would like to indicate some specific actions which we feel perpetuated the instability in East Pakistan.

One. The Indians, regardless of what they say,
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understood a very substantial training program of the guerrillas. There isn't any doubt -- actual training, materiel, and so on.

Secondly, direct, in the initial phases, support of border crossings.

Third, they turned down all efforts at trying to get the United Nations involved.

. Now, there is an (a), (b) and (c) to this.



(a) -- they turned down the notion of any kind of a UN presence along the border which would help facilitate the stoppage and the return of the refugees.

(b) -- they turned down the good offices of the Secretary General.

(c) -- we informed the Indians that since the whole UN effort was directed at trying to take care of the people right there in East Pakistan, that it was important that they encourage the Bangla Desh not to attack the transportation system, not to attack the UN facilities. The Indians unfortunately were not helpful in this regard.

And, moreover, we have reason to believe that the Indians linked the return of the refugees with a political solution of the problem, and therefore, rather than to encourage the return of the refugees, by linking the return to a political solution, in fact they were discouraging the refugees from returning.

Now, since then, of course, there has been a much more direct and active military involvement on the part of Indian regular forces. We are satisfied that in a number of these military activities that started up here a little while back, that it was a mixture of Indian regular forces



and Mukti Bahini, and this was then subsequently really confirmed by the Indians themselves, initially in the announcement that their own regular forces were authorized to cross the borders if for self-defense purposes, and then a subsequent statement that went beyond that particular statement, namely, that they were free to cross the borders up to the range of the artillery -- you remember that second statement put out by the Minister of Defense.

So that in our judgment, (a) as far as the humanitarian program, that there has been a lack of cooperation on the part of the Indians with the UN, which has contributed to the instability, and there has been a linkage in terms of the refugee return to a political solution.

On the military side, it initially started out in terms of training, advisors, and material support, and has moved to obvious direct involvement in the form of Indian regular forces.

Now I want to move to the political side.

And all of these are within the framework of what I said at the outset, as to why we feel that place the prime responsibility as you will on the Pakistan Government for having used force initially as the thing that really gave rise



to this crisis -- I think one has to openly acknowledge that -- but I am laying down these facts as a documentation, if you will, of the view that I expressed at the outset, namely, that since the beginning of this thing, once the force has been used, that there has been here a systematic perpetuation of this crisis.

I will give you a chance in a moment.

On the political side, we have really tried to do two things. We have tried to work out a disengagement of forces between the two sides. There were really two proposals. One proposal initially called for mutual withdrawals. A second proposal, which was put to the Prime Minister in the context of her trip here went beyond merely mutual withdrawals. We conveyed to the Indian Government a willingness on the part of the Pakistan Government to unilaterally make an initial withdrawal -- in other words, an initial disengagement -- provided that there was some satisfaction that subsequently there would be some reciprocal act on the part of the Indians. And I will come back to this in a moment. This proposal has been pressed, not only in the context of the meeting with Indira Gandhi, but it has been pressed subsequently. And it has been turned down. It was accepted by Yahya, turned



down by the Indians. And frankly, what we take as their answer is really the public statement made by the Prime Minister a couple of days ago, whereby she called for the withdrawal of Pakistan Government forces from East Pakistan.

Now, on the question of political accommodation, we put forward and indicated a willingness of President Yahya to engage in a dialogue, to begin the process of political accommodation, either with some cleared Awami leader, or some Bangla Desh representative who -- well, I guess they are what -- in Calcutta. These proposals were put forward to the Indians and were not picked up by them.

So basically we feel that there have been a number of proposals that have been put forward, both with a view to try to achieve a military disengagement, or at least to just begin the process of political accommodation, where basically we have had the acceptance of the Pakistan Government and a turndown by the Indian Government.

Now, that is about all really I want to say by way of introduction and give you an opportunity to ask any questions you would like.

Q Do you then believe on the basis of all of this that it is the intent of Indian policy today to cut



East Pakistan off from the West, to create a new Pakistan?

A Well, I think I would leave it up to you to draw whatever conclusions you want to draw as to what Indian policy is in these circumstances. Stan.

Q Well, earlier you said the Indians, by making the question of return of refugees contingent on a political settlement -- doesn't that end up the same way? I mean -- referring to Marvin's question -- what do you think they want? If they were refusing to allow the refugees to go back until there was a political settlement, they were trying to force an independent or autonomous East Pakistan.

