

*A THESIS
ON*

GIFT

**BORDER CONFLICT
AND
THE FUTURE FOREIGN POLICY OF BANGLADESH**

Presented by

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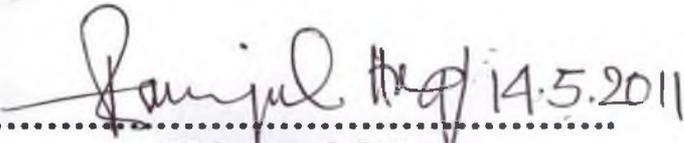
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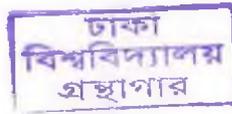
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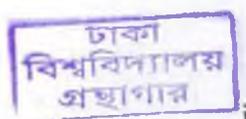
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The shortfalls that may remain in the monograph are however solely mine.

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Preface

This thesis is the requirement for the degree of M. Phil of International Relations and it is an outcome of a strenuous but sincere attempt on the role of Foreign Policy of Bangladesh in managing the ~~erotic~~ border issues among Bangladesh and its neighbors. Conflicts/ disputes between or among the countries is a common problem since human civilization. We cannot disagree that every country in the world faces number of problems with her neighbor whatever friendly and they may be. US-Mexico border is well known for drug and human trafficking, North Korea-South Korea shares onto the most turbulent borders but no where in the world somebody would fond such a deadliest border like the Indo-Bangladesh border. Likewise, the history of Bangladesh-Myanmar relations during 1972-till date has experienced ups and down in their bilateral relations. Many studies have been conducted to consider sustainable relations among the neighboring countries. But this study is an attempt to find out the linkage between the foreign policy in shaping a sustainable border management guideline for Bangladesh and her neighbors as well.

This thesis work has been divided into seven chapters. The first chapter contains the context of the study which includes rationale of the study, research objectives, review of the literatures related to the present study and limitations of the study. The second chapter starts with the historical evolution of Borders, Border demarcation and the types of Border conflicts. In the second phase of this chapter, a comprehensive analysis of Bangladesh Foreign policy and the nature and strategies of foreign relations in different political regime have been stated.

The third chapter deals with the methodology of the study. Both primary and secondary data were used in this study. In-depth interview, Key Informant Interview, Focus Group Discussion (FGD), Community meeting, Case study techniques have been used for collection of primary data. Secondary data have been collected from the news papers' reports, documents and publications of different related agencies such as different NGOs work for Border related issues, different agencies of the Government of Bangladesh,

Head office and zonal offices of BDR, Immigration and Customs Office, Bangladesh Bureau of Statistics, related web sites and research documents from different library etc.

Chapter four depicts the erotic/tricky border issues between Bangladesh and India which create serious impact on Bangladesh and India relations. This chapter encompasses the various fields where different sorts of conflicts/disputes either latent or manifest have been arrived. Those issues include anti Bangladesh activities in India, exchange of enclaves, adversely possessed territories, border terrorist activities, illegal trade, trafficking across border, Trans-boundary river issues [i.e, The Ganges Water Sharing Treaty, Farakka Barrage, river linking project issue, Tista and other six rivers, Tipaimukh Hydrological Dam (THD)] Indo-Bangladesh maritime dispute, Construction of Military Wire Obstacle (Barbed wire fencing) etc.

Chapter five also illustrates the core issues of Bangladesh and Myanmar relations. This chapter examines the development of Bangladesh-Myanmar relations during 1972-2009. In particular, it examines and explores the impediments that hinder strengthening the bilateral relations between Myanmar and Bangladesh. It also looks at the analyses the history of Muslim Rohingya refugess of Arakans, cross border smuggling, recent maritime disputes between these two countries.

In the chapter six efforts has been made to reviews the assessments of research findings regarding the role of foreign policy in process of border conflict management. The researcher therefore tries to identify the existing and potential complexities that hinder the friendly relations between Bangladesh and India, Bangladesh and Myanmar. In this connection the researcher has found some important issues that are of concern in border management include -porous nature of Border, difficulty in identifying Indian/Bangladeshi nationals, over population in border areas, border fencing, criminal-administration-police nexus, circuitous international boundary, limitation to applicability of Law of the Land, firing across the border, lack of border development etc. The chapter also suggests the ways and means to overcome the existing constraints in promoting and

strengthening friendly relations among these neighboring countries. Initially it starts with the examination of Bangladesh India border management strategies and then discusses on a healthy Bangladesh-Myanmar border relations in the eye of foreign relation. To make a sustainable border management the researcher finds that Bangladesh and its neighbors can achieve sustainable situation in border area through goodwill, diplomacy and continuous dialogue and an attitude of sensitivity towards each other's concerns. In fact, the bottom-line of the research findings is that supporting a dispassionate, cooperative and rewarding relationship with all the neighbors through greater contacts, negotiations and dialogue should have been a very important objective of Bangladesh's foreign policy in view of its implication for national security as well as border security and finally development.

Chapter seven is the concluding assessment of this thesis. It says that in order to make our Border safe and sound, Bangladesh has to establish a sustainable Border Management Guide Index. This border management guide does not indicate only to improve the efficiencies of Border Forces rather it should encompass many things, like the structural development in the border area, improve and integrate all the border agencies of neighboring countries to work together, regular and frequent meeting from grass root level to top level of the government officials, settle disputed issues through negotiation or peaceful settlement, use track II diplomacy (people to people contact) to build a good report among the neighbor's mass etc. It also encompasses some Action Plans which include-commitment of neighboring countries to shared values, a more effective political dialogue, connecting the neighborhood through trade, energy, economic and social development policy. Finally, the readers will find that our foreign policy should not only vow for official meeting and treaty in order to achieve a good border rather it covers multidimensional and multifaceted efforts that could really help out from this protracted problem of Bangladesh.

May, 2011
Dhaka, Bangladesh

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Abbreviations

AL	: Awami League
ASEAN	: Association of Southeast Asian Nations
BDR	: Bangladesh Rifles
BIISS	: Bangladesh International Institute of Strategic Studies
BIMSTEC	: Multi-Sectoral Technical and Economic Cooperation
BNP	: Bangladesh Nationalist Party
BSF	: Border Security Forces
EEZ	: Exclusive Economic Zone
GO	: Governmental Organizations
JRC	: Joint River Commission
MDGs	: Millennium Development Goals
MoU	: Memorandum of Understanding
NGO	: Non-Governmental Organizations;
SAARC	: South Asian Association for Regional Cooperation;
UN	: United Nations
UNCLOS	: UN Convention on the Law of the Sea
UNHCR	: United Nations High Commissioner for Refugee

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Chapter-1:

Introduction

1.1 Rationale of the Study:

Studies on Indo-Bangladesh relations often highlight the importance of geographical realities in depicting Bangladesh's security dilemma vis-à-vis India. Often termed as an India-locked country, Bangladesh shares 4427 kilometers of land border on three sides with India and Myanmar and the fourth side is opening to the Bay of Bengal. Bangladesh and India also share a 180 kilometers long maritime boundary. Maintaining such long extended border relation often tensed to deterioration, which is not exception in case of these neighboring countries. In this regard, this research is very much rational to find out the real picture.

This study would provide us with valuable information about the factors of border conflict among Bangladesh and its neighboring countries, i.e, India and Burma (Myanmar). It will also help us to analyze the core aspects of our foreign policy in determining the border relation with India and Myanmar. The policy implications of the research findings will be of particular interest to government decision-makers to focus upon enhancing effective cooperation with our neighbors through solution of border issues, as well as formulation of coordinate foreign policy.

1.2 Objectives of the Study:

The goal of this research is to document the erratic border issues that lead to conflict among the three neighboring countries. At the same time an attempt would be made to manage these controversial issues where the role of foreign policy will be emphasized. However, the objectives of this study include-

- To identify the main border issues (specially among Bangladesh, India and Myanmar) that lead to untoward conflicts between these neighboring countries,
- To review and assess the consequences of these border conflicts in terms of physical destruction and deteriorating mutual trust and relationship between these two countries,

- To justify the role of our foreign policy in reducing the intensity of border conflict,
- To assess the level of willingness of different governments of these countries to solve this problem peacefully as different political governments believe different political ideologies,
- To find out some possible recommendations for dealing with this problem.

1.3 Review literature relevant to the present study

India- Bangladesh Border: where millions of people reside between death and fear, News Network (A News- Feature Agency of Bangladesh), No-3, April 2003, (published in Bangla).

Here Goutam Mandol, a prominent journalist of Bangladesh and his associates have described the overall socio-economic and human rights condition of the inhabitants of the enclaves. But the main emphasis put on different problems (e.g. firing between BDR and BSF, mass killing by the BSF, push-in, push-back etc) that are faced by the people residing in the border areas. The report has also pointed different major problems like –enclaves problem, adverse possession of territories, illegal trade, women trafficking etc that generally intensify the border tension between these two neighboring states in different times.

Border Fencing: A major Irritant in Indo- Bangla Relations, News Network (A News- Feature Agency of Bangladesh),No-36.

A team of journalists led by Ekram Kabir, conducted a comprehensive study to report on the above title. This study presents an assessment of the divergences in relations between the next- door neighbors and attempts to understand the sources of discords between these two countries. At the same time this study also focuses on the fencing work by India on Indo- Bangladesh border in detail. In this regard the cases of other border fencing in the world, like- the US fence along Mexican border, and other cases of territorial disputes between different neighboring countries, like- territorial disputes between Ecuador and Peru are also discussed elaborately.

In *Bangladesh: A fragile Democracy*, author **Sreeradha Dutta** made an attempt to trace how the Naga movement spearheaded by the National Council leader AZ Phizo, used Dhaka in 1956 as a route to escape to London on a false passport provided by

Pakistan. The Naga insurgents have been receiving weapons and training in East Pakistan until the formation of Bangladesh. Similarly, East Pakistan provided a helpful hand to the Mizos. When the Mizo National Front (MNF) failed to win the district council in 1963, its leader Laldenga and his supporters reached out to Pakistan for arms training. According to *The Hindustan Times*, in 1966, about 200 trained volunteers had returned to Mizo hills from East Pakistan. When the Indian Government declared the MNF unlawful in February 1968, the Mizo National Army was forced to go to underground and crossed the borders into the Chittagong Hill Tracts.

Exploiting the proximity and favorable terrain, Laldenga and his volunteers were trained by the Pakistani army. In recent years, Bangladeshi immigrants into India have increased and the sudden growth of Muslim population in Indian districts bordering Bangladesh is a direct outcome of his trend. Periodically, various Bangladeshi Governments (while maintaining their complete non-involvement) have been promising to intervene and close these bases.

