

The ICRC's activities on the Indian subcontinent following partition (1947-1949)

by Catherine Rey-Schirr

Introduction

Partition and the strife in Punjab

In 1945, at the end of the Second World War, the British government clearly stated its intention of granting independence to India.

The conflict between the British and the Indian nationalists receded into the background, while the increasing antagonism between Hindus and Muslims came to the fore. The Hindus, centred round the Congress Party led by Jawaharlal Nehru, wanted to maintain the unity of India by establishing a government made up of representatives of the two communities. The Muslims, under the banner of the Muslim League and its President, Mohammed Ali Jinnah, demanded the creation of a separate Muslim State, Pakistan. The problem was further complicated by the fact that the approximately 300 million Hindus, 6 million Sikhs and 100 million Muslims in British India were not living in geographically distinct regions, especially in Punjab and Bengal, where the population was mixed.

In 1946, bloody clashes broke out between Hindus and Muslims in Bengal and in the province of Bihar. Although they were isolated, they threatened to spread to the entire subcontinent.

Catherine Rey-Schirr, who holds a degree in political science, is a historical research officer at the ICRC. She is currently assisting in the preparation of a history of the ICRC for the period 1945-1955.

Original: French

Caught between two apparently irreconcilable positions, the British government accelerated the independence process. In February 1947, Lord Mountbatten was appointed Viceroy of India. After some weeks of discussions with the leaders of the Congress Party and the Muslim League, Lord Mountbatten concluded that it was impossible to maintain an independent and unified Indian State. Faced by the threat of a civil and religious war, he believed that the solution was to reach agreement on a plan for partition, which the leaders of the two parties approved on 2 June 1947. The British plan was published the following morning and officially adopted by the Congress Party and the Muslim League in the first fortnight of June. Congress finally accepted the partition of India, while the League reconciled itself to the partition of Punjab and Bengal.

On 18 July 1947, the British Parliament passed the Indian Independence Bill, creating two independent States: India, made up of provinces with a Hindu majority, and Pakistan, with those having a Muslim majority, both States being given the status of dominions within the British Commonwealth. The provinces of Punjab and Bengal were also to be divided between the two future States.

The process was complete, and independence was proclaimed on 15 August 1947.

In the months that followed, the north of the subcontinent — especially Punjab, where the tragedy had already started before independence — was racked by extremely violent clashes. The new border cutting Punjab in two left 5 million Sikhs and Hindus on the Pakistani side and 5 million Muslims on the Indian side. It caused real carnage and an unprecedented exodus. On both sides of the border the majority populations slaughtered their minority neighbours. Millions of terrified people fled in trainloads, in wagons or on foot. The refugee convoys suffered terrible attacks. Thousands, even tens of thousands, of young girls, women and children were abducted. Hundreds of thousands perished,¹ while the number of refugees reached 10 million in a few months, confronting the new governments of India and Pakistan with huge problems in terms of aid and rehabilitation.²

¹ Estimates vary from 225,000 to 2 million.

² During the emergency phase, the two governments were given assistance by a number of local aid agencies, including the Indian and Pakistan Red Cross Societies, the St. John Ambulance Association, the All-India Women's Conference and the Friends Service Unit. In India, a coordinating body, the United Council for Relief and Welfare, with Lady Mountbatten as its President, was set up, comprising most voluntary organizations and government representatives. No large-scale aid operation was, however, undertaken at the international level.

From the end of 1947, refugees from Kashmir³ arrived to swell the numbers even further, and later, in 1950, one million people were to change their places of residence in Bengal.

In the final analysis, the partition caused population movements affecting about 17 million people.

Kashmir

Another matter to be settled as part of the independence process was the status of the approximately 600 princely States which existed alongside the provinces administered directly by New Delhi and enjoyed internal independence under British rule. On 15 August 1947, strongly encouraged by Lord Mountbatten, who wanted them to abandon any claim to independence, almost all these new States opted to join either India or Pakistan, depending on their geographical location and the composition of their population.

Of the three States which had not yet taken a decision, two — Kashmir and Hyderabad — were to experience problems.

In Kashmir, a Hindu prince or maharajah governed a population of 4 million, three-quarters of them Muslims. Throughout the summer of 1947 he procrastinated, hoping to be granted special status.

With news of the killings in Punjab, however, the strife spread to Jammu, a region in southern Kashmir with a preponderantly Hindu population, where Muslims were massacred. In August, a rebellion among peasants and Muslim soldiers in the maharajah's army broke out in the district of Punch; it was here that the "Azad Kashmir" ("Free Kashmir") liberation movement, which was to be supported by Pakistan, started. Tension continued to rise until the invasion of Kashmir on 22 October 1947 by Pathan warriors of the North-West Frontier Province who had come to the aid of their co-religionists. There followed destruction, massacres, pillage, rape and kidnappings, on a massive scale.

With the invaders threatening the capital Srinagar, the maharajah fled to Jammu and asked for Indian troops to be sent as reinforcements. Lord Mountbatten, now Governor-General of independent India, agreed, provided the maharajah signed a letter of accession to India. This was done on 26 October 1947, subject to ratification by the people once peace and

³ See *Kashmir* below.

order had been restored in Kashmir. Indian forces went into action in Srinagar on 27 October, clearing most of the Kashmir valley.

Fighting continued throughout 1948, causing the deaths of many civilians and further large-scale population movements. Two million people — half the population of Kashmir — fled to the mountains, where many died of hunger and exhaustion as they tried to cross the snow-covered passes. There were two flows: Muslims travelling to the south-west and crossing the Pakistani border to end up along the Lahore-Attock trunk road or further south in eastern Punjab; in the opposite direction, Hindus and Sikhs fleeing to the east and south-east of the State of Jammu and Kashmir, with only a few of them seeking refuge elsewhere in India.

In January 1948, the dispute was brought before the United Nations Security Council by the two parties, with India and Pakistan accusing each other of invading and illegally occupying Kashmir. A United Nations Commission for India and Pakistan (UNCIP) was set up to investigate the facts and mediate between the two parties. In August 1948, UNCIP proposed a solution consisting of a cease-fire and armistice. The cease-fire took effect on 1 January 1949 and was ratified by a bilateral agreement on the establishment of a demarcation line, signed by India and Pakistan in Karachi on 27 July. India now controlled two-thirds of Kashmir - most of the province of Jammu and the Kashmir valley, the most fertile region, in the south, and the southern part of Baltistan and Ladakh in the east. Pakistan controlled a narrow strip running from west of the city of Jammu to Muzaffarabad — “Azad Kashmir” proper — and extended its administration to the mountainous areas of the north and north-east, i.e., the territory of Gilgit and Baltistan.