A I will say this to you as well as to Marvin. I am neither agreeing nor disagreeing with the judgment that he expressed, or the judgment which is implicit in what you have just said, Stan. I am just going to let you draw your own conclusions.

Q Joe, you talked about what we have been doing with the Indians and Pakistan. Can you tell us something about what you have been doing with the Russians?

A Well, I think basically, with the Russians, we have been in close touch with them, largely to encourage the Soviets to encourage the Indians to disengage, and to take steps which would slow down, if not deter, the slide



into what now obviously appears to be broader hostilities between India and Pakistan. And I think the only thing I would say is that the role of the major powers in this area obviously is an important one. But the amount of influence that I think that the major powers have in this situation -- and I use this generally -- I think is limited.

Q Could I ask a question?

A Yes.

Q I was talking recently to Senator Mansfield, who mentioned to me President Nixon's well-known friendship for President Yahya Khan.

A Right.

Q Would you ascribe to this the quite obvious pro-Pakistan bias of the U.S. Government in the last six months?

A Well, I wouldn't myself put our policy in terms of pro-Pakistan or pro-India. We have tried really basically to do four things. We have tried to counsel -- it is a four-pronged policy. We have tried to counsel restraint on both sides. Secondly, we have put money into the humanitarian aspect of this problem on both sides -- to India and to Pakistan -- recognizing that the problem of famine and refugees was a problem that both sides had



to deal with in a little different way. Third, we have tried to direct proposals for military disengagement to both sides. Fourth, we have tried to direct proposals for political accommodation to both sides.

It just so happens, however, that the proposals that we have put forward in terms of military disengagement and political accommodation basically have been accepted by one side but turned down by the other.

Q Could you expand on the political accommodation? What political accommodation has been accepted by the Government of Pakistan?

A I have indicated right here, a moment ago, there were two proposals that we discussed in the context of the Indira Gandhi visit, which the Pakistanis had accepted -- namely, a willingness on the part of Yahya to begin a dialogue with an Awami leader representative or alternatively some Bangla Dosh leader who was located in Calcutta. Those are two concrete proposals that we put forward to the Indians which they did not pick up.

Q What about the added Indian proposal that he talk to Mujib? Did we put that to him?

A I want to say a word on this. The Indian position has been quite consistent. They say that



political accommodation is possible by one means and one means alone -- namely, that Mujib must be released and Yahya must negotiate directly with Mujib. Now, our judgment is this. Our proposals were directed at trying to get the process started. We have always assumed that once such substantive negotiations are begun, that obviously in the context of a political settlement, the question of Mujib would undoubtedly come up. So our principal focus was really to try to get the dialogue begun. And I might add that as we -- and here I want to say a word about the future -- as we now direct our attention to the UN Security Council -- have we had word as to when it will actually meet, the hour?

MR. McCLOSKEY: They are announcing four o'clock.

A You will find that our focus, as already indicated by the Secretary, by the White House, will really be basically to try to pursue a course in the Council which is generally consistent obviously with the course that we pursued within the channels of private diplomacy.

Marvin.

Q Joe, I have two questions. One is do you see any danger of direct big power involvement?

A Well, no one obviously can be certain of this, Marvin. But the impression I have is that none of the three



major powers have given any concrete indication of a desire or an intent to become involved directly. That is my impression of the situation.

Now, Marvin, you had a second question. Then I will come to you, Hank, and then Dick.

Q Yes. You said before that the big powers have had limited influence.

A Right.

Q I imagine that after these stories get written this afternoon, the American Government's influence with India will be even less. What are you hoping to accomplish by going public on an anti-India posture?

A I don't think you should take what I am saying as an anti-Indian posture, Marvin. What I am trying to do here today is to really try to lay bare and lay down the facts in terms of what we have tried to do to prevent an extension of the hostilities and to get a political process going, and I have tried to lay bare the positions of the parties as we know them. And I have tried to let the chips fall where they may. It is not that we are making judgments here. I have tried to lay bare the facts as we have them.



Q Given the minimal influence of the big powers, what do you foresee happening in the Security Council?

A Well, we obviously -- obviously, Stan, the Council is very difficult to predict. The only thing that I would say is that, as I have really nothing to add to what the Secretary put out here a moment ago, that will be our objective in the Council and we will see how it comes out. Our hope is that by the Council action, that we can get the fighting stopped, we can get some withdrawals, and at least begin to help develop the minimal conditions that would have to be prevalent if some political process is to begin.