In his article, Indo-Bangladesh Maritime Border Dispute: Problems and Prospects, Alok Kumar Gupta, Assistant Professor, National Law University, Jodhpur, addresses that there are three issues between the two nations that obstruct a settlement. First is the claim over New Moore (South Talpatti) island. The dispute is over the ownership of this tiny island which emerged in the estuary of the border river, Haribhanga after the cyclone and tidal bore of 1970 and is still in the formation stage. Flow of the river Haribhanga has also been a major source of discord between India and Bangladesh. India claims that the main channel of the river flows to the east of the new island, whereas Bangladesh maintains that it flows to the west, which would clearly make the island an integral part of the Bangladesh territory. Demarcation of Sea Boundary remains, as always, the biggest challenge. It has also delayed the demarcation of territorial waters, the Exclusive Economic Zone (EEZ) and Continental Shelves, which are essential for the exploitation of marine resources.

The resolution of the maritime border dispute between Bangladesh and India and Bangladesh and Myanmar is of highest importance and should be done in accordance with international law and agreements between the two sides. India's stand is that the

solution should be based on "equidistant principle" whereas Bangladesh's claim is that it should be resolved on "equity principle" [for example: Anglo-Norwegian case of 1951] meaning that the countries bordering to the Bay of Bengal would get proportional areas in the zone.

The Bay of Bengal is located to the south of the land territory of Bangladesh which is in a rectangular domain and that gives Bangladesh the right to claim marine areas in a rectangular orientation extending 200 nautical miles to the south in the Bay from the extremities of its baseline (10 fathom depth point) territory, (Bangladesh is concave coast and other two countries are convex). The fact remains that the delimitation of sea boundary between two lateral or adjacent states, such as Bangladesh, India and Myanmar, is different from that of opposite states such as India and Sri Lanka or Australia and Indonesia.

The method of delimitation (equidistant method) between two opposite states may not apply between adjacent states because it grossly distorts the boundary, contrary to the principle of fairness and justice (equity principle). Therefore, any attempt towards maritime border conflict resolution should take into account a few key factors. Prior to the demarcation of the sea boundary, the border of the Haribhanga River is required to be determined first. Ordinarily, in the case of a navigable river, under international law (Article 76 and 82 of the UNCLOS), the boundary line runs through the middle of the deepest navigable channel (Thalweg principle) unless agreed otherwise between the parties. Also, according to international law, the states shall settle the boundary through negotiations. If negotiations fail, the principle of equity will apply, implying that justice and fairness must be the hallmark of the settlement.

There should be a joint Bangladesh-India marine survey on the Haribhanga River to determine the exact position of deep-water navigable channel or the main channel of the river. India has so far, been reluctant for a joint survey, which is wrong, given the big brother-small brother syndrome that India's neighbors suffer from. As Bangladesh failed the negotiation with both India and Myanmar the government has decided to take the matter up with the UN, submitting the issue to compulsory arbitration under the United Nations Convention on the Law of the Sea (UNCLOS). A joint survey will mitigate many of the disputed claims and counter-claims over the entire issue. Both countries should try to involve a neutral third party or if agreed may refer it to an international tribunal.

Points that were out of focus in the previous researches:

- The previous researches focused on the direct physical border conflicts and ignored the structural conflicts.
- Past researches did not briefly discuss the issues of psychological conflict regarding border conflict.
- The previous works did not suggest a perfect roadmap for taking foreign policies as an instrument to control/ reduce/ manage border conflicts.
- The relationship of foreign policy and border conflict has not been pictured out in other researches.
- Role of black business in the border conflicts is yet to be discovered.
- Previous researches did not correlate the theories of foreign policy and the theories of border conflicts.
- Existing researches did not analyze the border conflicts on the basis of theories.

1.4 Limitations of the study

The researcher has always been sincere to do a good work that would reveal the real picture of the sources of border dispute role in the policy level to create a peaceful situation among the neighboring countries. Yet few constraints could be found as limitations of the study.

1. All required secondary information was not available due to poor national and grassroots level data base system.
2. Respondents sometimes became impatient since it took a long time to respond all the questions of the questionnaire and
3. Scatter location of the study area is also a problem for data collection.
4. The most crucial limitation of the study is that the subject matter of the study is very complicated and the researcher could not able to go to India to get more comprehensive data even cannot get any present high official views of Indian authority regarding this critical topic;
5. The time allocated for this study was short. It had been a very good work if the researcher could have covered some more areas;
6. The researcher is quite new in this particular field. As a result few more limitations could be evident in the tabulation and analysis of the research findings. The analysis of the findings could have been sharp if it had been done with proper attention.

Chapter-2:

Operational Definitions of Terms & Concepts

2.1 Meaning of Borders and Boundaries

Since the beginning of human civilization, people have felt a fundamental need to divide the world into territorial pieces that included themselves and excluded other groups. The original divisions were often based on the extent of available agricultural land, or on the influence of a central city over a surrounding area. Over time as groups organized into empires and expanded their territories, they encountered other empires. Where the empires met, wars were often fought and eventually peace followed. The end result, as long as one empire did not completely take over another, was an area of transition between the two territories- a type of border zone.

The importance of borders was not fully realized until the age of Exploration in the 15th and 16th centuries and beyond. As European powers claimed new lands in Americas, Africa and Asia, they had to make a clear record of their territory and its resources. The record often took the form of maps created by skilled surveyors and cartographers who were a part of the original expedition or who were later sent to the newly explored lands.

Eventually, through the 17th, 18th and 19th centuries, as colonization continued and countries disagreed about overlapping territorial claims, the need for more precise boundaries became necessary. Border zones were not adequate for locating the exact limits of a country's territory, with technological advances in surveying equipment, countries were able to more precisely locate and record their new boundaries. Maps served a critical role by acting as a public record for countries to claim that "we were here first." By the end of the 19th century, most of the world had been divided by boundaries into countries, colonial territories or claims.

Boundaries can be an issue of national importance, driving citizens and their governments to anger and war if other parties refute their claims. In addition, the modern reality of social, ethnic and economic unrest within and among countries puts

pressure on existing boundaries and claims. The need for new resources such as food, water or soil to support a growing population often tests the strength of claims and boundaries.

With the creation of the League of Nations in 1919 with the treaty of Versailles, at the end of World War I, countries had an impartial organization to approach for settling disputes through legal and peaceful means instead of going straight to war. The League considered more than 60 disputes. The organization was ultimately replaced by the United Nations (UN) following World War II. Military clashes over boundaries are still a reality today, but countries are now more willing to seek peaceful guidance from the UN and the International Court of justice (ICJ), known as the World Court. In addition, the pressure asserted by regional powers such as the United States, Russia and China and alliances such as the North Atlantic Treaty Organization (NATO), Organization of African Unity (OAU) and others help to keep some disputes from escalating.

2.2 Types of Boundaries

A boundary line that divides one geographical area from another is often more complex than it seems on the map. The map simply show a line of dashes running along the crest of a mountain range or down the middle of a major river, or just a straight lines are of the same type. Several different types of boundaries exist, and the types are closely related to the history or current status of the line. The most common boundary line types are explained below.

An international boundary is a linear boundary segment, or a series of linear boundary segments that divides one country from another by a mutual, peaceful agreement. For example, in 1997, Russia and China settled an ongoing dispute over their boundary. They mutually agreed upon the final demarcation of their 4345-kilometer long (2700 mile long) boundary and the entire border is now considered a peaceful international boundary. A disputed boundary is an (national or) international border openly contested by two or more countries or subdivisions within a country. A ceasefire line is established by an official cease-fire between two or more countries; it represents a temporary international border created in response to a resolution of armed conflict. A treaty line is a boundary established by an official treaty between two or more countries, but not yet agreed upon by all countries involved. Finally an indefinite

boundary is an approximate boundary that has not yet been officially surveyed or based on outdated historical surveys. It may also be a boundary that is known to exist but for which accurate verification data are lacking.

In addition to these formal boundaries, there are many informal types that reflect cultural differences, ethnic group distribution, or religious influences. Because of the dynamic nature of these kinds of boundaries, cartographers are unable to collect the precise data required to draw a map. Yet these boundaries can be just as real as an official international boundary because they not only can divide the geographic space but also delineate the behavior and practices of the people in that space. The Ogden region is the longtime home to nomadic peoples ethnically related to Somali tribes, yet it is currently divided between the countries of Ethiopia and Somalia. These people must contend with a disputed political boundary that slices through their traditional landscape and thus affects their ability to migrate as they have for centuries.

The appearance of boundaries on popular maps is as important as their careful legal definition. Boundaries and territories often involve sensitive international issues, so the map must represent the areas clearly and without bias. Cartography therefore plays an important role in the interpretation of boundaries and boundary issues between countries. More than once a country has been offended by an incorrectly rendered map and has responded with armed force. The numerous conflicts between Greece and Turkey over small border islands in the Aegean Sea serve as a good example. The seemingly simple act of a cartographer's labeling an island on a map as Turkish instead of Greek has been enough to mobilize armed forces on both sides as each country asserts its sovereignty over the island. If each country maps certain lands as its own, the act of mapping may become a diplomatic offense causing an escalation of tension and eventual military conflict. Showing a disputed boundary or area in a fair manner can be difficult when disputing countries each want their mutual boundary or the disputed area to be shown their way.

I was so rushed that I had no time to go into the details, 'said Cyril Radcliffe, the draughtsman of Partition, '..... What could I do in one and a half months?'

The decision to split British India came at the very tail end of the colonial period. In June 1947, a mere six weeks before British rule ended, the Viceroy of India formed the Bengal Boundary Commission. This Commission had to decide where the new border between India and Pakistan was to be located.² Its members had an impossible task. They had accepted an unclear brief and a six-week deadline. They were besieged by lobbyists and pressure groups that sought to influence them as they were about to take a decision that would affect millions. Not surprisingly, the Commission could not come to a unanimous decision and ultimately had to resort to an artful ruse.

There is an extensive literature on these hectic final days of colonial rule in the summer of 1947. Rather than summarizing this literature, this chapter seeks to dispel three widespread misconceptions: that the new border bisected Bengal; that it provided a border to Muslim-majority areas; and that it led to a Hindu – Muslim divide. The brief when the viceroy constituted the Boundary Commission on 03 June 1947, he instructed it to:

Demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous areas of Muslims and non – Muslims. In doing so, it will also take into account other factors.

The chairman, sir, Cyril Radcliffe, was to submit the report by mid – August, when British rule would cease and the colony was to be divided.⁴ The political leaders of the independence movement in British India had failed to reach agreement over a united postcolonial future; there was to be a territorial partition. Two states were going to be created: Pakistan, a homeland for Muslims, and India, for all other. The instruction to the Bengal Boundary Commission was therefore phrased in terms of Muslim and non Muslim; the idea was to separate areas where Muslims formed a majority of the population from those where they did not.