The cease-fire imposed under the supervision of the United Nations was to lead to a *de facto* partition of Kashmir.

Hyderabad

Although it had a large Hindu majority, the State of Hyderabad in the heart of the Indian peninsula was governed by a Muslim prince or *nizam*. Like the maharajah of Kashmir, he refused to choose between India and Pakistan, hoping to remain independent. Peasant revolts, fanned by the communists, broke out. The Indian government, fearing that the strife would spread to other areas in India, invaded Hyderabad on 13 September 1948, overcame the *nizam*'s forces in four days and incorporated the State in the Indian Union.

The ICRC and the Kashmir conflict

When fighting broke out in Punjab, the ICRC, which had closed down the delegation that it had maintained in British India since the Second World War, had no local representative. When its attention was drawn to the terrible plight of the refugees,⁴ it decided, in late 1947, to send Dr Otto Wenger on a fact-finding mission. As a former delegate in British India from 1943 to 1947, where he had carried out many visits to camps for Italian and German prisoners of war and civilian internees, Dr Wenger was already familiar with the subcontinent.

Dr Wenger's first mission

On his departure from Geneva in December 1947, Dr Wenger's instructions were to establish contacts with the new governments and Red Cross Societies in India and Pakistan,⁵ to ascertain the exact needs of the victims, and to make proposals for further action.⁶

Anxious to support the Indian and Pakistan Red Cross Societies, the ICRC planned, with their agreement, to launch an appeal to all National Red Cross and Red Crescent Societies to send aid to the refugees.⁷ Nobody apparently foresaw that the Kashmir conflict would take up all the ICRC

⁴ Letters to the ICRC dated 29 August and 29 and 30 September 1947 from its delegation in London (ICRC archives, file G 3/3b). Record of a conversation on 31 October 1947 between the ICRC and Mr M. Ahmad, First Secretary of the Pakistani High Commission in London (ICRC archives, file G 85). Record of a conversation on 12 December 1947 between the ICRC and Dr P.M. Krul, India's representative to WHO (ICRC archives, file G 3/37 c).

⁵ The Indian Red Cross Society had in fact already existed as an independent National Society since 28 February 1929, the date of its recognition by the ICRC, as a result of the new situation created for Red Cross Societies in the dominions by the 1926 Statute of the British Empire. However, only after India gained its independence in 1947 were managerial positions, hitherto held by Britons, handed over to Indians.

The Pakistan Red Cross was founded immediately after the creation of the Pakistani State and recognized by the ICRC on 21 July 1948. In 1974 it changed its emblem and adopted the name "Pakistan Red Crescent Society" pursuant to a decision of the Pakistani authorities, which also adopted the red crescent as the emblem of the army's medical service. The Pakistani government then notified all States party to the Geneva Conventions of that decision.

The two National Societies provided aid to the victims of the strife which followed partition.

⁶ Internal instructions to Dr Otto Wenger of 19 December 1947 (ICRC archives, file G 3/37c).

⁷ Letters of 17 December 1947 from the ICRC to Lord Mountbatten and Mr M.A. Jinnah, Governors-General of India and Pakistan respectively (ICRC archives, file G 85).

delegate's time almost immediately upon his arrival. Indeed, as soon as he reached New Delhi, Dr Wenger was asked to act as a neutral intermediary to enable several thousand non-Muslim civilians (Hindus and Sikhs) trapped in "Azad Kashmir" to be evacuated.⁸ In order to ascertain the situation on the spot and to make the necessary contacts, Dr Wenger made several trips between New Delhi, the State of Jammu and Kashmir, "Azad Kashmir" and Pakistan. These trips took place in arduous conditions: firstly, the region is very mountainous and experiences snowfalls, making some places accessible only by mule or on foot; secondly, Dr Wenger was exposed to the threat of attack by the Indian air force.⁹

By the end of February Dr Wenger's efforts had achieved the following results:¹⁰

- The immediate dispatch of aid, by the Pakistan Red Cross, and of medical personnel, by the Christian Relief Association, to the Alibeg camp. The ICRC delegate had visited this camp, situated in "Azad Kashmir" near the border with Pakistan. It housed 1,600 non-Muslims living in appalling conditions.
- Pakistan's agreement to arrange for the evacuation through its territory of all non-Muslims trapped in "Azad Kashmir" who wished to go to India, and its commitment to supply the camps experiencing the most difficult conditions with provisions in the meantime.
- The consent of "Azad Kashmir" to the departure of non-Muslims who wished to leave.

This agreement covered about 5,000 civilians, some free and some interned, 2,500 of whom were in Muzaffarabad, 1,600 in Alibeg, 125 in Gobindpar and 700-800 in Bagh.

Dr Wenger took advantage of his contacts with the various parties to draw their attention to the application of the Geneva Conventions.¹¹ He

⁸ Letter No. 2 of 11 February 1948 from Dr Wenger (ICRC archives, file G 3/37c).

⁹ *Ibid.*

¹⁰ Letter No. 6 of 27 February 1948 from Dr Wenger (ICRC archives, file G 3/37c).

¹¹ At the time, these were the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field and the Geneva Convention relative to the Treatment of Prisoners of War, both of 27 July 1929. As the successor States to the Indian Empire, India and Pakistan remained bound by the two Conventions, which were ratified by the United Kingdom on 23 June 1931. In addition, Pakistan expressly became party to both treaties on 2 February 1948.

discussed the matter with the leaders of “Azad Kashmir”, to whom he explained the basic ideas and principles of the Conventions. They stated their readiness to give effect to the Conventions provided the other side did the same. After some hesitation — India did not accept that there was a state of war with Kashmir — the Indian government too declared its determination to act in accordance with the spirit of the Conventions and to implement the relevant provisions. Regarding the treatment of prisoners of war, however, it pointed out that citizens of the State of Jammu and Kashmir and of India who had committed offences before being captured would be liable to prosecution in accordance with the laws in force. According to Dr Wenger, this reservation was aimed at persons who joined the forces of “Azad Kashmir” and were considered to be rebels by India in view of the fact that Jammu and Kashmir had become part of the Indian Union.¹²

These declarations, which were confirmed in writing,¹³ resulted in the establishment of information bureaux, the submission of lists of prisoners of war and permission for the ICRC to visit them.¹⁴ An arrangement was worked out for the exchange of correspondence between prisoners and their families and the dispatch of relief parcels. It involved the Indian and Pakistan Red Cross Societies, with which Dr Wenger maintained regular contacts.¹⁵

During his mission, the ICRC delegate made the first visits to prisoners. In “Azad Kashmir” he went to the Muzaffarabad prison, where he saw 34 prisoners of war from the forces of the State of Jammu and Kashmir, three Indian prisoners of war and about 30 political detainees;¹⁶ in the State of Jammu and Kashmir, he visited the Jammu prison, where about 30 prisoners of war of the “Azad Kashmir” forces were being held;¹⁷

¹² Letter No. 46 of 25 May 1948 from Dr Wenger and its annex IV: letter of 19 May 1948 from the Indian Minister of Defence to Dr Wenger (ICRC archives, file G 3/37c).