I mean we have recognized, as George Bush will say in his speech this afternoon -- obviously we have recognized that a political settlement is fundamental. We recognized, for example, that in saying, as I did, that we have put in a lot of material support here for the refugees, that you are really dealing with the symptom. We recognize that disengagement itself doesn't solve the problem. But together, I have tried to give you some notion of the package that we have put together -- that we have tried to approach it from the point of view of restraint to both sides, money to take care of the refugees, military disengagement, and connected it with some beginning --



with the beginning of the political process. And what I am trying to suggest to you is that basically disengagement and the beginning of the political process has not begun primarily because of the attitude of India rather than the attitude of Pakistan.

Q What happened overnight that enabled you to take your formal step today as distinct from last night?

A Well, actually this thing has been, as you well know, under consideration for several days. And you had initial phases. The earlier phase, Hank, was where there were incursions with a mixture of Mukti Bahini and Indian regular forces. By the way, limited pretty much, as you saw, to certain border areas. Well, in the last 24 and 48 hours -- don't hold the hours too literally, because I have lost count -- what you really do have here is direct involvement of the armed forces of both sides not only along the borders, but elsewhere. Look at these air attacks, for example. So that you have really a broadening of the hostilities. And we think the Security Council has a responsibility to try to do something about this. It is an obvious threat to international peace and security.

So these are the developments in the last 48 hours that led us really to go into the Security Council.



And secondly, as I said a little earlier, I have got to say quite candidly that our efforts to get India to go along on these proposals of disengagement and this beginning process of political accommodation have been unsuccessful.

Q Could I just have a follow-up question here. Didn't Moscow's response to the President's appeal last weekend to bring pressure on India signal the fact that India had not in effect accepted? It was the Soviet thing that triggered this.

A Say that again, George.

Q The Soviet refusal to join us in fact in urging restraint outside the United Nations, plus the broadening of the conflict, was the thing that triggered our going to the Security Council, wasn't it?

A Well, I don't know whether I would put it that way. I would just say, one, obviously, the deteriorating situation on the ground; and secondly -- you know, you have to bear in mind, we are in direct contact with the Indian Government on this. As I say, these were proposals basically where we felt that we could get the Pakistanis to go along on.

I would say two things. The fast deterioration



of the situation on the ground, plus the fact that through the private efforts we had not really been successful in getting a positive reaction to either of these proposals -- disengagement or steps towards political accommodation.

Q Joe, after talking about what you were doing with the Russians and being in touch with them, how would you characterize their attitude, their response to what you asked, and what kind of cooperation do you expect from them in the Security Council?

A I think we better wait and see, Dick. I don't think any of the major powers, Dick -- I will say this -- really have an interest in seeing this situation broaden out. I would hope that all of the major powers would play a constructive role in frankly putting a damper on this situation. But I think we will have to wait and see.

Q Have they been constructive up to now, the Russians?

A I wouldn't want to characterize the Soviet intervention on this thing one way or another, Dick.

Q What is your answer to the proposal that the quite obvious U.S. bias for the Pakistanis and not for the Indians in this, such as the long delay in cutting off military equipment to the Pakistanis, despite the 25th of March and



succeeding incidents, has heartened President Yahya, Khan, that it has prevented him from making any effective attempt at negotiation with anything other than quislings and puppets from East Pakistan? What is your answer to that charge?

A Well, my answer would be this. First, I really and perhaps -- let me turn it around and put it this way. I think frankly that the arms issue was greatly exaggerated. It was greatly exaggerated. I recognize the psychological and the emotional aspect of this thing. What were we really talking about? As you know, there was an embargo on both sides as far as lethal weapons were concerned. Secondly, about a year, a year-and-a-half ago, we took a decision which we announced as a one-time-exception decision as far as Pakistan, and we were committed to sell them some APCs and some aircraft. I think it was a dozen -- whatever it was -- I don't remember what it was. So when the use of force occurred, we put a hold on that -- APCs and aircraft. Third, immediately we stopped issuing any new licenses. And the only thing that was left was whatever was in the pipeline, based on licenses that were issued before March, which was the beginning of the crisis.