The Boundary Commission's instruction contained two terms that were particularly vague. First what was the commission to make of the term areas? How should it define an area? It could be a province or a lower administrative unit, or it could be any other slice of territory. All of these definitions had been toyed with in the intense public discussions that had preceded the constitution of the Boundary Commission. The choice would have far reaching consequence. For example Bengal was a Muslim majority province containing many non Muslim majority districts. Each district was

a mosaic of thanas (smaller units sometimes referred to as police stations) that could be Muslim or non Muslim majority areas. And below the thana level were even smaller units that could be taken to be an area.⁵ The Viceroy's instruction left the Boundary Commission free to make its own choice, and after fierce internal debate its decision were based largely on thanas.⁶ Figure 3.1 shows what the pattern of Muslim majority and non Muslim majority thanas looked like, based on what were then the latest population figures, collected during the Census of India of 1941.

If the instruction had been simply to separate Muslim and non Muslim majority areas the Boundary Commission could have demarcated the new border by drawing a line between contiguous grey and white areas, no doubt giving rise to questions about what actually constitutes a contiguous area. But here the second vague term in the Viceroy's instruction came into play. The Boundary Commission had been told to take into account should they be? These concerns become the topic of correspondence and discussion among worried politicians and bureaucrats in July 1947. But even after the commission itself had asked the Viceroy for clarification it self to decide what these other factors are and how much importance should be attached to all or any of them.⁸ In other words, the commission was on its own.

It is not easy to deduce the full range of other factors that played a role in the commission decisions.⁹ From the final report, it is clear that an important consideration was the 'claim' of great port to be in control of their hinterlands, especially their river system. This argument was used twice: the southeastern port city of Chittagong pulled a non Muslim majority district (the Chittagong Hill Tracts¹⁰) into Pakistan and Calcutta was assigned to India, together one district (Muslimabad) and parts of two other districts (Nadia and Jessore) with Muslim majorities (see Appendix Figure 1). The river system argument also played a role in assigning Khulna, a non Muslim majority district, to Pakistan.

But in the end the commission could not agree about the best way to divide Bengal. The way out was to leave the decision to Chairman Radcliffe alone and it was who wrote the report and took responsibility for it. Therefore the Bengal border, more than any other twentieth century border in the world, can be seen as the creation of a single individual

2.3 Three misconceptions.

The decisions of the Boundary Commission have been subject to endless debates ever since. There have been speculations of undue pressure on the commission as well as accusations of various biases and incompetence. As in any messy divorce, the separation of the two political cites (Pakistan's Muslim League and India's National Congress) has produced interpretations of history that are antagonistic. These interpretations share a view of Cyril Radcliffe as deserved is an issue that need not concern us here. But whereas the dominant interpretations have paid much attention to the politics of border making they have largely neglected the border itself. As a result, several misconceptions and simplifications crop up regularly in contemporary discussions.

2.4 Bengal bisected?

In discussions about the partition of Bengal, it is usually assumed that the Bengal Boundary commission bisected the province. The image is that of a north south line dividing west Bengal from East Bengal, with the former joining India and the latter Pakistan. The reality is far more complex. The Radcliffe line did not carve two halves out of the province of Bengal; it made the province fall into four large pieces. The largest of these was a group of sixteen districts at the centre. These joined Pakistan under the name of East Bengal, later East Pakistan (which ultimately seceded from Pakistan as Bangladesh). East Bengal was surrounded by three territories that joined India. To the east was Tripura, a Princely State that would formally merge with the India Union in 1949. To the north was a territory consisting of two regular districts and the Princely State of Cooch Behar and to the west group of twelve districts. The northern and western territories did not touch, but despite this non contiguity they were administered as one state named west Bengal Cooch Behar became a district of west Bengal when it merged with India in 1950. In addition to these four large parts however partition created no less than 197 minuscule territories, or enclaves, in northern Bengal. 74 Pakistan enclaves were located within the territory of India and 123 India ones within that of Pakistan.¹⁵ In brief, the boundary commission territorial surgery of Bengal resulted not in the simple bisection that is usually imagined but in the creation of no less than 201 territorial units.

2.5 A border to Muslim areas:

According to the instructions given to him, the chairman of the Bengal boundary Commission decided where the Bengal border was to be. It encircled most of the Muslim majority areas of Bengal (and most of sylhet district of Assam) and consequently it has usually been treated as a border between Muslim and non Muslim populations. But if we look at the borderland that the border created things are much less straightforward and the communal simplicity breaks down.

For almost three fifths of its length, the border was not a Muslim non Muslim divide. Only 26 per cent of the border separated a Muslim majority area in East Pakistan from a Hindu majority area in East Pakistan from a Christian or Buddhist majority area in India. In other words there was no sharp discontinuity between Muslim territory in Pakistan and non Muslim territory in India reveals that for half of its length the broker cut through areas where the same religious majority (Muslim Hindu or other) dominated on both sides. On the Pakistan side, there were non Muslim majority areas for two fifths of his length on the India side, Muslim majority areas made up one fifth of its length. Fifteen per cent of the border did not cut through either. Muslim or Hindu majority areas here other religions dominated on both sides of the border. Finally there were even stretches of the border where the Pakistan side was Hindu dominated and the Indian side Muslim dominated.

Table: Hindu Muslim and other populations on the Bengal border
(Percentages of total of border)

	Majority population					Total
Pakistan	Muslim		Hindu		Other	
India / Burma	Hindu	Muslim	Hindu	Muslim	Other	
	other		other			
Total	26%	20%	16%	3%	15%	100%
	15%		5%			

To demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous areas of Muslims and non Muslims and also take into account other factors.’ In the borderland it was obvious that contiguity had been taken very loosely

and that the vague other factor's argument had been used to cut a borderline that in most places actually failed to demarcate the contiguous areas of Muslim and non Muslims. This was true for the entire border as well for separate segments. Less than half the west Bengal / East Pakistan segment (slightly over one third of the entire Partition border) showed the expected pattern of Muslim/ non Muslim divide and that only intermittently- broken up into seven short stretches. And the Assam/East Pakistan segment (almost one third of the entire border) showed the pattern for only 15 per cent of its length. The widespread idea that the Bengal border was a Muslim / non Muslim border is only true in the sense that it encircled Muslim majority areas; in most the borderland itself it made no sense.

2.6 A Hindu - Muslim divide

Throughout the literature on the Partition of Bengla there is an almost unchallenged assumption that the border separated Muslim from Hindu. It is crucially important however to acknowledge that non Muslim cannot be equated with Hindu. Whereas the non Muslim stretches of the West Bengal border were all Hindu dominated in Assam there were no Hindu dominated areas at all facing Muslim dominated areas in East Pakistan. The 15 per cent section mentioned above as being a Muslim / non Muslim divide was located along the Garo Hills / Khais Jaintia and Hills (now Meghalaya) In the below map Majority populations on either side of the Bangal Border stretch that was Christian dominated on the India side of the border were three fifths Hindu and two fifths Christian or Buddhist.

The false assumption that there was a Muslim Hindu divide reflects two persistent biases in thinking about the Bengal border. The first is the idea that the border that actually matters is the segment dividing East Pakistan and west Bengal (where non-Muslim was overwhelmingly, but not exclusively, Hindu). The historiography thereby reproduces a dominant view among the political and intellectual elites of the region that narrows down the history of the region to that of the Bengalis and marginalizes all others. The East Pakistan west Bengal segment to the border ran right through the Bengal heartland, separation tens of millions of Bengalis on one side from tens of millions of Bengalis on the other. The trauma of these separations has dominated the historiography, creating an ethnic bias and ignoring the fact that for most of its length the border did not separate Bengalis. Not only did similarly separated ethnic

communities occur along the Assam, Tripura and Burma segments of the border, but in many places the border also marked a rather clear discontinuity between Bengalis and non Bengalis. Here the Muslim/Hindu dichotomy broke down. For example among the other communities that the border separated were the Garo (Whose majority religion is Christianity), The Tripura (Hindu) and the Rakhaing (Buddhist). Long stretches of the border were not inhabited by Bengalis at all for example the Chittagong Hill Tracts/Assam (now Mizoram) border where separated Bengali majority areas from non Bengali majority areas (as in Tripura and Assam) It was often a cause of Bengali (both Muslims and Hindu) on one side and non Bengali Christians of Buddhists on the other. The Partition borderlands were much more than its west Bengal/east Pakistan segment and its dynamics cannot be reduced to those of that segment.

The view of the border as a Muslim / Hindu divide also reveals another bias: The dominance of nationalist perspectives. From the mid twentieth century to the present, much of the historiography of the region has been unable to escape from the pressure of antagonistic nation building. In view of the categories that informed the decisions of the boundary Commission the post partition nations had little option but to legitimate themselves in terms of the Muslim/ non Muslim dichotomy. Dominant political interpretations however narrowed this down to the categories of Muslim and Hindu and these were treated as over arching, unproblematic and antagonistic. As a result history writing shaded easily into patterns of thought that were dualistic and left little room for other players in the historical drama of the region.²¹ This in turn reinforced the tendency to view the East Pakistan / West Bengal segment of the borders as 2 pars pro toto for entire border because it was here that the simple polarity of Muslim vs. Hindu worked best.

2.7 From notional border to national border.

In August 1947 the reality of the Radcliff line descended upon a population that had been neither asked for their opinion nor informed properly. This lack of information was to cast long shadows over subsequent events. In the final days of colonial rule the administration invented the concept of the notional boundary. This had to do with preparations for a division of the spoils that commenced well before the actual partition. Administrators and politicians needed to agree on a rough (notional) idea of

where the boundary commission was likely to fix the border, and proceed on the assumption. But the concept took on a new significance when it became clear that the decisions of the Boundary commission would not be 14 – 15 August 1947. Therefore the governments of East and west Bengal were instructed to take charge up to the national repeat notional boundary pending publication and implementation of the Award [Boundary commission's decision].

This is exactly what happened. For example Murshidabad a district with a Muslim majority gained independence as a district of East Pakistan. Its inhabitants raised the flag of Pakistan and Pakistani administrators took charge. After a few days, however the district had to be transferred to India: the Radcliffe line turned out unexpectedly to separate Murshidabad from contiguous Muslim majority districts to the east and Murshidabad became a district of India. In the same way the non Muslim majority Chittagong Hill tracts gained independence as a district of India only to be transferred to Pakistani administration a few days later. Similar scenes occurred all along the border wherever the Radcliffe line chopped off thanas and smaller units from their parent districts and joined them with the neighboring country. Such confusion and initial identification with the wrong nation cast doubt upon the allegiance of the inhabitants of these areas to the nation to which they were ultimately assigned. In some cases the events of 15 to 17 August 1947 came to be critical events in the subsequent construction of community identities vis – a – vis the new nation.