¹³ *Ibid.*, and letter of 16 June 1948 from the President of “Azad Kashmir” to Dr Wenger (ICRC archives, file CR 186/655).

¹⁴ Letter No. 8 of 11 March 1948 from Dr Wenger (ICRC archives, file G 3/37c).

¹⁵ Letter No. 38 of 25 April 1948 from Dr Wenger and its annex: letter of 24 April 1948 from Dr Wenger to Sardar Bahadur Balwant Singh Puri, Secretary-General of the Indian Red Cross Society (ICRC archives, file G 3/37c).

¹⁶ Letters No. 8 of 11 March 1948 and No. 60 of 8 June 1948 from Dr Wenger (ICRC archives, file G 3/37c).

¹⁷ Letter No. 33 of 24 April 1948 from Dr Wenger (ICRC archives, file G 3/37c).

lastly, with the support of the Pakistani government, he was able to fly to Gilgit in northern Kashmir, where about 50 Indian soldiers were imprisoned.¹⁸

On learning that many wounded combatants of the “Azad Kashmir” forces were not being cared for adequately because of a shortage of medical supplies and trained personnel, Dr Wenger raised the matter with the “Azad Kashmir” authorities, and also with the Pakistan Red Cross and authorities. As a result of his approaches, the Pakistani government authorized the Western Punjab branch of the Pakistan Red Cross to send two medical units to “Azad Kashmir”;¹⁹ one was set up at Mirpur, the other at Palandri.

At the request of the Pakistan Red Cross, the ICRC delegate undertook to notify the Indian government of the presence of the two units.²⁰ Subsequently, three further hospitals were set up in “Azad Kashmir” by the Pakistan Red Cross, which — in the absence of the ICRC delegate²¹ — notified the Indian government of their establishment through the Indian Red Cross Society.

As had happened in Punjab, thousands of women and children had been abducted by both sides in Kashmir, especially at the beginning of the war. Although an agreement was signed by India and Pakistan aimed at locating the victims of kidnappings in their respective territories, such efforts were making little progress in the case of Kashmir because of its disputed status. Here, too, Dr Wenger’s mediation was sought. It resulted in the establishment of a procedure under which the parties undertook to intensify searches, to place women and children who had been traced in camps in India and Pakistan pending their repatriation, to draw up and exchange lists in order to locate and contact their families of origin, and to allow adult women to decide freely whether or not to rejoin their relatives.²² It was also stipulated that the camps could be visited by

¹⁸ Letter No. 45 of 20 May 1948 and telegram of 19 June 1948 from Dr Wenger to the ICRC (ICRC archives, file G 3/37c).

¹⁹ Letter No. 14 of 12 March 1948 from Dr Wenger to the ICRC (ICRC archives, file G 3/37c).

²⁰ Letter No. 23 of 9 April 1948 from Dr Wenger to the ICRC and its eight annexes (ICRC archives, file G 3/37c).

²¹ There was no ICRC delegate in the country from the end of June to November 1948, i.e., from the time of Dr Wenger’s return to Geneva until the arrival of the second mission.

²² Letters No. 19 of 11 March 1948, No. 20 of 19 March 1948 and No. 57 of 6 June 1948 from Dr Wenger (ICRC archives, file G 3/37c).

representatives of the opposing government and that the ICRC should provide assistance if necessary.

With most of his time taken up by his work as a neutral intermediary in the Kashmir conflict, Dr Wenger was not able to devote as much attention to the general problem of refugees as he would have wished. Nevertheless, he visited several camps in Pakistan and India, in particular in the State of Jammu and Kashmir, brought the most pressing problems to the notice of the authorities and Red Cross Societies, and gave them the benefit of his advice in organizing the camps. Lastly, he gathered all the information needed to launch an appeal and sent it to the ICRC. His conclusions were as follows:

1. "Although the most urgent matters are in the hands of the two governments, the refugee problem in India and Pakistan remains so enormous that it goes beyond the possibilities of the Committee and a general Red Cross relief operation (...)."
2. "In Kashmir, the distress is even greater, although it affects fewer people. It is a consequence of the hostilities, whereas in India and Pakistan it resulted from an unorganized mass exchange of populations. Should the Committee wish to undertake a relief operation, possibly in cooperation with the League,²³ it should concentrate its best efforts on Kashmir; in launching an appeal we could at the same time specify which items India and Pakistan need most (...)."²⁴

Dr Wenger, who had originally set out on a two-month fact-finding mission, finally went back to Switzerland at the end of June 1948.

Continuation of the operation

On returning to Geneva, Dr Wenger recommended that the ICRC should pursue its operation in Kashmir, for which he had prepared the ground and which was directly within its competence as a neutral intermediary whose intervention was recognized as necessary, particularly in

²³ Today the International Federation of Red Cross and Red Crescent Societies.

²⁴ Dr Wenger's final report of 5 August 1948 (ICRC archives, file G 3/37c — ICRC translation).

time of war, civil war or internal strife.²⁵ He went back to the subcontinent on 17 November 1948 to await the arrival of Dr Roland Marti, one month later, and of Nicolas Burkhardt, in early January 1949, both of whom he introduced to the various authorities before ending his assignment.

Dr Marti — as head of mission, based in New Delhi and assigned to India and to Jammu and Kashmir — and Mr Burkhardt — as a delegate based in Lahore and assigned to Kashmir and the territory of “Azad Kashmir” — were to remain in the field until June and October 1949 respectively.

Protection of hospitals

In October 1948, at a time when there was no delegate on the spot, the ICRC had received vigorous protests from the Pakistan Red Cross concerning the Indian air force’s bombing of two of its hospitals, one in Kotli and the other in Bagh, in “Azad Kashmir”, both of which were duly marked with the red cross emblem. Patients had been killed, and there had been large-scale damage. Pursuant to its policy regarding the forwarding of protests concerning alleged violations of the Geneva Conventions,²⁶ the ICRC had conveyed the Pakistan Red Cross’ protests to the Indian Red Cross Society, requesting it to ask the Indian government to investigate the matter and, if necessary, to take all possible measures to prevent a recurrence of such incidents.²⁷ The Indian government stated that under no circumstances could its pilots have deliberately attacked the two medical facilities, and deduced that the marking of the hospitals, or even their location, must have been inadequate.²⁸

²⁵ Under Article 7, para. 2, of the 1928 Statutes of the International Red Cross then in force.