Now, you can say to me, as you have said, "Well, why the delay?" First of all, we are talking about



something that was miniscule -- it was spare parts. Wrongly or rightly, we didn't cut that remaining portion off, for one reason -- the argument that we have used, and I think it is a valid one, and I will show you why I think it is valid is that it didn't have any significant impact militarily because of the nature of the equipment as well as the size of it. We did feel that it was an element of psychological confidence in relationship to Yahya. And we felt, frankly, that we could play a constructive role with Yahya on a number of these things. We feel that we have been primarily instrumental in encouraging Yahya on these proposals of disengagement. We feel that we have been primarily instrumental in these proposals that I have described in terms of trying to start the process of political accommodation. I think you can say to me rightly, "But, Joe, the Indians are insisting that the only way you can do it is to release Mujib, and you have not succeeded in doing that." Well, we have never really tried to do that. Let me be very candid -- because we have felt that that is the one proposal at this stage that Yahya could not take; in other words, it was not politically feasible. But short of that, we feel that as a result of our maintaining this tiny little pipeline -- and I must say to you, you obviously are aware of the psychological impact



of this in India, as well as some criticism in this country -- that it did retain our measure of influence with the Pakistan Government. And I think that the proof of it is that we have -- we are in a position to put forward a number of these concrete proposals.

Q Two brief questions. One -- are you now considering any reduction or cut in economic aid to India?

A Well, Marvin, I would just -- we have taken, as you know, these two steps on the Indian side, the first tranche the other day, and then subsequently the one that we announced yesterday. I would say that the question of economic assistance will remain under active review on a day-by-day basis as the situation unfolds in the sub-continent.

Q What is the extent of the aid --

A Let's say take one more.

Q Is the aid going to continue?

A I just don't want to go beyond that.

Q I mean you have an ongoing aid program.

A There is an ongoing aid program, that is correct.

Q And it continues, or it is under review, or what?

A Well, let's leave it at that.

Q What is the aid?



A Let's try to work on these figures subsequently, because I want to get off to something else.

Q May I ask a question. Do you see that this situation can be resolved in any way short of an independent Pakistan?

A Well, Dick, we don't have a blueprint of our own. And we don't claim to have the answer in so far as what the substantive nature of the political settlement should be. And that is why our efforts really have been directed at trying to get a dialogue started between Yahya and someone that reflects the interests and the views of the people in East Pakistan. It is not, frankly our problem in that sense of the word. It is in the UN at the present time. The Secretary General has made offers to be helpful in this regard. Obviously we are going to try to play as constructive a role as we can in the context of the UN. But I don't want to give you the impression, Dick, that we have got some blueprint. We have got some judgments on this as to what may or may not prove possible. But we think the way to achieve political accommodation is to try to get this process started.

Q Joe, does it look to you like a short war, militarily?



A Well, even ON BACKGROUND, I just better not -- I have got some thoughts on that, Lou. But if you don't mind, I will just duck it.

Q Have you been in touch with Peking about this -- not today, but in the past few weeks?

A Again, I have no comment on that.

Q Senator Mansfield said this morning that the U.S. Government was foot-dragging on the question of taking this to the Security Council.

A Did he? I didn't know that.

Q It is a thought that has occurred to other people as well. I was wondering if you have a comment on that.

A Well, I have this comment, Marvin. We tried to exhaust private diplomatic remedies. In other words, what we have been doing right up to the time that we have joined others in convening the Security Council has been trying to achieve these things that I have described by private means. They have not been successful. And we now will see what we can do within the context of the Security Council.

Q Who are the others?

A We can check it for you, and we will give it to you right after the meeting.

Thank you very much.

(Whereupon at 2:55 the briefing concluded.)



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THE WHITE HOUSE
WASHINGTON

HAK:

Attached are facts
on economic aid for
India:

- present state of
refugee assistance;
- precise explanation
of yesterday's cut-off;
- total US assistance
over the years.

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Relief for Refugees in India

The World Bank has called for cash contributions from aid donor countries to compensate India for the large expenditures made internally for Pakistani refugees (estimated at over \$700 million this Indian fiscal year) in order to limit the disruption of India's development program.

However, U.S. administration of refugee assistance to India has focused primarily on direct and in-kind commodity contributions to India for the refugees. Of the total \$88.2 million U.S. Government contribution (out of a total worldwide commitment of \$250 million).

\$59.3 million was PL 480 food
2.8 million went direct to U.S. voluntary agencies
7.3 million was non-food commodities delivered through UNHCR
\$69.4 million



Cash grants from the U.S. to UNHCR totalled \$23.8 million--but most of this (perhaps as much as \$18 million) was delivered in commodities and services by UNHCR, UNICEF and WHO. The Government of India has in fact complained that only a small amount had been received as cash to compensate for GOI purchases in India.

Currently, no U.S. aid is being allocated to India for refugees. The UNHCR Focal Point in New Delhi has suspended operations because it cannot assure aid donors that their help would get to the refugees.