This happened most destructively in the case of the Chittagong Hill Tracts. On 15 August 1947 people in this district with a 98 per cent non Muslim population raised the Indian flag believing that their district had joined that country. A few days later Pakistan forces removed these flag. In the Pakistani national discourse these events were construed as the core symbol of the district's treason to the state of Pakistan literally *avant la Letter*. It was the beginning of a historical development that would lead the Chittagong Hill Tracts down the road to marginalization repression armed rebellion and protracted war.

The case of the Chittagong Hill tracts demonstrates clearly the need to dispel the popular simplifications regarding the bisection of Bengal the bordering of Muslim majority areas and the equating of non Muslim with Hindu that continue to dog

studies of partition in the east Radcliffe's line turned out to be so fateful for so many people in so many different localities precisely because the unforeseen realities that it created were much more complex than these simplifications suggest. In the late monsoon weeks following 16 August 1947 information about the Boundary Commission's decisions ('awars'29) percolated through the societies of Assam, Bengal and Burma. The news set off a concatenation of event and activities on the part of millions of people both in the partition borderland and beyond which turn Radcliff's ominous red line from a mere cartographic embellishment into an undeniable political and social reality. During more than half a century it was local residents, refugee's district administrators, traders and a host border arguably often in much more direct and significant ways than the national politicians who continue to dominate accounts of partition and postcolonial state formation. In the next chapter, we will look at this process from the vantage point of the states attempting to establish exactly where border was and was and how to maintain a measure of control over it.

2.8 A Patchwork Border

When the leaders of India and Pakistan first learned about the location of the new border, they were appalled. The decisions (awards) of the Boundary Commission pleased no one. The last British Viceroy Who presided over the meeting observed.

If it had not been so serious and rather tragic their mutual indignation would have been amusing, Neither the Congress the Muslim league nor the Sikhs were in any way satisfied or grateful for any advantages they may have got out of the awards; they could only think of the disadvantages and complain bitterly. It was only after they had been complaining loudly for some time that they appeared to realize that there must be some advantages for them if the other parties were equally dissatisfied; and so after some two hours very delicate handling we arrived at the conclusion that the awards must be announced and implemented loyally forthwith.

As borders go the Bengal was an amazing innovation. With a length of over 4,000 kilometers, It was huge. And moreover no part of it had ever been an international border before. In fact the inhabitants of this region had no previous experience with modern international boundaries at all other territories under British control had long surrounded their territory. Remarkably, the Bengal border was the longest new

international boundary to come into existence during the worldwide decolonization process of the second half of any country.

In this chapter, we consider how the states of Pakistan and India established the border on the ground, a process in which they had to cooperate with each other. Despite much tension and antagonistic rhetoric, they managed to devise ways of dealing with most legal and political dispute. But today this process is still far from complete. Several border issues remain unresolved between India and what has now become Bangladesh. These lead to regular cross border confrontations and are potentially explosive because political forces in either country can exploit them. By comparison the almost 200 kilometers border between East Pakistan / Bangladesh and Burma is relatively unproblematic.

2.9 The initial patchwork

Unlike many borders created under the aegis of colonial rule, the border between East Pakistan / Bangladesh and India owed little to modern concepts of spatial rationality. The new border was anything but straight line; it snaked through the countryside in wacky zigzag pattern. It showed no respect for history and cut through numerous ancient geographical entities, for example the ancient capital of Gaur one of Bengal's most important archaeological sites. Some of Gaur's famous mosques and forts ended up in India others fell to Pakistan (later Bangladesh) A poet of the region Jasimuddin has likened the Bengal countryside to the intricate embroidery that rural women make on patchwork quilts. The handiwork of the boundary commission could also be likened to an embroidered quilt but one made by someone with an excessively baroque mind.

A close look at the border reveals that it was a patchwork of seventeen segments. Among that fourteen of these had been boundaries between colonial administrative units before involving thanas or police stations (5 segments), districts (3) provinces (3) princely states (2) and colonies (1). Three segments had not been administrative borders here the international border followed a railway or a river.

It was a situation fraught with possible for conflict. There had never been nay need to inscribe between subordinate colonial administrative units in the landscape. The clear lines that appeared on the maps used by colonial officials, including the Bengal

Boundary (or Radcliff) committee, did not correspond with anything visible out there. There was no way unequivocally to recognize the new border on the ground. It was a colonial legacy, the system of taxation which saved the day. It proved to be a godsend for those who had to identify the new border. In most of Bengal, and intricate land – based system of tax collection had been in place for over one and a half centuries. Under this system landlords/ tax collector known as zamindars had collected land tax (or land revenue) from cultivations and handed part of it over to the colonial state. Over the years the state had refined this system by gathering extremely detailed information on landholding. Successive surveys had established the exact size, location and productivity of individual fields all over Bengal, and this information was available locally. There were detailed survey maps showing the location of the tiniest individual plots. These maps – tools of colonial control and order – now turned out to be of immense value for postcolonial officials in the Bengal borderland, providing them with a non partisan, neutral tool for determining the exact location of the borderline, but there were three problems that the maps could not resolve for them: rivers, uncovered land mapping errors.

Rivers: Borders are usually visualized lines on the ground. This image is completely inadequate when we consider the Bengal border. For about 1,000 km, it runs through water. In many places it follows the course of a river, and it crosscuts dozens of rivers flowing from the surrounding mountains into the great Bengal delta.

Generally speaking rivers make problematic borders. There is a whole legal literature on how to demarcate borderlines in rivers. The border can be held to run through the middle of a river or to follow its deepest channel. It also can be fixed along one of the riverbanks or follow an arbitrary line through the river. The Bengal boundary committee had omitted to specify their definition of a river border and this created uncertainty in the minds of state officials having to establish the border. Since none of the rivers had been demarcated before it was no surprise that many border disputes between India and Pakistan focused on rivers. Even the most borders like and stable of rivers, the Naf which separated the colonies of British India and British Burma turned out to be of no help at all. When some previously uninhabited island in Naf river were occupied by people from Burma shortly after partition, the Pakistan authorities went on a wild goose chase in offices in Dhaka, Chittagong, and Cox's Bazar for

documents and maps which could establish their right over these islands. Eventually day had to concede that the boundary between Chittagong and Arakan districts along with the naf river do not seem to have been formally demarcated after the separation of Burma.

Although border were aware of different option in fixing a river border in practice they opted for the assumption that the border ran through the middle of a rivers posed border problem for different reason as well: they tend to move.

Wandering stream: Much of the Bengal border ran through a landscape known as an active delta. In active deltas rives tend to be mobile. Only in some part of the borderland - in hilly terrains in the east and south - rivers formed a relatively stable border because they flowed through 'fixed' hill valleys. But in the north and west the borderland was flat and here rives frequently shifted their course. They could move their main channel unpredictable from year to year, eating away one bank and throwing up land on the other. The inhabitants' of Bengal were accustomed to entire village being destroyed in this way and agricultural land disappearing under water. This natural process had always been the cause of much population movement within Bengal and from the mid nineteenth century it had fuelled settler emigration to Assam and other areas. It had also given rise to special regulation regarding land rights along riverbanks and even under water, when such wandering rivers came to mark an international border they were bound to create mayhem.

The Banal Boundary Committee based its decisions regarding the border upon scrutiny of the maps that had been produced during the land taxation surveys outlined above. It had no time to examine the situation on the ground nor was it provided with aerial or hydrographic surveys. In others words the Boundary commission worked on the basis of maps that were often several decades out of date. It is unclear to what extent the commission was aware of the fact that many segment of the newly designated border were in fact rivers or of the wandering nature of these rives. In the report the border segments are described in terms of administrative unite but rivers courses that marked a district in terms of administrative units but river courses that marked a district or thana boundary in say, 1920 could well have moved hundreds of meters since then. A district border that ran through the middle of a waterway in 1920

might now cut off little bits and pieces of both banks, creating isolated pockets of India on the Pakistan side of the river and vice versa.

The inhabitants of the Indian village of Malopara near the busy border crossing of Bongaon Benapol in West Bengal found themselves in that position. Separated from the rest of India by a large body of water and surrounded by Pakistan (later Bangladesh) territory, the village became moribund after 1947. Although India claimed the territory and posted border guards at Malopara it did not include the village in its development programmes. Fifty years after partition, there was no school in the village, no electricity no health facility no shop and most importantly no bridge. During the rainy season the village was effectively cut off from the rest of India and had to depend on Bangladeshis. By the early 1990s, only 13 families remained out of 100 odd in 1947 and in 1997 their number had dwindled to seven. For all practical purposes said the commandant of the Bangladesh border guards, 'the residents of the village depend on us. We look after their needs.

All along the border such cross river pockets sprang up the unintended and bizarre outcomes of the decisions of the Bengal Boundary Commission. It should be recognized however that with the passing of time even the most careful delineation of mid river borders in 1947 would have thrown up similar pockets. The wandering rivers of the Bengal delta simply do not fit rigid state borders.

The Bengal Boundary Commission Report made explicit comments on three border rivers, and in all three cases the commission got into trouble. The wording of the passages in the report was so ambiguous that it led to intense disputes between Pakistan and India. The two countries were unable to resolve these disputes; eventually they had to create an international tribunal (known as the Bagher Tribunal) to mediate.

In two of these cases the boundary commission had deviated from its usual practice of drawing the border along an administrative border opting instead for drawing the border along a river course that had not previously been an administrative border. Let us take a brief look at two cases: the Mathabhanga river in the west and the Kushiara river in the east

According to the report of the Bengal Boundary Commission, the Mathabhanga, a small river flowing through the district of Nadia was to mark the border between East Pakistan and West Bengal (India).

From the point on the river Ganges where the channel of the river Mathabange takes off the line shall run along that channel to the northernmost point where it meets the boundary between the thanas of Daulatpur an karimpur. The middle line of the main channel shall constitute the actual boundary.

Both countries accepted that the border was to run along the channel of the river but Pakistan contended that the Boundary Commission had not shown it correctly on its map. India agreed that although the map showed the river, 'there is no river at that place.' Nevertheless, 'Sir Cyril... finds the Mathabhanga channel and draws it on the map[and]..... river or no river – there is a rigid line as indicated on the map,' In other words, India argued that the map might be faulty but it sill constituted the Boundary Commission decision: the evidence of the map should prevail over the written description. Pakistan wanted a flexible border between two fixed points where the border would be the channel of the river even if it shifted. India claimed a reaffirmation of the commission's line, irrespective of possible shifts by the river in 1950 the mediation tribunal established that the aerial map of 1948 and Pakistan's documents proved that the Mathabhanga as drown by sir Cyril Radcliff did not exist in reality.