²⁶ This policy had just been confirmed by Resolution XXII of the XVIIth International Red Cross Conference:

“The XVIIth International Red Cross Conference, *considers* that the International Committee of the Red Cross should continue to transmit protests it may receive concerning alleged violations of the Conventions, *emphasizes* the duty of national Societies to forward these protests to their Governments, *recommends* that national Societies do all in their power to ensure that their Governments make a thorough investigation, the results of which shall be communicated without delay to the International Committee of the Red Cross”. *Report*, Stockholm, August 1948.

²⁷ Telegrams of 22 October, 28 October and 2 November 1948 from the ICRC to the Indian Red Cross Society (ICRC archives, file G 85).

²⁸ Letter of 9 November 1948 from the Indian Red Cross Society to the ICRC and its annex (ICRC archives, file G 85).

This issue was one of the first to be taken up by Dr Wenger with the competent authorities and National Societies when he returned to India and Pakistan. His involvement, and subsequently that of his colleagues, made it possible to smooth out the difficulties, in particular by improving the marking of hospitals.²⁹

Prisoners of war

From the time of their arrival, the ICRC delegates made regular visits to the principal internment sites.

On the Indian side, these were, firstly, the Yol camp in India, which when first visited on 17 and 18 January 1949 housed 75 prisoners of war belonging to the Pakistani army and the "Azad Kashmir" forces as well as some civilians,³⁰ and secondly the so-called "POW Cage" and the Central Jail, both in Jammu, with about 30 and 20 prisoners respectively. Ten visits in all were conducted to those places between January and late August 1949; in addition, visits were made to the Srinagar military hospital and the New Delhi 26 General Hospital, where wounded and sick prisoners were being cared for.

On the Pakistani and "Azad Kashmir" side, about 630 prisoners were housed in the Attock Fort Neutral Internment Camp in Pakistan. They were mainly combatants of the State of Jammu and Kashmir forces, with a few men from the Indian army and some civilians. These prisoners had earlier been interned in Muzaraffabad, Palandri, Alibeg, Skardu and Gilgit; they had all been transferred to Attock between October and November 1948, at the request of the "Azad Kashmir" authorities, so that they would be treated in accordance with the Geneva Convention. Dr Wenger had already seen some of the prisoners during his first assignment in spring 1948.³¹ Between December 1948 and August 1949 the ICRC delegates made six visits to the camp in Attock. In April 1949, they had also travelled to Chilas in Gilgit district and in May to Skardu in Baltistan, visiting 54 and four Indian prisoners of war respectively.

²⁹ Telegram of 4 December 1948 from Dr Wenger to the ICRC and letter No. 1 of 23 December 1948 from Dr Marti (ICRC archives, files G 3/37c and G 3/37).

³⁰ *Report on the visit to Yol POW Camp (India), made on 17-18 January 1949* (ICRC archives, Camps Service, RR 1407).

³¹ *Report on the visit to Attock Fort Neutral Internment Camp (Pakistan), made on 3 December 1948* (ICRC archives, Camps Service, RR 1407).

To cover the distance between the town of Gilgit and Chilas — where he absolutely wanted to go because he felt that the military authorities in Rawalpindi had little idea of the prisoners' circumstances — Nicolas Burckhardt did not hesitate to undertake a journey of about 10 days on horseback. Some extracts from Burckhardt's description of his journey to Chilas will illustrate the travel conditions which the delegates sometimes had to endure:

“Weather conditions even affect journeys on horseback here (...). An hour after the rain started rocks and avalanches of sand began to fall, carrying off the most exposed parts of the road. (...) Even eddies of wind are enough in some particularly dangerous spots to set off rockfalls. From time to time you can seek protection behind large rocks, between which you have to gallop at top speed. In the saddle this can be rather fun, as you are quite mobile, but the mules carrying your luggage are more exposed to the dangers with their huge loads.”³²

These visits to prisoners of war were the subject of reports covering the different aspects of detention conditions, which were sent on a regular basis to the governments of India and Pakistan. On each visit the delegates brought the prisoners relief supplies provided by the Indian and Pakistan Red Cross Societies, and inquired after their wishes. They noted a progressive improvement in conditions, which they soon considered satisfactory.³³

From the outset, the ICRC delegates asked for the seriously wounded and sick to be repatriated, in accordance with Article 68 of the 1929 Geneva Convention relative to the Treatment of Prisoners of War, and obtained satisfaction on this point: between February and June 1949, about 40 wounded and sick prisoners were repatriated on either side in four operations. The delegates were present at the first of these; the remainder took place without them, but they were kept regularly informed.³⁴

The delegates also recommended the repatriation of the civilians interned in prisoner-of-war camps. Some operations took place in indi-

³² Note No. 1032 of 22 April 1949 from N. Burckhardt (ICRC archives, file G 17/167/66 — ICRC translation).

³³ Summary of Dr Marti's account of his mission to India, annex to the Delegations Commission's report of 27 July 1949 (ICRC archives).

³⁴ Note No. 1018 of 8 March 1949 from N. Burckhardt, and letters of 18 March, 11 April and 26 June 1949 from Dr Marti (ICRC archives, files G 3/37e and G 17/66/66).

vidual cases, at times in the presence of the delegates and sometimes without them.

The question of the repatriation of all prisoners of war was being dealt with directly by the governments of India and Pakistan as part of the negotiations initiated under the auspices of UNCIP. The 1929 Geneva Convention relative to the Treatment of Prisoners of War in fact states, in its Article 75: "When belligerents conclude an armistice convention, they shall normally cause to be included therein provisions concerning the repatriation of prisoners of war (...)". However, guided by the draft of a new Geneva Convention relative to the Treatment of Prisoners of War, under which "[p]risoners of war shall be released and repatriated without delay after the cessation of active hostilities,"³⁵ and taking advantage of the cease-fire which had entered into force on 1 January 1949, the delegates offered their good offices in the hope of speeding up the conclusion of an agreement on the subject.

India wanted the immediate repatriation of all prisoners of war on either side. Pakistan stated its willingness to have an immediate exchange, but "one-for-one", which would leave about 500 prisoners in its hands; it would also agree to return all prisoners before an armistice was signed, on condition, however, that the Indian government agreed to release all Pathan combatants, all members of the "Azad Kashmir" forces and all political detainees held in civilian prisons in the State of Jammu and Kashmir and in India. This was because Pakistan and "Azad Kashmir" believed that the captured combatants were not all in prisoner-of-war camps. For its part, India declared that it had searched for all military prisoners and refused a "one-for-one" exchange.³⁶

To break the deadlock, the ICRC delegates urged India and the State of Jammu and Kashmir to find the greatest possible number of Pathan and Kashmiri prisoners of war from "Azad Kashmir"; they even took an active part in the search by visiting prisons. They also tried to dissuade Pakistan from linking the repatriation of prisoners of war to that of political detainees.³⁷ About 50 new prisoners were discovered by the Indian army, but this was not enough to set things moving, and no general repatriation operation was organized before the delegates left.

