

Text of the tri-patriate agreement of Bangladesh-Pakistan-India

Following is the full text of tripartite agreement signed in New Delhi on 9 April 1974.

1. On 2 July 1972, the President of Pakistan and the Prime Minister of India signed an historic agreement at Simla under which they resolved that “the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the subcontinent.” The agreement also provided for the settlement of “their differences by any other peaceful means mutually agreed upon”.

2. Bangladesh welcomed the Simla Agreement. The Prime Minister of Bangladesh strongly supported its objective of reconciliation, good neighborliness and establishment of durable peace in the subcontinent.

3. The humanitarian problems arising in the wake of the tragic event of 1971 constituted a major obstacle in the way of reconciliation and normalization among the countries of the subcontinent. In the absence of recognition, it was not possible to have tripartite talks to settle the humanitarian problems, as Bangladesh could not participate in such a meeting except on the basis of sovereign equality.

4. On 17 April 1973, India and Bangladesh took a major step forward to break the deadlock on the humanitarian issues by setting aside the political problem of recognition. In a declaration issued on that date, they said that they “are resolved to continue their efforts to reduce tension, promote friendly and harmonious relationship in the sub-continent and work together towards the establishment of a durable peace.”

Inspired by this vision and “in the larger interest of reconciliation, peace and stability in the subcontinent”, they jointly proposed that the problem of the detained and stranded persons should be resolved on humanitarian considerations through simultaneous repatriation of all such persons except those Pakistani prisoners of war who might be required by the Government of Bangladesh for trial on certain charges.

5. Following the declaration, there were a series of talks between India and Bangladesh and India and Pakistan. These talks resulted in an agreement at Delhi on 28 August 1973, between India and Pakistan with the concurrence of Bangladesh, which provided for a solution of the outstanding humanitarian problems.

6. In pursuance of this agreement, the process of three-way repatriation commenced on 19 September 1973. So far nearly three lakh persons have been repatriated which has generated an atmosphere of reconciliation and paved the way for normalization of relations in the sub-continent.

7. In February 1974, recognition took place thus facilitating the participation of Bangladesh in the tripartite meeting envisaged in the Delhi Agreement, on the basis of sovereign equality. Accordingly, Dr. Kamal Hossain, Foreign Minister of Government of Bangladesh, Mr. Swaran Singh, Minister of External affairs, Government of India, and Mr. Aziz Ahmed, Minister of State for Defense and Foreign Affairs of the Government of Pakistan, met in New Delhi from 5 April to 9 April 1974 and discussed the various issues mentioned in the Delhi Agreement, in particular the question of the 195 prisoners of war and the completion of the three-way process of repatriation involving Bangladesh and Pakistani prisoners of war in India.

8. The Ministers reviewed the progress of the three-way repatriation under the Delhi Agreement of 28 August 1973. They were gratified that such a large number of persons detained or stranded in the three countries had since reached their destinations.

9. The Ministers also considered steps that needed to be taken in order expeditiously to bring the process of three-way repatriation to a satisfactory conclusion.

10. The Indian side stated that the remaining Pakistani prisoners of war and civilian internees in India to be repatriated under the Delhi Agreement, numbering approximately 6,500, would be repatriated at the usual pace of a train on alternate days and the likely shortfall due to suspension of trains from 10 April to 19 April 1974, on account of the Kumbh mela, would be made up by running additional trains after April 19. It was thus hoped that the repatriation of prisoners of war would be completed by the end of April 1974.

11. The Pakistan side stated that the repatriation of Bangladesh nationals from Pakistan was approaching completion. The remaining Bangladesh nationals in Pakistan would also be repatriated without let or hindrance.

12. In respect of non-Bengalis in Bangladesh, the Pakistan side stated that the Government of Pakistan had already issued clearances for movement of Pakistanis in favour of those non-Bengalis who were either domiciled in former West Pakistan, were employees of the Central Government and their families or were members of the divided families, irrespective of their original domicile. The issuance of clearances to 25,000 persons who constitute hardship cases was also in progress.

The Pakistan side also reiterated that all those who fall under the first three categories would be received by Pakistan without any limit to numbers. In respect of persons whose applications had been rejected, the Government of Pakistan would, upon request, provide reasons why any particular case was rejected. Any aggrieved applicant could at a time, seek a review of his application provided he was able to supply new facts or further information to the Government of Pakistan in support of his contention that he qualified in one or other of the three categories. The claim of such persons would not be time-barred. In the event of the decision of review of a case being adverse, the Government of Pakistan and Bangladesh might seek to resolve it by mutual consultation.

13. The question of 195 Pakistani prisoners of war was discussed by the three Ministers in the context of the earnest desire of the Governments for reconciliation, peace and friendship in the sub-continent. The Foreign Minister of Bangladesh stated that the excesses and manifold crimes committed by those prisoners of war constituted, according to the relevant provisions of the UN General Assembly resolutions and international law, war crimes, crimes against humanity and genocide, and that there was universal consensus that persons charged with such crimes as 195 Pakistani prisoners of war should be held to account and subjected to the due process of law. The Minister of State for Defense and Foreign Affairs of the Government of Pakistan said that his Government condemned and deeply regretted any crimes that may have been committed.

14. In this connection, the three Ministers noted that the matter should be viewed in the context of the determination of the three countries to continue resolutely to work for reconciliation. The Ministers further noted that following recognition, the Prime Minister of Pakistan had declared that he would visit Bangladesh in response to the invitation of the Prime Minister of Bangladesh and appealed to the people of Bangladesh to forgive and forget the mistakes of the past in order to promote reconciliation. Similarly, the Prime Minister of Bangladesh had declared with regard to the atrocities and destruction committed in Bangladesh in 1971, that he wanted the people to forget the past and to make a fresh start, stating that the people of Bangladesh knew how to forgive.

15. In the light of the foregoing and, in particular, having regard to the appeal of the Prime Minister of Pakistan to the people of Bangladesh to forgive and forget the mistakes of the past, the Foreign Minister of Bangladesh stated that the Government of Bangladesh had decided not to proceed with the trials as an act of clemency. It was agreed that the 195 prisoners of war might be repatriated to Pakistan along with the other prisoners of war now in the process of repatriation under the Delhi Agreement.

16. The Ministers expressed their conviction that the above agreements provide a firm basis for the resolution of the humanitarian problems arising out of the conflict of 1971. They reaffirmed the vital stake the 700 million people of the three countries have in peace and progress and reiterated the resolve of their Governments to work for the promotion of normalization of relations and the establishment of durable peace in the sub-continent.

Signed in New Delhi on 9 April 1974, in three originals, each of which is equally authentic.

(Kamal Hossain)

Minister of Foreign Affairs, Government of Bangladesh

(Swaran Singh)

Minister of External Affairs, Government of India

(Aziz Ahmed) Minister of State for Defense and Foreign Affairs, Government of Pakistan.

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