Now the problem was how to establish a mutually acceptable border. Should it run along the Mathabhanga channel as it existed in August 1947? But who could reconstruct? Finally the tribunal decided to take neither the situation in 1947 (which it could not reconstruct) nor that of the date of the aerial survey (1948) or the tribunal's decision (1950), but to defer it to the date on which a joint survey would demarcate the border: the border should be ascertained as on the date of the award, or if this was not possible as on the date of the demarcation of the boundary.

Here a combination of a faulty map and the likelihood of a river shifting its course created uncertainty about the location of a segment of the border. The tribunal could not remove this uncertainty; it entrusted the resolution of the problem to joint

demarcation at some later date. As well will see, the process of fixing the border often got stalled at the stage of demarcation and non demarcated border segments.

The other case, that of the Kushiara river in Sylhet , also resulted from the Bengal Boundary Commission's lack of detailed knowledge of local circumstances. The border river that they identified as kushiara does not actually bear that name. Like many rivers in Bengal this is a river that often bifurcates, and various sections also bear different names. The question was which branch of the Brak – Boglia - kushiara river should be accepted as the border. On the basis of eighteenth and nineteenth century maps produced in evidence, the tribunal decided in favour of Pakistan's claim but India could not accept this adjudication. As a result this part of the border is not of several that remain disputed today.

Islands on the move. Establishing the border in the rivers of Bengal held more surprise. Many of the silt – laden larger rivers are dotted with silt banks and islands that are inherently unstable. These are known as chors,. One day a small chor may appear in the middle of a river and grow rapidly. Next year it may be gone but, if not it will be colonized by plants animals and people. Cultivation will start and if chors continue to exist, cultivators will settle on it. Historically states in Bengal have considered chors and their inhabitants as troublesome. Chor people are hard to tax because they are always on the move, and they are hard to control because during the rainy season most chors are beyond the reach of law enforcement. Chors have attracted the independent minded and chor communities have long had a reputation for self reliance, religious sectarianism and defiance of outside authority. Their loyalty to successive states has always been doubtful.

Suddenly, an international border ran through such rivers and indeed across their poorly administered chors. This turned what had been an internal state frontier into an exposed and vulnerable part of the national territory. Both India and Pakistan were now faced with a double dilemma: how to establish and control the border on undemocratic chors and how to win the allegiance of their inhabitants. Immediately after partition, it came clear that the Radcliff line was highly debatable when it came to chor filled rivers. What is the main channel of such a river? It is in fact still a single river or should the two streams flowing on either side of large chors be considered as

two separate rivers? Depending on the answers to such questions, a chor could be claimed by either party or, it could be divided between them.

The most violent and long term dispute involving chors occurred in the river Ganges (here also known as pasma) in the months following partition, tension increased rapidly and several clashes occurred. The head of the district intelligence branch of Rajshahi (Pakistan) reported to his superior a string of clashes during 1948. The number of border posts was increased patrols by launch were introduced and people in the char areas were organized to help the police parties when required. It was impressed upon them that it was their duty to defend their homeland..... some seized shot guns were distributed to local people in strategic areas and the local people trained to use them.

Adjudicating the dispute over the Ganges chors was another major task of the Bagge tribunal. Once again, Pakistan wanted a flexible border (a line thought the middle of the river , which might shift over time) and India a rigid one (a fixed line irrespective of where the river was)³⁴. In early 1950 the tribunal decided on a fixed line following the course of the midstream of the main channel of the river Ganges as it was at the time of the award given by Sir Cyril Radcliffe

2.10 Unsurveyed land

As we have seen, the maps produced during the land-tax surveys of the late-colonial period made it relatively easy to establish the location of the new border on the ground. But not all land had been surveyed. In these areas anything resembling a clear guideline was absent, and trouble was bound to develop.

The most intense dispute occurred in a forest in Sylhet, the district of Assam that had been cut in two by the Boundary Commission. Western Sylhet joined Pakistan and eastern Sylhet joined India. The new border ran straight through the Pathria forest in central Sylhet, and this would be a bone of contention for years to come (see Figure 4.2). The forest had been under the administration of the Assam Forest Department. It formed the border between two thanas but had never been surveyed. Whether the border ran along the eastern boundary of the forest (as Pakistan claimed), or zigzagged through the forest (as India claimed) had never been of much concern to

anyone. Now it became an important international issue, not least because the area was thought to contain natural gas and oil. Clashes began to occur, forest guards were abducted, and territorial claims were emphasized by construction and destroying forestry outposts.

The small Patharia dispute sent tremors up to the highest levels of the state bureaucracies of Pakistan and India. In 1948 it was put on the agenda of the inter dominion conference at new Delhi; the resulting Delhi agreement proposed interim agreements to defuse the tension and decided to put it forward as one of the four border disputes to be adjudicated by the Bagge Tribunal. The interim agreements quickly percolated down both state bureaucracies, leading to detailed instructions to local forest staff, and the Bagge Tribunal began its work in December 1949. In early 1950 the tribunal decided that the Boundary Commission zigzag line through the forest was the correct border. Although both India and Pakistan had said that they would abide by the adjudication of the tribunal in this case, neither of them did and incidents continued to occur.

Mapping errors: Although detailed maps were available for almost the entire border area some contained errors, and these became a third cause of border disputes. At the time many of these were not perceived as major conflicts, but it would be wrong to suppose that border disputes were restricted to the four that India and Pakistan agreed to put before the Bagge mediation tribunal. Quite the contrary; countless disputes occupied the minds of border district officials and acted as irritants in relations between the two administrations. In one highly publicized case the name of the district written on the margins of a colonial era mouza map was incorrect and this caused considerable correspondence. In another there was a dispute over a border road. Did the border run on this side of it or that?

The boundary commission itself also made more mapping mistakes than the ones already mentioned (for example in the case of the Mathabhangra river). In what seems to have been a simple error on the map, a section of the border between the northern districts of Dinajpur (Pakistan) and Jalpaiguri (India) follows a straight line rather than the wavy thana border, as intended. As a result a territory about the size of an entire union was administered by India but claimed by Pakistan. This case became known as

the Berubari dispute. At first perceived as only a local issue it led to cross border shootings in 1952 and was discussed at high level meetings till an agreement was reached in 1958. This was not the story however. The agreed transfer was blocked by considerable popular resistance in India against giving any territory to Pakistan, leading to a case in the Supreme Court. Berubari was later linked with a proposed exchange of the many enclaves in the region (another territorial conundrum that has remained unresolved till today) and continues to be a potentially explosive issue.

2.11 Demarcating the border

India and Pakistan (Bangladesh) were lucky to have such detailed maps on which to base border making decision. Still the ways in which these maps represented realities on the ground sometimes created problems making it impossible for the two states to agree on the exact location of the border between their territories. Some of these cases turned into persistent trouble spots but in many others the states were able to sort out their differences. In the long run most of the border came to be fixed by mutual consent. But this was only the first step. Next came the task of demarcating the border for all to see, by means of boundary pillars and other physical markers of sovereignty. Especially in view of the unfriendly relationship that developed between these states. Despite the political rhetoric of enmity and mistrust, both state bureaucracies realized their shared interest in defining their territorial sovereignty, and they cooperated with each other. Immediately after partition India and Pakistan agreed on a working definition of the borderline. In December 1947 officials in border districts in both countries were told by their superiors to stick to the status quo in all branches of administration viz. civil, Revenue and criminal Until the final determination of the boundary are made by a joint boundary commission. As we have seen such instructions were insufficient to bring peace to the borderland, and top level bureaucrats blamed this largely to subordinate.

Then in a remarkable act of cooperation, the Home Ministries of East Bengal (Pakistan) and West Bengal (India) issued joint instructions to their border officials, who received identical letters in May 1948 ordering them to meet their colleagues across the borders as early as possible with a view to determine what the status quo is regarding all chars and border villages, the jurisdiction in charge which are in dispute or

are likely to be so. With the help of officials in charge of land records, they were to write a joint report on the factual position as it stood on the 15th August, 1947. They were also told in no uncertain terms that recommendations regarding the demarcation of the border were not welcome. It was not their task to demarcate the border but that of a future joint boundary commission once this point is clearly grasped by you and adducers subordinate to you there should be no difficulty in drafting the report.

Soon after this in December 1948 the Prime Ministers of Pakistan and India gave the formal go ahead for demarcation. It would be an operation at the provincial level and, for the purpose of demarcation the border was divided into provincial segments for which the procedures and arrangements differed. India and Pakistan had already completed an aerial survey of their East Pakistan / West Bengal border and would prepare a map on that basis.

East and West Bengal would now attempt to come to an agreement as regards the correct boundary line between the two provinces after examining all relevant maps and records and the line so agreed upon will be shown on the two provinces and will be marked by permanent pillars jointly by them.

Similar procedures were worked out between East Pakistan and Assam, and East Pakistan and Tripura. But in each case demarcation ran into serious trouble that would delay it for many years. First there was a lack of information. For example even the officials most directly concerned did not know the length of the border. Remarkably as late as 1953 the East Pakistan authorities thought that the total length of the border line with India was 2,126 km not even close to its real of 4,095 km. Second as the demarcation process dragged on it was overtaken by administrative reforms in India that brought new parties into it. Third political questions complicated the administrative procedure. As a result, six years after partition only one fifth of the border had been demarcated and 18 years after partition not more than two thirds.

Year	Demarcated	which segments
1953 37%)	827 km (19%)	west begnal (827 km = Assam (none) Tripura (none) Buram (none)
1965 78%)	2,713 km (66%)	west begnal (1,736 km = Assam (681 km = 67%) Tripura (296 km = 35%) Buram (none)
2003	4,088 km (95%)	west begnal (almost all)A Assam (almost all)A Tripura (almost all)A Buram (none)

A According to various press reports, between 6 and 125 km of the Indo Bangladesh border remained undemocratic (and disputed) in 2003.

Surveying and demarcating. Demarcating the border was a difficult and delicate job that was entrusted to survey teams made up of surveyors from both countries. To begin with they were exposed to the contradictory territorial expectations of their superiors. Not surprisingly, quarrels often broke out between members of joint survey teams. For example during demarcation operations on the Assam border in 1951, the representatives of Assam survey staff while leaving Sunamganj sector after a joint survey with the Pak survey party obliterated 14 boundary marks and demolished 5 out of 14 pillars in the northern border of sunamganj. A few months later another joint party surveying this segment of the border disagreed sharply over the demarcation of a disputed village and the proper surveying methods, prompting both states to send in troops and suspend all demarcation work along the Assam/ East Pakistan border.

It took over a year to defuse the tension sufficiently to take up demarcation again, but the work halted almost immediately because Assamese members of the joint survey party were arrested by Pakistani officials on the charge of smuggling pulses from Pakistan to India. Such harassment by officials was a common hazard for surveyors', especially because in the course of their work, they had to cross the borderline all the time. Surveyors also had to contend with opposition from borderlands, wherever they went they felt the full weight of local public opinion and they could not do their work without the protection of armed guards. Even so, sometime they were attacked.