³⁵ Article 118 of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949.

³⁶ Note No. 1039 of 4 May 1949 from N. Burckhardt (ICRC archives, file G 17/66/66).

³⁷ Letter of 17 May 1949 from Dr Marti (ICRC archives, file G 17/66/66).

On leaving the subcontinent at the end of summer 1949, the delegates made the following assessment of the situation.

Both in India and in Pakistan, prisoners of war — except for those in Gilgit district — were housed in a single camp, at Yol and Attock respectively, making it easier to monitor their conditions of detention. Considering the local context, these had reached a high level. All prisoners were visited at regular intervals by officers of their own nationality, who were authorized to bring them supplies.³⁸ Repatriations for health reasons continued, on the spontaneous proposal of the detaining powers, which showed generosity regarding the criteria to be applied.³⁹ The only question that remained unresolved was that of the repatriation of all prisoners.

General repatriation was finally to take place on 25 May 1950 at Atari, between Lahore and Amritsar, when 691 prisoners were exchanged for 153 Pakistanis following an agreement reached between the two Prime Ministers, Jawaharlal Nehru of India and Liaquat Ali Khan of Pakistan,⁴⁰ during talks preceding the Minority Agreement.⁴¹

Political detainees

At the request of the authorities of the State of Jammu and Kashmir and “Azad Kashmir”, which provided them with lists of their respective partisans in enemy hands,⁴² the ICRC delegates took action to facilitate the exchange of a number of political prisoners. A few dozen were repatriated, in the presence of the delegates, in two operations which took place in Sialkot, a border town near Jammu, on 15 January and 25 February 1949.

Subsequently, “Azad Kashmir” submitted further lists of several dozen persons presumed held for political reasons in the State of Jammu and

³⁸ Article 86 of the 1929 Geneva Convention relative to the Treatment of Prisoners of War provided for this possibility in its last paragraph, under which “[b]elligerents may mutually agree to allow persons of the prisoners’ own nationality to participate in the tours of inspection”. It was nevertheless exceptional for this kind of visit to take place.

³⁹ Note No. 1092 of 4 September 1949 from N. Burckhardt (ICRC archives, file G 3/37e).

⁴⁰ Report No. 1 of 25 May 1950 by Dr Marti (ICRC archives, file G 3/37f).

⁴¹ For more details on this Agreement, signed on 8 April 1950 in New Delhi following the disturbances which had broken out in Bengal, see *Revue internationale de la Croix-Rouge (RICR)*, Supplement (in English), Vol. III, No. 6, June 1950, which contains the text on pp. 106-111.

⁴² Letter No. 9 of 2 January 1949 from Dr Marti (ICRC archives, file G 17/66/66).

Kashmir, requesting their return. Jammu and Kashmir rebuffed the approach, declaring that it had no more political detainees in its prisons and that the only persons still awaiting trial were criminals guilty of attacks who, in its view, could not be considered as political prisoners. Jammu and Kashmir also accused "Azad Kashmir" of holding a large number of political detainees, a charge which "Azad Kashmir" denied.

Taking note of the situation, the delegates felt that they could do no more on this issue, which was not covered by any convention and which was being dealt with in the negotiations taking place under the auspices of UNCIP.⁴³

Abducted women and children

On 21 January 1949, the delegates supervised, in Sialkot, the return to India of 140 women and children from the Dathyal camp in Pakistan, while 256 women and children from the Ustad Ka Mohalla camp in Jammu were transferred in the other direction to Pakistan, together with 167 Muslim refugees, also from Jammu.⁴⁴

However, Pakistan accused the Jammu and Kashmir authorities of keeping women and children in Jammu, while Jammu and Kashmir accused "Azad Kashmir" of not actively carrying out searches in its territory. Rumours also circulated about conditions in the camps at Amritsar, on one side, and Lahore, on the other, to which the women and children traced by India and Pakistan respectively were sent while their relatives were being located.⁴⁵

At the request of the Indian authorities, who wanted the ICRC's cooperation to speed up the settlement of these various problems, and with the agreement of the Pakistani authorities, the delegates visited the following camps in April and May: Amritsar (60 women and children at the time of the first visit, 151 during the second), Lahore (60 women and children, and 124 non-Muslim refugees evacuated from the Alibeg and Palandri camps who had expressed the wish to be transferred to territory under Indian control), and Jammu (180 women and children).

⁴³ Letter of 17 May 1949 from Dr Marti and Report of 10 November 1949 by N. Burckhardt on the situation in India and Pakistan (ICRC archives, files G 17/66/66 and G 3/37e).

⁴⁴ Note No. 28 of 3 February 1949 from N. Burckhardt (ICRC archives, file G 3/37e).

⁴⁵ Letters of 17 and 18 May 1949 from Dr Marti (ICRC archives, file G 17/66/66).

At the Jammu camp, the delegates obtained and forwarded to Pakistan a full list of the women and children living in the camp. They were given an assurance that the persons concerned would be handed over to Pakistan as soon as their relatives were found.

The delegates also appealed for an active search to be conducted to find the women and children abducted in "Azad Kashmir" and for those who had already been traced and placed in camps to be repatriated as soon as possible.⁴⁶ No further operation took place before their departure, however. At the end of 1949, the ICRC was informed that the 180 non-Muslim refugees waiting in Lahore had finally been able to go to India.⁴⁷

Refugees and groups of vulnerable individuals

As mentioned earlier, the hostilities in Kashmir set off new waves of hundreds of thousands of refugees, whose numbers had risen to two million by late 1948. On the basis of information provided by Dr Wenger at the end of his first assignment, the ICRC and the League of Red Cross Societies had issued a joint appeal to all National Societies on 30 October 1948 for aid to refugees in India and Pakistan, especially those in Kashmir.⁴⁸ A few Societies had already sent relief supplies directly to the Indian and Pakistan Red Cross Societies, but the deliveries had remained paltry in relation to the magnitude of the needs. Without the means to provide material aid to the refugees, the delegates focused first on the most vulnerable groups of individuals, considering that their role as neutral intermediaries could be of help to them.