We have only \$1.8 million being held in reserve for further emergency needs or U.S. voluntary agencies working in India pending appropriation action by the Congress on the \$250 million request for relief and refugee needs in both Pakistan and India. We will have to reassess how these contingency funds for South Asian relief will be used in light of rapidly changing circumstances.

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December 7, 1971

MEMORANDUM FOR: DR. KISSINGER

FROM: HAROLD H. SAUNDERS
SAMUEL M. HOSKINSON

SUBJECT: Cut-off of Aid to India

This memo is just to make sure you understood exactly what Maury Williams has done in defining the economic assistance cut-off for India.

What AID has done is to suspend the \$87.6 million in "general economic aid" (or the so-called non-project aid) in the India pipeline which has not been firmly committed to suppliers and banks. This is some \$10.9 million less than the amount initially projected under Option 2 of the economic assistance papers we have been working with, since project aid in this category is being continued.

The basic reason for not going after the project aid in the pipeline was so that we would be in a more defensible position for not taking a comparable move on aid to Pakistan. The comparable amount for Pakistan of non-project assistance is \$4.3 million in non-project aid, and all of this is earmarked for humanitarian relief in the form of fertilizer for East Pakistan. Even our strongest critics would not argue that humanitarian assistance to Pakistan should be suspended. If, however, we had gone on to suspend India's project aid in the pipeline (\$10.9 million), we would have weakened the presentation of our position because there happens to move in the Pak pipeline (\$18.9 million). In short, this means that the following remains in the Indian AID pipeline: (1) \$124.1 million under irrevocable letters of credit; (2) this \$10.9 million for long-term project aid. The PL 480 issues you are aware of separately.

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Press Announcement

General economic assistance in the pipeline for India has been suspended to the extent it is not firmly committed to suppliers and banks.

General economic assistance, or non-project aid, is provided to support the general economy of an aid recipient and thus support a development effort. In the present circumstances in India this objective cannot be secured.

Although the funds now frozen are included in formal agreements signed by India and the United States, we have both an obligation and a unilateral right to stop their use when the development purpose for which they were designed cannot be achieved.

The amount affected by this temporary suspension is \$87.6 million.

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NESA/SA:12/6/71

Likely Questions and Proposed Responses

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Q. Are you taking comparable action to suspend the Pakistan pipeline?

A. The question does not arise. Technically there is \$4.3 million (compared to \$87.6 million for India) in the comparable account in the Pakistan pipeline, but all of this is now earmarked for humanitarian relief for East Pakistan only in the form of fertilizer for the next rice crop.

Q. How much is left "unsuspended" in the project pipeline, and why is this not suspended? Do you believe project aid now can contribute to development?

A. \$10.9 million. We do not expect projects to move rapidly in the circumstances, but to the extent they can, they will make a long-term development contribution which is the purpose for which the funds were appropriated.

Q. What is the Pakistan pipeline of uncommitted project aid comparable to the \$10.9 million for India?

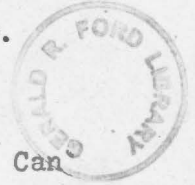
A. \$18.9 million.

Q. You referred to suspension of aid "not firmly committed to suppliers and banks". Is there more in the pipeline, and is it allowed to flow?

A. Yes, for India \$124.1 million additional is in the pipeline; is covered under irrevocable letters of credit from U.S. banks under A.I.D. financing; and is, at this time, continuing to flow.

Q. You say the \$124.1 million is continuing to flow at this time. Can you stop the flow and are there any plans to do so?

A. We can stop the flow by claiming title to the goods as we are able to under terms of the loans. Naturally, we would have difficulty doing this



if the goods have left the United States. Furthermore, it would put us in possession of a miscellany of goods which may have little value to us and may be hard to dispose of. There are no plans at this time to interrupt this flow, but the matter continues under review.

Q. What is the comparable figure of aid continuing to flow for Pakistan under irrevocable letters of credit?

A. \$34.1 million.

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Talking Points

Subject: Suspension of Aid to India

Action Proposed:

That we suspend the \$87.6 million general economic aid (non-projectaid) in the India pipeline which has not been firmly committed to suppliers and banks. That we announce this action quickly and in a low key. Our message will get across.

Discussion:

We should suspend general economic aid flows because the development purpose for which they were authorized cannot be served in the circumstances.

Our action should be rooted, in public announcement, on that reason -- frustration of the development purpose. India, and others, will read other reasons into our action. And that is good.

Suspension on this technical ground is our only alternative unless we wish to name India as aggressor, which I do not recommend.