In view of such tension, it was not surprising that the demarcation of the border was a slow and uneven process. Among the four main segments, West Bengal was the most successful: by the mid -1960s four fifths of it had been demarcated. Assam had a later start but here two thirds had been demarcated by that date. The situation in the Tripura segment was different. On the one hand, a border had been demarcated here between British Bengal and the Princely State of Tripura in the 1850s and 1860s and boundary pillars had been erected to mark it. On the other hand, there was a conflict over the acceptability of this border, and this stalled effective demarcation; by the mid 1960s only one -third had been covered.

2.12 Boundary Demarcation

At some point in time, boundaries must be surveyed and established in the real world before any line gets drawn on a map. The process of locating and marking a boundary between two or more nations can be technically complex and legally contentious. The earliest boundaries were often physiographic features of the landscape, such as rivers, hills, mountains crests or edges of forests features that were easy to identify by parties on both sides of the boundary. As empires became more organized and engineering skills improved, walls became a popular form of boundary demarcation as well as physical protection. Sometimes the wall consisted only of a ring of stone surrounding a major city, but more expensive projects were also undertaken. Hadrian's Wall was built by the Roman Empire to mark the northernmost limit of Roman domain in England and the famous Great Wall was built in China as a protective barrier against the Mongol tribes to the north.

The Later emergence of a complex political landscape required more precise boundaries. Governments commissioned survey teams, usually from the military, to

determine the position of borders. Sometimes this proved to be quite difficult when boundaries ran through dense tropical forest or across an empty desert. Even today such remote areas may lack an accurate boundary survey- the boundary is indefinite. When the surveyors locate a significant geographical point, called a turning point, they record the exact latitude and longitude and place a marker made of concrete or stone, called a monument, at that location.

Once the survey is complete, a list of the exact turning points- that is, the location of the monuments- is handed over to the government authorities as an accurate record of the boundary's location.

The act of boundary surveying can lead to suspicion and distrust between the countries involved, and typically engineers from both countries, sometimes with aid from the United Nations (UN) or an impartial country, conduct the survey. Distrust often increases when dealing with hard- to survey areas or when surveyors use temporary monuments. Some boundaries are located simply with trenches, some with wooden poles, others with barbed- wire fences. Occasionally engineers delineate boundaries with just an area cleared of vegetation, such as those along the border between the United States and Canada, the longest undefended border in the world. Advanced tools such as Global Positioning Satellite (GPS) devices and Geographic Information Systems (GIS) make boundaries easier to locate, mark, and track, which helps, reduce the possibility of disputes.

2.13 Concept of Border Conflict/Dispute

A boundary dispute arises when one country claims land in an adjacent country because of some quality that the land possesses. That quality could include an important historic or cultural shrine, a strategic position, or an economic resource, such as a known oil field or a deep-water port. A dispute may not arise until an actual diplomatic or military conflict occurs, but even an informal claim by one country may cause tension.

What exactly does it mean when experts use the word disputed in describing a boundary or area? The International Court of Justice (ICJ) acts as the judicial arm of the United Nations and provides contentious cases to countries involved in an official dispute. The ICJ recognizes a dispute as a disagreement on a fact, or a conflict of legal

claims or interests between two parties. Simply stated, a dispute exists when two countries hold clearly opposite opinions concerning the status of a boundary or ownership of an area. Countries can make any claims concerning the ownership of territories outside their boundary, but such claims need to be proven before the ICJ. This is often a difficult task because such proof requires detailed historical research and access to maps and documents that may be rare or nonexistent.

2.14 Types of Border Conflict/ Dispute

There are four main types of boundary disputes-

- A. Positional Disputes
- B. Territorial Disputes
- C. Resource Disputes
- D. Cultural Disputes

In positional Disputes, the location of the boundary is in question by one or more parties. A country may disagree with a boundary because of an inaccurate survey or outdated records, or because of other reasons. The recently resolved boundary dispute in the Cordillera del Condor region on the border between Ecuador and Peru was good example of this type of conflict. Geographic features such as rivers and mountain ranges are frequently used as natural boundaries because their position is fixed, yet overtime such features change because of geophysical processes at work, when the natural boundaries changes, a dispute may arise over the new boundary's location. Portion of the Congo River forming the border between the nations of Congo and Democratic Republic of Congo (DRC) are disputed because of shifting islands and streams within the broad river.

A territorial dispute takes place when a country claims a space existing in some other country's territory or when the border is under dispute. This type of dispute often exists for historical or cultural reasons. Certain cultural groups may have occupied a certain area for a long time and base their claim on this occupation, regardless of which country currently claims the region. Iraq's invasion of Kuwait in 1990 and the Bakassi Peninsula dispute between Nigeria and Cameroon are examples.

As world population continues to raise, the need for basic resources such as food, water and oil become critical to a nation's survival. In addition to basing territorial claims on simple proximity or historical occupation, countries may take claims to

even the smallest of islets in order to gain vital resources. Resource disputes have become more common in recent times. A country's claim to a small trace of land or a reach of water that may harbor rich petroleum reserves or that may serve as a vital strategic defensive position may become a matter of national survival. Minor changes to a boundary or acquisition of otherwise insignificant islands could yield many economic benefits under international law, such as an exclusive income producing economic zone (EEZ) in international waters. One example of this type of dispute is Rock wall among Iceland, Ireland and the United Kingdom Island in the North Atlantic Ocean. This island is claimed by Ireland, Denmark and Iceland. Another dispute is over the Spratly Islands in the South China Sea, which were claimed by no fewer than six nations.

Cultural differences, although not easily delineated by boundaries, are often the most compelling sources of disputes for the people involved. Sometimes culturally distinct groups choose to exclude other distinct groups from their own territory, using force if necessary to create the separation. What makes the group culturally distinct can be a number of factors, but generally they are ethnic background, religious affiliation, political beliefs and language- factors that are often closely tied together. Disputes based on these factors are often the hardest to resolve because of personal and national values.

Many of the current disputes around the world have some aspect of local culture tied to them, particularly religious and political differences. For example, the disputes in and around Jerusalem are based on centuries – old occupation of religious sites by People of the Jewish, Christian and Islamic faiths. The decade long conflict in Northern Ireland-which many hope-has been resolved by a peace agreement approved by referendum in May 1998- had been a struggle between nationalists, who want a united Ireland and tend to be Roman Catholic, and unionists, who want Northern Ireland to remain part of the United Kingdom and are mainly Protestant. Bosnia and Herzegovina's problems were the chief result of a clash between Christians and Muslims and numerous conflicts in Asia have occurred between Hindus, Buddhists and Muslims.

A dispute may involve more than one of the four types above, and often all four, such as the ongoing dispute in the Jammu and Kashmir region of Southern Asia, also boundary disputes do not always have to occur between sovereign nations. They often occur within a country when an administrative or intra-national division such as a state or province, or some culturally distinct group, seeks independence from its controlling country. The war in the Kosovo is a case in point- here a people of chiefly Albanian origin desire political and cultural autonomy. The war in Northern Sri Lanka between the Tamil ethnic group and the government is another notable example. The Tamils are struggling to recover their long lost autonomy both in the Tamil Nadu state on mainland India and on the island of Sri Lanka. If a diplomatic solution is not eventually reached, these contested international boundaries might become the boundaries of new countries. This is what happened in the Balkan War (1991-95), when Yugoslavia broke up into the new nations of Slovenia, Croatia, Bosnia and Herzegovina, Serbia and Montenegro. Disputes are often much more complex than they seem on the surface. Preventing conflict involves lengthy legal proceedings and intense research, often in the midst of a contentious diplomatic atmosphere. Cartographers find it difficult to keep up with the ongoing changes to the political landscape, but they strive to create the most accurate maps possible by maintaining communication with international agencies as well as individual countries.

2.15 Concept of Foreign Policy

‘**Foreign policy**’ is a phrase which is a combination of two words – ‘foreign’ and ‘policy’. But it does not mean that a states foreign policy is ‘foreign’ to the hopes and aspirations of the people of that state.

Usually policy means certain courses of actions for the purpose of attaining specific goals and objectives. According to Padelford, Lincoln, and Olvey “policy is the overall result of the processes by which a state translates its broadly conceived goals and interests”.

A state’s overall national policy can be divided into domestic policy and foreign policy. Conceptually, foreign policy is a part of a states policy which relates to the external environment. According to the Prussian diplomat and statesman Prince Otto Von Bismarck, the extension of domestic policy is foreign policy. So, for an operational definition of foreign policy, it may be stated that it consists of the courses of actions which a state usually undertakes in its effort to carry out its national objectives beyond the limits of its own jurisdiction.

Foreign policy consists of both long-term i.e. relatively permanent interests which are to be maintained and enhanced, and declaration of specific policy objectives as they relate to particular situation arising out of any event or occurrence in international affairs having vital link with the long-term objectives. For example, the foreign policy of Bangladesh in relations with the Arab countries has permanent basis.¹

A country's foreign policy is also known as 'the international relations policy'. It is a set of goals outlining how the country will interact with other countries economically, politically, socially and militarily, and to a lesser extent, how the country will interact with non-state actors. The aforementioned interaction is evaluated and monitored in attempts to maximize benefits of multilateral international cooperation. Foreign policies are designed to help protect a country's national interests, national security, ideological goals, and economic prosperity. This can occur as a result of peaceful cooperation with other nations, or through exploitation.

Usually, creating foreign policy is the job of the head of government and the foreign minister (or equivalent). In some countries the legislature also has considerable oversight. As an exception, in France and Finland, it is the head of state who is responsible for foreign policy, while the head of government mainly deals with internal policy. In the United States, the head of state (the President) also functions as the head of government.

The main goal of foreign policy is the fulfillment of national interest. So; national interest is the basic foundation on which the foreign policy of any country is built.

2.16 Bangladesh Foreign policy: An Introduction

The image of an independent and sovereign state depends on its foreign relations or foreign policy. However, these relations, which are considered important to a country, are subject to change for the sake of the country's interests. Bangladesh has pursued its foreign relations or foreign policy since its emergence as an independent state in 1971, although the policy underwent remarkable changes during the last 25 years. The provisional government formed during the war of liberation drew up an outline of the foreign relations of Bangladesh before the country came into being as an independent state. According to this outline Bangladesh declared the principles of non-alignment,

peaceful coexistence, and opposition to colonialism, racialism and imperialism as the main aspects of its foreign policy. Immediately after the country's independence these principles of Bangladesh were reiterated by the Foreign Minister during his first visit to India in January 1972. In following these principles of foreign policy Bangladesh took a different stand on the issues of colonialism, imperialism, racialism and non-alignment in contrast with the foreign policy of the Pakistan period.