In mid-February 1949, Nicolas Burckhardt visited the Alibeg camp in "Azad Kashmir", which had just been returned to administration by the Pakistani authorities and which at the time housed 1,200 non-Muslim refugees.⁴⁹ One month later, he journeyed to the "*thesil*" of Kotli in the district of Mirpur:⁵⁰ in autumn 1948, a total of 50,000 people had fled as

⁴⁶ Letters of 18 and 26 May 1949 from Dr Marti (ICRC archives, file G 17/66/66).

⁴⁷ Letter of 23 December 1949 from Mr. V. Sahay, Indian Secretary for Kashmiri Affairs (ICRC archives, file G 81/Ev).

⁴⁸ Joint circular letter of the ICRC and the League of Red Cross Societies of 30 October 1948 to National Red Cross, Red Crescent and Red Lion and Sun Societies (ICRC archives, file SG 7/66).

⁴⁹ Note No. 1014 of 23 February 1949 from N. Burckhardt (ICRC archives, file G 3/37e).

⁵⁰ Districts were divided into several "*thesils*", or subdistricts.

the Indian troops advanced and had become trapped in the north of the district, separated from Pakistan by a range of mountains more than 2,000 metres high, the only practicable link having been cut by the Indian army. Goods could reach the area only if carried by porters or pack mules over a snow-covered mountain pass. The aid therefore had to be air-dropped by the Pakistani army. The delegate described the situation as follows:

“These tracks (...) link small terraces on the mountainside (...). The scene as a whole appears like a garden in a fairytale setting. As soon as you approach the dwellings, however, you see this crowd of undernourished refugees dressed in rags, often very apathetic. When you come to one of the rare larger settlements, which had several thousand inhabitants before the conflict, (...) you see that everything is in ruins. Looting and bombing from the air have done a thorough job (...).”

And further on:

“We were able to make contact with the military and civil authorities in the various villages in the thesil. We saw a great many refugees on the road, going down to the valley in search of food, which only the strongest men can carry, groups of refugees in the villages hoping to obtain food rations, and sick people and their families in medical dispensaries (...). We were able to see the lamentable state of undernourishment of these people. They cannot be compared to the refugees whom we saw in the camps in Alibeg (...). Oedemas resulting from hunger are common in the children (...). The only road suitable for vehicles, which passes through the Indian lines, (...) should be opened to let a few relief convoys through.”⁵¹

The delegates interceded with the Indian and Pakistani authorities in order to reach an agreement to open the road to such convoys. The problem was finally solved in the succeeding weeks by Pakistan building a road to Kotli so that convoys could avoid using the one controlled by India.

In May 1949 Dr Marti flew by military aircraft from Rawalpindi to Skardu, a small town in Baltistan on the Indus, between the impressive mountain ranges of Karakorum and the Deosai Mountains (Himalayas). This area had been the scene of bloody clashes since the beginning of 1948, when the Indian garrison in Skardu had been defeated by “Azad

⁵¹ Note No. 1023 of 18 March 1949 from N. Burckhardt and its annex (ICRC archives, file G 3/37e — ICRC translation).

Kashmir” and Pakistani troops. Prisoners of war were sent to Gilgit and Chilas, but some 180 non-Muslim civilians were interned in Skardu, where, cut off from the rest of the world for the winter of 1948-1949, they had had to be supplied, like the garrison and the civilian population, by an airlift carried out by the Pakistani air force.

The internees were divided into two groups: a group of 90 Sikh women and children whose husbands and fathers had been killed in the fighting, and a group of 90 Hindu men, women and children. It was especially the first group for which Dr Marti, in his own words, felt profound pity:

“True, their material existence has been guaranteed, but we are faced with widows and orphans who are truly lost in this part of the world. Like a herd of cattle, these women and kids dressed in brown crouched huddled together around me. The women were crying softly, and you could somehow perceive an infinite pain in it all (...). The Army had planned to repatriate them by road from Skardu to Kargil (...), which lies above the Indus and is in Indian hands. However, we became convinced that that road, or rather that track along the side of the rock, was much too dangerous for women and children, and the entire group should be allowed to fly out to Rawalpindi or Peshawar.”⁵²

The delegates endeavoured to obtain agreement for both groups of people, whose names had been given to them, to be repatriated to India, or at least transferred to Pakistan before the coming winter. This evacuation, of which the ICRC was to be kept informed, took place after the delegates’ departure, at the end of 1949.⁵³

However, the ICRC considered it its duty, as a neutral organization with a mission on the spot, to carry out a full and detailed survey of the needs of the Kashmiri refugees, in order to bring their plight to the world’s attention and to be able to provide full information to potential donors. It therefore asked its delegates to undertake an in-depth study of the overall problem.⁵⁴

⁵² Letter of 28 May 1949 from Dr Marti (ICRC archives, file G 3/37d - ICRC translation).

⁵³ Letter of 26 October 1949 from General Gracey, Commander-in-Chief of the Pakistani army, to Dr Marti, and letter of 23 December 1949 from Mr V. Sahay, Indian Secretary for Kashmiri Affairs, to N. Burckhardt (ICRC archives, files G 3/37d and G 81/Ev).

⁵⁴ Note No. 81 of 17 May 1949 to the ICRC delegation in New Delhi (ICRC archives, file G 17/66/66).

Dr Marti and Nicolas Burckhardt devoted the month of June 1949 to this survey. Dividing the work, they travelled over practically all the areas housing refugees and displaced persons, made contact with the competent authorities at all levels and consistently visited all the camps, districts and *thesils*.⁵⁵

The investigation gave rise to a 90-page report,⁵⁶ illustrated by maps and photographs and covering every aspect of the refugees' situation. It showed that, following the cease-fire that had entered into force on 1 January 1949, several hundred thousand refugees had returned to their homes and resumed their normal activities, but about one million still remained homeless, living in camps or with friends or setting themselves up in small communities to which the governments had great difficulty delivering basic supplies. The displaced people who went home were often as destitute as the refugees, since all they found were ruins and devastated fields.

After describing the geographical layout of Kashmir, its road links and the problems in terms of food, clothing, hygiene and medical care resulting from the hostilities, the document set out the various categories of refugee and their requirements region by region, showing that in general those in the worst situation and with the greatest needs were people outside the camps under the control of the Indian and Pakistani authorities. It drew up an order of priority for the populations requiring relief and listed the supplies needed in every sphere.

The ICRC sent this report to the governments and Red Cross Societies of India and Pakistan. It also shared it with the UNCIP secretariat in Geneva and the Secretary-General of the United Nations in Lake Success.⁵⁷ Lastly, an extract was published in the February 1950 Supplement to the *Revue internationale de la Croix-Rouge*.⁵⁸ The ICRC hoped that this

⁵⁵ Letters of 11 and 26 June 1949 from Dr Marti (ICRC archives, files G 17/167 and G 17/66).