Using this ground -- frustration of authorized purpose -- raises the question of the grounds for continuing flows to Pakistan. We would have problems, on the hill and elsewhere, holding that development was inhibited in India but not in Pakistan.

Haply, and happily, we can apply the same principle to Pakistan, but with the entire onus bearing on India. This is so because, contrasted to the \$87.6 million which would be frozen to India, the comparable amount for Pakistan is only \$4.3 million -- and all of this is now earmarked for humanitarian relief, in the form of fertilizer, for East Pakistan. This should remain unsuspending, as it would even under the provisions of the Gallagher amendment if enacted.



Suspending general economic aid flows leaves project aid funds still available for commitment. We can defend this distinction in that, to the extent procurement can go forward, it would be serving a developmental purpose. We do not expect much to happen on this score because of conditions. In any event, the incomplete projects cannot contribute to the capacity to wage war at this time. We should keep this aid category under review in the days ahead.


Attached is a proposed statement which would announce the decision, along with proposed answers to the likely questions.

By the proposed approach, we reinforce our basic policy aims. We apply greater sanctions on India -- and they will see it that way -- while being in a defensible legal stance.

Attachments:

1. Proposed Announcement
2. Likely Questions and Proposed Responses

NESA/SA:12/6/71



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INFORMATION

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November 30, 1971

MEMORANDUM FOR: DR. KISSINGER

FROM: HAROLD H. SAUNDERS
SAMUEL M. HOSKINSON

SUBJECT: Aid Figures on India



The figures in the attached memorandum make it possible for you to say the following on total US assistance to India:

1. Total bilateral US economic assistance to India from 1946 through the end of FY1971 has been \$9 billion.
2. Even if one subtracts Indian interest payments and principal repayments, the net bilateral US economic assistance to India in that period has been \$7.9 billion.
3. Some of this economic assistance has been provided directly to India. Since the World Bank aid-to-India consortium was formed in the early 1960s, the US has committed some of its normal bilateral aid in coordination with the World Bank and other donors. The US contribution has run at about 40% of the total pledged by all consortium members for most of this period, although it has fallen in the past several years and last year was about 25%. The importance of US aid in this context is not the amount of US aid. That is included in the bilateral figures described above. The importance is that US leadership and substantial US contributions have encouraged other donors to contribute at higher levels.
4. In addition to the above, as you know, the US over the years has contributed about 40% of the capital funds of the World Bank and the International. Those international organizations have provided about \$2.5 billion in loans to India. Therefore, it could be said that the US has made possible the provision of about \$1 billion in this form of assistance in addition to bilateral assistance.
5. Security assistance has amounted to \$113 billion.
6. In short, it could be said that gross US assistance to India has been on the order of \$10 billion over the last 25 years.

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November 30, 1971

MEMORANDUM FOR: DR. KISSINGER

FROM: HAROLD H. SAUNDERS
SAMUEL M. HOSKINSON

SUBJECT: Aid Figures on India

The following are the aid figures that you requested on India. They are cumulative figures from 1946 through the end of FY 1971, are on the basis of net obligations and loan authorizations, and are shown in millions of dollars.

Development Assistance (AID and Predecessor Agencies)		
Loans (1960, FY-71)	3,309.9	
Grants (9.9, FY-71)	<u>460.7</u>	
Total		3,770.6
PL-480		
Title I (158.3, FY-71)	3,952.4	
Title II (50.9, FY-71)	<u>578.9</u>	
Total (209.2, FY-71)		4,521.3
Export-Import Long-Term Loans (1970)		508.7
Peace Corps and Other		<u>287.5</u>
Total Gross Economic Assistance		\$ 9,090.1
Less Repayments and Interest		<u>1,200.0</u>
Total Net Economic Assistance		\$ 7,898.1

Since the formation of the World Bank Aid-to-India Consortium in the early 1960s, the US has contributed about 40% of the total assistance to India from the consortium states. This percentage, however, has leveled off in recent years as our bilateral assistance has decreased and last year we contributed only 25% of the total consortium assistance.

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Military Assistance

FMS sales	5.0
Loans	17.0
MAP	<u>91.8</u>
Total	\$113.8

The World Bank and IDA on their own have provided about \$2.5 billion in direct assistance to India since 1949. Since the US provides about 40% of the capital of these international organizations, it could be said that the US has supported the provision of about \$1 billion in addition to bilateral assistance to India through multilateral channels.

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SMH:tmt 11/30/71