The foreign policy of Bangladesh, however, is tied closely to the realities of its economic condition. Since independence the country has required a great deal of foreign assistance in the effort to keep its people fed and to build, for the first time, a modern society. Under these circumstances, it has been important for successive regimes to seek good relations with all nations and to attract economic aid from every possible source. Bangladesh has therefore cultivated good relations with both the United States and the Former Soviet Union, and their respective allies, but it has remained unaligned with either superpower. In an attempt to stimulate regional development plans, Bangladesh has been instrumental in organizing regional economic cooperation in South Asia. It has also been active in international organizations, especially in those dedicated to solving the economic problems of the poorer countries of the world.

Despite its poverty and small military capability, Bangladesh has not hesitated to defend its sovereignty and to take strong stands on many international issues. Any hint that India might try to intimidate Bangladesh or encroach on its territorial rights has quickly elicited a powerful, nationalistic response from all levels of society. Furthermore, Bangladesh has annoyed both superpowers by standing against them on various major issues, and relations with both the United States and the Former Soviet Union have gone through difficult periods. A major component of Bangladesh's self-assertiveness has been evident in its efforts to focus on its Islamic heritage and its quest for fraternity with the worldwide Muslim congregation. The friendly relations it has enjoyed with Islamic nations have led to the receipt of economic aid from wealthy Arab countries.

2.16.1 Fundamental Foreign Policy of Bangladesh:

The constitution provides that the foreign policy of Bangladesh would be guided by a number of fundamental principles. These principles were stated in the Articles 25(a), (b) and (c) of the Constitution. These are as follows: The State shall base its international relations on the principles of respect for national sovereignty and equality, non-interference in the internal affairs of other countries, peaceful settlement of international disputes, and respect for international law and the principles enunciated in the United Nations Charter, and on the basis of those principles shall

- (a) Strive for the renunciation of the use of force in international relations and for general and complete disarmament;
- (b) Uphold the right of every people freely to determine and build up its own social, economic and political system by ways and means of its own free choice; and
- (c) Support oppressed peoples throughout the world waging a just struggle against imperialism, colonialism or racialism'.

It is worth mentioning that from the very beginning Pakistan considered it important to seek close relations with the western countries including the United States, and it also joined the military alliances called SEATO and CENTO formed through the initiative of the United States. As a result, the foreign policy of Pakistan was regarded as pro-western and vitiated with cold-war attitudes by India, a founder member of the Non-Aligned Movement, as well as by other countries. At that time Awami League was a supporter of this foreign policy, and Prime Minister Hussen Shaheed Suhrawardy, an Awami League leader, was of the opinion that it was sensible of Pakistan to side with the mighty United States in pursuing its foreign policy. However, East Pakistan Awami League amended its political manifesto, and in the party's constitution published in 1969 it pronounced its unequivocal support to an independent and non-aligned foreign policy, a policy of peaceful coexistence, and to all the movements of the world against imperialism, colonialism and autocratic rule. A progressive section of the main party and its students' front played a key role in shifting the party's position with regard to foreign policy.

2.16.2 Constitutional provisions and declaration on foreign policy:

The amendment to the Constitution introduced through Martial Law proclamation by Ziaur Rahman, who came into power after the fall of Awami League and Mostaq government in August 1975 and November 1975 respectively, made an addition to it. A newly appended Sub-article 25(2) stated: 'The State shall Endeavour to consolidate, preserve and strengthen fraternal relations among Muslim countries based on Islamic solidarity'. The policy on declaration of war was mentioned in Article 63 of the Constitution which states that war shall not be declared, and the Republic shall not participate in any war except with the assent of the Jatiya Sangsad (Parliament). Article 145(a) on foreign treaty states: 'All treaties with foreign countries shall be submitted to the President who shall cause them to be laid before Parliament, provided that any such treaty connected with national security shall be laid in a secret session of Parliament'. As regards foreign policy it was declared at the outset that Bangladesh would be the Switzerland of the East, that is to say, it would seek friendly relations with all the states. From these statements it can be assumed that there were endeavors to build up an impartial image of the state so far as foreign relation is concerned. These pronouncements resulted from an idealistic point of view, and it was not possible for the post-Awami League governments to implement them. As Bangladesh could not remain as impartial as Switzerland with regard to different international issues (which is also not possible in reality), nor it could establish diplomatic relations with the Arab countries and Israel at the same time. Besides, such a concept of impartiality on the part of a small and economically dependent country can be taken as a mere theoretical concept.

2.16.3 Goals of foreign policy:

As for the goals of foreign policy, in the beginning it was as necessary to get international recognition as an independent state as it was essential to obtain foreign loan and assistance for economic reconstruction. In three and a half years' time following the country's liberation no countries except Saudi Arabia, Libya and China considered the reality of Bangladesh as unacceptable. The stand taken by these three countries with regard to Bangladesh were influenced by their own ideology and regional policy on South Asia.

After the overthrow of the government of Sheikh Mujibur Rahman in August 1975, the short-lived Mostaq government declared that the goal of its foreign policy would be to seek relations with the countries which had not yet recognized Bangladesh or established diplomatic relations with it. As the goal of the foreign policy of the country the government headed by Ziaur Rahman (1977-1981) emphasized the importance of creating an environment of peace and stability as a prerequisite for improving the standard of living of the people through economic and social progress. The foreign policy of the short-lived Mostaq government, unlike other national policies, did not possess any special aspects which deserve mention. However, although the theoretical aspects of the foreign policies of the Mujib and the Zia governments were identical, there were differences in their ideological inclinations and in selecting their priorities. The Zia government did not abandon the policies of 'opposition to imperialism, colonialism and racialism' which were put in the Constitution by the Mujib government as part of the country's foreign policy, but nevertheless it adopted a policy of establishing relations with the Muslim countries on the basis of Islamic solidarity through appending a new article (Article 25(2)) to the Constitution. Besides, as regards foreign relations, his government discarded the pro-Indian and pro-Soviet attitudes of the previous government and aligned itself with the United States, China and the Muslim world.

On the other hand, after the Zia government the policies adopted by Bangladesh Nationalist Party (BNP) with regard to foreign policy continued to be pursued by the military government of Hussain Muhammad Ershad and the government of Jatiya party established by him (1982-1990). However, as regards relations with the neighboring India, the plan of regional cooperation followed under the South Asian cooperation initiative taken towards the end of the BNP regime, reduced the tension between India and Bangladesh, and the situation remained unchanged during the time of the government of Jatiya Party.

Increasing the number of allies within the international community including South Asia is regarded as one of the important goals of the foreign policy of Bangladesh. The concept of regional stability and security was viewed in different ways by the governments before and after 15 August 1975. Bangladesh and India held the same opinion about the sources of threats to the security or stability of this region. At that

time diplomatic moves were made in order to resolve bilateral problems with India for the maintenance of national security. At the same time attempts were made to dispel the fear of India through seeking close relations with other countries of this region as well as with countries outside the region.

Immediately before the emergence of Bangladesh the movement of warships of the big powers, including the superpowers, in the Indian Ocean increased, and, as a result, the states bordering the Indian Ocean felt threatened with the possibility of nuclear warfare in the waters of this ocean. Against this backdrop a resolution adopted in the United Nations General Assembly on 16 December 1971 urged to declare the Indian Ocean as a 'peace zone'. Bangladesh expressed its wholehearted support to it. However, as regards turning the Indian Ocean into a peace zone, there were distinct differences between the viewpoints of those who ruled Bangladesh before and after August 1975. The government that came to power after August 1975 kept on urging to regard the concept of peace zone in a broader perspective than what was in the original proposal. According to the fresh explanations, in addition to preventing the military presence of the extra-regional powers and dispelling threats, the maintenance of national security of the regional countries was also urged in order to create a peace zone. At the same time the need for destroying conventional weapons along with nuclear weapons in order to declare the Indian Ocean as a peace zone was also emphasized. Bangladesh was aware of the importance of the later against the backdrop of the increasing military activities of India and its extensive preparations for war.

Towards the mid 1970s when Pakistan regarded itself as threatened because of the first atomic explosion by India, Bangladesh continued to support the Indian explanations and justification as to using atomic power in the South Asian region for peaceful purposes. But during the period following August 1975 Bangladesh accepted the concept of disarmament as a whole. At that time Bangladesh was of the opinion that considering arms race as the deadliest threat to world peace total disarmament (nuclear and conventional weapons) should be carried out.

In 1980, a concept of South Asian regional cooperation was put forward to six other states of this region on behalf of Bangladesh, and the South Asian Association for

Regional Cooperation (SAARC) came into being in 1985. Bangladesh considered that an economic, social and cultural cooperation among the countries of this region could dispel their mutual distrust. At the time Bangladesh put forward this concept of cooperation, there were some conditions to meet in order to create an environment in favor of it in South Asia. Bangladesh aimed at directing this framework of cooperation towards a few well-defined goals through producing economic benefit. These goals included gaining of combined bargaining opportunities for the countries in South Asia, and on the other hand creating an advantageous position for the small countries of this region with regard to India. Although these goals are yet to be materialized, the establishment of SAARC can be counted as one of the major political goals of the foreign policy of Bangladesh.

The economic goal is still being pursued as a goal of the foreign policy of Bangladesh. Since the Pakistan regime, the issue of foreign loans and grant was one of the major concerns of the government against the backdrop of the overall economic backwardness of the country. Because of poor internal savings on account of low rate of per capita income and lower export earnings compared to import expenditure it was not possible to invest necessary capital for the economic development of the country. Lack of technological knowledge made the situation worse. Against this backdrop each of the governments that have come into power till now has explored sources of foreign assistance. Although after the country's liberation the government adopted socialist economy to expedite inflow of foreign assistance, it attempted to make the internal policies acceptable to the western donors in order to satisfy them. At this time the government for the satisfaction of the United States, removed the Foreign Minister and Finance Minister who were known as 'leftists', and appointed people known as 'pro-Western' to those positions. The investment ceiling for the private sector was at first set at taka 25 lakh, but later it was raised to taka 3 crore in order to win the favor of the donors. As regards nationalization of industries, it was later declared that no more nationalization would take place in the future.

In addition to maintaining good relations with the donors the later governments had to discard the policy of 'socialism' followed by the previous government, and to bring about changes in the economic policies in order to facilitate and expedite receiving of

foreign assistance. There were no alternatives but to go for this change to comply with the World Bank policy of framework harmonization.

Since the 1990s the foreign policy makers of Bangladesh gave top priority to economic goal as the principle aim of diplomacy. As proponents of 'economic diplomacy' they meant to say that development of trade and attracting foreign investment were the prime objectives of diplomacy in the post-cold-war situation. As regards foreign trade, with a view to coping with the serious imbalance between the country's imports and exports, attempts were made to increase the export of conventional goods as well as non-conventional commodities (garments, fish, ceramics); and at the same time steps were taken to minimize the imbalance through setting up industries with foreign investment and exporting the goods produced.