⁵⁶ Report on refugees in Kashmir, 1949, drawn up by Dr Marti (ICRC archives, file G 68/167).

⁵⁷ On this subject, see the exchange of correspondence in November 1949 between the ICRC and Mr Colban, Principal Secretary of UNCIP in Geneva, and the letter of 14 November 1949 from the President of the ICRC to the UN Secretary-General in Lake Success (ICRC archives, file G 85). It should be noted that both Dr Wenger and Dr Marti had already had an opportunity of providing information on the humanitarian situation of the refugees to UNCIP in New Delhi.

⁵⁸ "The ICRC in India and Pakistan: The Kashmiri refugees", *RICR*, Supplement, Vol. III, No. 2, February 1950, pp. 38-42.

would encourage the international community, in particular the United Nations, to mobilize in favour of these refugees, as it had done for Palestinian refugees at the end of 1948.⁵⁹ But its hopes were not to be fulfilled: no international relief operation was launched under UN auspices.

For its part, the ICRC decided to send medical supplies, through the respective Red Cross Societies, to the Indian and Pakistani authorities responsible for medical services in the camps. Surgical, X-ray and laboratory equipment worth 90,000 Swiss francs were dispatched in 1950.⁶⁰

The ICRC and the events in Hyderabad

On 17 September 1948, following the entry of Indian forces into the State of Hyderabad, the ICRC conveyed to the governments of India and Hyderabad an offer of services “in all cases where a neutral intermediary based on the stipulations of the Red Cross Conventions [was] required”, proposing to arrange for “the exchange of lists of captured army personnel, the visiting of places of internment by the Committee’s delegates and the exchange of news”.⁶¹ It also planned the possibility of sending a delegate to the scene,⁶² but on 19 September India declined its offer, arguing that the hostilities had come to an end.⁶³

In late October the Pakistan Red Cross asked the ICRC to take action in aid of the *Razakars*,⁶⁴ a volunteer corps that had fought alongside the regular armed forces of the State of Hyderabad. While the latter had been disarmed and freed, thousands of *Razakars*, who were denied prisoner-

⁵⁹ Note No. 81 of 17 May 1949 from the ICRC to its delegation in New Delhi (ICRC archives, file G 17/66/66). On the question of assistance to Palestinian refugees and the agreement between the UN and the ICRC on this issue, see “The International Committee in Palestine”, *RICR*, Supplement, Vol. II, No. 1, January 1949, pp. 53-60.

⁶⁰ Summary report on the work of the ICRC (1 July 1947-31 December 1951 - French only), 1952, p. 63.

⁶¹ Telegrams of 17 September 1948 from the President of the ICRC to the Prime Ministers of India and Hyderabad (ICRC archives, file G 85). “Events in Hyderabad: An appeal by the International Committee to the Parties in conflict”, *RICR*, Supplement, First Year, No. 9, September 1948, p. 153.

⁶² Report on the ICRC Bureau’s meeting of 15 September 1948 (ICRC archives).

⁶³ Radiogram of 19 September 1948 from the Indian Ministry of Foreign Affairs to the President of the ICRC (ICRC archives, file G 85).

⁶⁴ Letter of 29 October 1948 from the Pakistan Red Cross to the ICRC (ICRC archives, file G 17/166).

of-war status by India, were being kept in detention. The matter was also brought before the ICRC by the State of Hyderabad's former Minister of Foreign Affairs and delegate to the United Nations. On being informed of this, Dr Marti immediately initiated talks with the Indian authorities in New Delhi to enable these former combatants to be treated as prisoners of war and to obtain the right to visit them.

Despite numerous representations⁶⁵ extending over a period of several months — some of them made by the ICRC President himself to Pandit Nehru, particularly during the latter's visit to Switzerland in May 1949, and subsequently confirmed in writing⁶⁶ — the ICRC's overtures were rebuffed.⁶⁷ This was because India considered that the conflict was at an end and that those interned were ordinary detainees who had been handed over to the civil authorities and were awaiting trial for criminal offences committed before the entry of Indian troops into Hyderabad. They could therefore not be regarded as prisoners of war.

The opinion of the ICRC was that the *Razakars* could be considered as regular combatants — regarded either as members of a militia or as part of the population of a country which spontaneously took up arms when the enemy approached. As the Legal Commission of the ICRC pointed out, they had been captured as combatants by Indian troops, who had subsequently handed them over to the civil authorities. They should therefore be accorded the treatment of prisoners of war and should keep that status until a verdict was handed down, even if legal proceedings were instituted against them for offences committed before the intervention of Indian troops.⁶⁸

The issue of the *Razakars* arose just as the drafts of new Geneva Conventions drawn up by the ICRC were being submitted to the Diplomatic Conference convened to adopt them in 1949.⁶⁹ The draft review of the Convention relative to the Treatment of Prisoners of War clearly

⁶⁵ Note of 22 November 1949 from E. de Bondeli on the problem of the *Razakars* in Hyderabad (ICRC archives, file G 17/166).

⁶⁶ Telegram of 29 July 1949 from Paul Ruegger, President of the ICRC, to Pandit Jawaharlal Nehru, Prime Minister of India (ICRC archives, file G 85).

⁶⁷ Letter in reply to the above of 30 July 1949 from the Prime Minister of India to the President of the ICRC (ICRC archives, file G 17/166).

⁶⁸ Note from the Legal Commission to the International Committee of the Red Cross of 3 February 1950 (ICRC archives, file G 17/166).

⁶⁹ Diplomatic Conference convened by Switzerland in Geneva from 21 April to 12 August 1949.

stipulated that the four conditions to be fulfilled by militias and volunteers corps if they were to be accorded prisoner-of-war status applied to those not forming part of regular armed forces.⁷⁰ It also stated that prisoners of war prosecuted for acts committed before their capture would retain the benefits of the Convention even if they were convicted.⁷¹

During his conversation with the President of the ICRC, Pandit Nehru had, however, given an assurance that India would be magnanimous and that after investigation *Razakars* prosecuted for lesser offences would be released. Following a last approach⁷² inquiring about the fate of the *Razakars*, the ICRC was informed that, of the approximately 17,000 persons arrested, 128 were still being held, of whom 71 were being tried and 57 were under investigation.⁷³

Conclusion

In October 1949, the ICRC decided, following the advice of its delegates, to close down its mission in India and Pakistan. The delegates believed that the remaining problems of a humanitarian nature no longer required a permanent ICRC presence - unless a large-scale relief operation could be undertaken for the refugees, which the ICRC was unable to implement with its resources alone.⁷⁴

Whereas the Kashmir conflict was at its height when Dr Wenger arrived, the situation was quite different after the cease-fire and the start

⁷⁰ These four conditions, set out in the future Article 4, para. 2, of the Third Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, were:

- "a) that of being commanded by a person responsible for his subordinates;
- b) that of having a fixed distinctive sign recognizable at a distance;
- c) that of carrying arms openly;
- d) that of conducting their operations in accordance with the laws and customs of war."

⁷¹ This draft article, which became Article 85 of the Third Geneva Convention of 1949, read as follows:

"Prisoners of war prosecuted under the laws of the Detaining Power for acts committed prior to capture shall retain, even if convicted, the benefits of the present Convention."

⁷² Letter of 23 March 1950 from N. Burckhardt to Mr Vellodi, Governor of Hyderabad (ICRC archives, file G 17/166).

⁷³ Letter of 24 April 1950 from the Indian Ministry of Foreign Affairs (ICRC archives, file G 17/166).

⁷⁴ In June 1950, the ICRC nevertheless launched an operation to assist refugees in Bengal, at the request of the Indian and Pakistani governments, which helped to finance it.

of political negotiations under UN auspices. The hostilities had ended, and India and Pakistan had direct relations enabling them to resolve issues of mutual interest among themselves. Action on the part of a neutral intermediary no longer appeared necessary, and the reason why the delegates had continued to mediate between the parties was that they thus hoped to speed up the settlement of a number of problems of a humanitarian nature. They now saw, however, that those problems — the repatriation of all prisoners of war, the exchange of political prisoners, the repatriation of abducted women and children, the transfer of groups of civilians — tended to form an overall issue that was becoming increasingly difficult to divide into separate components and the solution to which, it seemed, depended on the progress of political negotiations.⁷⁵

As for the *Razakars* of Hyderabad, the ICRC could do nothing for them.

How, then, should we assess the results of the ICRC's activities on the Indian subcontinent?

At the time, Dr Wenger's mission was considered beneficial by both India and Pakistan,⁷⁶ which wanted it to continue. In his role as a neutral intermediary, the ICRC delegate succeeded in building relations of confidence, at the highest level, with all the parties to the conflict in Kashmir. He ensured the implementation of the main provisions of the Geneva Conventions concerning wounded and sick military personnel, the protection of hospitals and the treatment of prisoners of war. He also facilitated the conclusion of arrangements to protect, assist and transfer civilian minority groups and to trace and repatriate abducted women and children, despite the absence of protection for such persons under the Conventions. His successors, Dr Marti and Nicolas Burckhardt, continued his work, checking on the treatment afforded to prisoners by making regular visits to detention facilities, seeking out the most vulnerable civilians — interned members of minority groups, abducted women and children, trapped refugees — and drawing the attention of the authorities to their living conditions. Lastly, they drew up as complete and accurate a report as possible on the situation of refugees in Kashmir. Despite their modest resources, the delegates spared no effort to try and improve the plight of these victims.

⁷⁵ Letters of 17 and 26 May and 3 and 19 June 1949 from Dr Marti (ICRC archives, files G 17/66/66, G 3/37d, G 81/Ev. and G 17/66/167), and letters of 1 and 16 August 1949 from N. Burckhardt (ICRC archives, file G 3/37e).

⁷⁶ Radiogram of 6 March 1948 from Lady Mountbatten, cable of 12 May 1948 from the Pakistan Red Cross, and letter of 25 June 1948 from E. de Haller, delegate of the Swiss Federal Council for international relief work (ICRC archives, file G 3/37c).

Another question that might be asked is why the ICRC did not take action sooner and deploy greater resources during the strife which shook the subcontinent.

The answer is that the organization was going through a difficult period: it was being criticized, both within the Red Cross Movement and by some States, for failing to do everything possible to help the Jews and Soviet prisoners of war, victims of the Nazi regime, during the Second World War. In a devastated and destitute Europe, engaged primarily in healing its wounds, the ICRC remained deeply involved in the aftermath of the war, at a time when it was also facing serious financial problems; indeed, the situation was so critical that at the beginning of 1946 the organization envisaged the immediate liquidation of most of its services and delegations. In the end, it was not compelled to take such drastic measures thanks to funds advanced by the Swiss government, but its financial situation remained highly precarious until the end of 1949, leading to a massive reduction in staff. In those circumstances, the ICRC was hesitant to commit itself to any new operations without any guarantee of obtaining the necessary funds.⁷⁷

This was also the time when the ICRC was gradually scaling down its relief activities for civilian populations, except where it was the only organization able to take action and where its role as a neutral intermediary was needed. This approach also applied to refugees, who strictly speaking did not come within its mandate and, above all, for whom it did not have any funds of its own.⁷⁸

⁷⁷ The Indian and Pakistan Red Cross Societies in fact contributed to the financing of the ICRC's activities.

⁷⁸ At the time, the ICRC had neither its own funds nor rollover funds which it could have used for emergency relief operations. The modest capital that it had built up after the First World War was virtually exhausted on the eve of the Second; during World War II donations and contributions from governments, National Red Cross Societies and other institutions interested in its activities, and collections from the Swiss people, enabled it to cover its expenses.

It should also be pointed out that until the end of the Second World War contributions from National Societies and governments were strictly voluntary — and thus uncertain. The ICRC had to wait until the XVIIth International Red Cross Conference in 1948 for a scale to be established for contributions by National Societies, which were urged to abide by it, and until 1949 for the Diplomatic Conference for the review of the Geneva Conventions to recognize the need to ensure that the organization received regular financial support. Moreover, it took time for those commitments to translate into reality.

Lastly, up to the end of World War II, the ICRC's relief activities had mainly involved requesting, transporting and distributing supplies provided on trust by donors. It was not yet customary for the organization to carry out large-scale aid operations using its own resources or those raised as a result of general appeals.

In this context, the ICRC — which had closed its delegation in British India in February 1947 — probably did not fully anticipate the scale of the tragedy that was about to occur on the subcontinent. On the eve of independence, its main concerns were the reorganization and formation of new National Societies in India and Pakistan, and the need to spread awareness of the Red Cross and of its principles and ideals in that part of the world.⁷⁹ It also seems to have been insufficiently informed of events. In the discussions preceding the dispatch of Dr Wenger to the region, no mention was ever made of the Kashmir conflict. All that was discussed was the massive exodus of refugees, by which the ICRC felt it had been caught unawares: it found that, for lack of financial and other resources, its means were derisory in the face of the magnitude of their needs.

As a former ICRC staff member later put it, there was something at once insane and magnificent about launching an operation in such circumstances.

⁷⁹ Records of the ICRC Bureau's meetings of 10 July and 7 August 1947 (ICRC archives).