Bangladesh wanted its ideological goals to be reflected in its foreign policy through adopting the policy of non-alignment and establishing warm relations with the Islamic world. Moreover, a pronouncement supporting the principle of 'abolition of imperialism and colonialism' was made immediately after the independence. During his visit to the Former Soviet Union in 1972 Bangabandhu Sheikh Mujibur Rahman pronounced his support to the struggle of the peoples of Laos and Cambodia for establishing their right to control their own destinies without any external interference. Besides, in his speech at commonwealth Conference held in 1973 in Canada, he demanded proper implementation of the Paris Peace Treaty on Vietnam.

The governments who came to power after August 1975 put special emphasis on establishing relations with Islamic Ummah. Although relations with the Islamic world were opened during the period of Sheikh Mujib government, the ties were strengthened later on. With this end in view, the governments in power kept on taking steps to establish Islamic religious values. The Zia government repealed Article 12 of the Constitution which upheld secularism, and added instead 'Bismillahir Rahmanir Rahim' to the Preamble of the Constitution. Next, the Ershad government declared Islam to be the 'State Religion' through the Eighth Amendment. Apart from the objective of enhancing the acceptability of the government to the majority of people, the intention of attracting predominantly the Muslim countries especially the Arab states, and the attraction for patrol-dollar, had also been active behind these steps.

2.16.4 Priorities in foreign relations:

The national interest of Bangladesh is interpreted in terms of the aims of the foreign policy of the country. As regards choice of countries for seeking foreign relations with, Bangladesh has mainly picked out South Asia, the predominantly Muslim countries including the Middle East, the United States, the industrialized European countries, Japan and the People's Republic of China. Foreign relations with chiefly these countries were pursued and strengthened by all the governments who came to power till now. However, the foreign policy of each government did not attach equal importance to these countries or regions; the government in power determined its preference on the basis of its ideology and the interpretation of its 'national interest'. The Awami League government put India and the Former Soviet Union at the top of its list of preferences. The issue of the 'special friendship' between India and Bangladesh assumed importance because of India's assistance during the War of Liberation against Pakistan, and the ideological unanimity between the leaderships of the two countries. On the other hand, Bangladesh was interested in strengthening its relations with the Former Soviet Union in view of the country's support in the War of Liberation, and the contemporary global situation.

BNP government, according to its own judgment, considered the United States, China and the Muslim world to be important with regard to foreign policy. Its foreign policy makers endeavored to develop dynamic relations with the industrialized countries considering the possibility of getting increasing economic assistance, and with the predominantly Muslim countries in order to bring about better balance in foreign relations. Despite China's opposition to War of Liberation, the Zia government was interested in winning friendship of the country on account of its cold relations with India. Although Pakistan recognized Bangladesh during the term of the previous government, diplomatic relations between the two countries were opened during the rule of the Zia government.

Later on, the governments of Jatiya Party and BNP basically retained the preferences of the Zia government with regard to foreign relations. After Awami League came into power for the second time in 1996 it gave priority to strengthening relations with India. The meeting of the Foreign Ministers of four countries (Bangladesh, India,

Nepal and Bhutan) held in April 1997 in Kathmandu resolved to form South Asian Growth Quadrangle (SAGQ). The concept was supported by Bangladesh. In the Ninth SAARC Summit held in Male on 12 May 1997, a resolution in support of this concept was also adopted in favor of regional cooperation between two or more SAARC countries.

Apart from bilateral relations, Bangladesh got the membership in various international organizations like the United Nations, Non-Aligned Movement, Commonwealth, SAARC and Organization of Islamic Conference (OIC), and continued to associate itself with their activities. The country obtained the membership of the Non-Aligned Movement in 1973 immediately after independence. But it failed to get the membership of the United Nations in 1972 because of China's veto on the issue. However, with the normalization of relations with Pakistan, and with China's concurrence Bangladesh was granted admission to membership in the United Nations in 1974. As Bangladesh got the membership of the Commonwealth after independence, Pakistan withdrew itself from this organization. On the other hand, after Pakistan announced its recognition of Bangladesh in February 1974 Bangladesh participated in the second summit of the OIC held in Lahore and obtained the membership of the organization. In 1975 Bangladesh played its role as a founder-member of the Islamic Development Bank (IDB), an associate institution of the OIC. As the concept of SAARC was put forward by Bangladesh, it became a founder-member of the organization. As a founder member of D-8 and BIMST-EC, Bangladesh brought these two regional organizations into being in 1997. Bangladesh was elected member in different organs of the United Nations. The country had been a temporary member of the Security Council for a term of two years (1979-1980).

2.16.5 Evolution of foreign relations:

Bangladesh gives the highest priority to South Asia region with regard to establishing foreign relations. South Asia comes first if issues like geographical location, common historical background, economic condition, and, above all, territorial integrity and the security issues are taken into consideration. In 1980 Bangladesh presented the idea of forming SAARC in association with six other countries of this region, namely India, Pakistan, Nepal, Sri Lanka, Bhutan and Maldives. Cooperation in ten sectors out of

the twelve mentioned in the plan prepared by Bangladesh, excepting joint investment and introduction of a common market, started at the outset of SAARC.

Apart from the SAARC set-up, relations between Bangladesh and the other countries of the region were also established within bilateral frameworks. As Bangladesh is bounded by India on its three sides, India remains a permanent factor that affects the foreign policy of the country. Despite India's immense contribution towards the War of Liberation Bangladesh soon found itself in dispute with the country about a number of issues. After independence, the bilateral relations between the two countries at the state level cooled because of clash of interests regarding border trade agreement, sharing of water of the Ganges, balance of trade, and defining the limits of territorial waters. Especially the India Bangladesh friendship treaty signed by India and Bangladesh turned into a controversial issue. Later on, owing to change of government in Bangladesh different viewpoints of the governments of the two countries on resolving disputes together with their ideological differences resulted into clash of interests which eventually made the bilateral relations strained. The problem of sharing of the Ganges water was the most critical among the disputed issues, and Bangladesh was badly in need of immediate settlement of the problem.

Since Independence a number of agreements with the close and friendly state of India on sharing of the Ganges water were signed in succession, and a historic 30-year treaty, the Ganges Water Sharing Treaty, was signed in 1996 which is still in force.

Apart from the Farakka problem, there was a long-standing unsettled problem between India and Bangladesh regarding the transfer of the 'Tin Bigha' corridor to Bangladesh in order to connect Dahagram and Angarpota, two enclaves situated within Indian Territory, to mainland of Bangladesh. With a view to resolving this problem India handed Tin Bigha over to Bangladesh in 1992 on condition that Bangladesh citizens would use this corridor for every other two hours. Later on the time-span was changed to one hour. There are two other issues to be settled with India which still carry importance with regard to bilateral relations. Bangladesh has been in dispute with India about the ownership of the South Talpatti Island located in the estuary of the Hariabhanga River. On the other hand, the delimitation of maritime boundary in the Bay of Bengal between the two countries and also Myanmar are yet

to be defined. At times Bangladesh also confronts problems with 'push back' from the Indian side.

As for other countries in South Asia, Bangladesh's relations with Pakistan had not been normal since the beginning. The disputes over the repatriation of the Pakistani citizens stranded in Bangladesh (the Urdu-speaking people who opted for the citizenship of Pakistan after independence) and the claim of Bangladesh to the assets from the period of undivided Pakistan, which exists since the very beginning, are yet to be settled. The changes in the bilateral relations with Pakistan that took place after August 1975 were influenced by the bitterness with India which developed at this point.

As Nepal is very close to Bangladesh border, some common interests brought the two countries closer. Apart from trading, Bangladesh is in need of Nepal's cooperation with respect to increasing the flow of the Ganges water for itself and controlling floods. On the other hand, there is a prospective alternative for Nepal of using the ports in Bangladesh which can reduce its dependence on the Port of Calcutta. Occasional strains in the relations of these two countries with India drove them to come closer. As for Bangladesh's relations with other states of this region, beyond the bilateral trade relations there are opportunities for cooperation with Bhutan, Sri Lanka and Maldives within the scope of SAARC.

Despite border (both territorial and nautical) tensions and the forced migration of 270,000 Rohingya Muslims from former Burma (now Myanmar) in 1978, relations have generally been cordial albeit at times tense. Many Rohingya refugees, not recognized as an ethnic group and allegedly suffering abuse by the Myanmar, remain in Bangladesh, and have been threatened with forced repatriation back to Myanmar.[There are about 28,000 documented refugees remaining in camps in southern Bangladesh.

At the 2008 ASEAN Regional forum summit in Singapore, Bangladesh and Myanmar have pledged to solve their maritime border disputes as quickly as possible especially that a UN deadline in claiming maritime territories will expire in three years time. However in late 2008, Myanmar sent in ships into disputed waters in the Bay of

Bengal for exploration of oil and natural gas. Bangladesh responded by sending in three war ships to the area and diplomatically pursued efforts to pressure the Myanmar junta to withdraw the ships. During the crisis Myanmar deployed thousands of troops on its border with Bangladesh. However within a week the ships withdrew and the crisis ended.

The makers of foreign policy of Bangladesh sought close relations with the United States from the very beginning. Despite the country's negative role in the War of Liberation various initiatives in establishing normal relations with it were taken right from the period of the first government of Bangladesh. The socialist policies of the first government or its intimacy with the Former Soviet Union at first made the government of the United States unhappy about Bangladesh. In spite of that Bangladesh grew interested in getting project aid, commodity aid and food aid from the United States as soon as diplomatic relations with the country was established. The food aid was the main among all, and it was supplied through PL-480. As Bangladesh decided to export jute-bags to Cuba in 1974, the United States suspended its food aid, and as a result Bangladesh was compelled to cancel its trade agreement with Cuba. Especially, as the export of readymade garments from Bangladesh began, the United States soon became the biggest buyer of this commodity. At present the export of readymade garments plays a key role in keeping the balance of trade with the United States in favor of Bangladesh. In the recent years in view of the bright prospect of obtaining oil and natural gas the United States has been taking more interest in Bangladesh.

Apart from economic consideration, political reasons also made the two countries come closer. During the cold-war era Bangladesh was of importance to the United States as the country was expected to help reduce Soviet influence in the South Asia. Besides, the United States was in need of gaining Bangladesh's support for its foreign policy. On the other hand, the governments who have so far been in power in Bangladesh have sought political and security relations with the United States in view of its influence in the international arena. The combined military exercise of the United States and Bangladesh in the past few years, and the frequent visits from the officers of the US armed forces to Bangladesh bear witness to this. Towards the middle of 1998 the United States proposed entering into an agreement called SOFA

(Status of Forces Agreement) in order to gain the right to free movement within Bangladesh for the American soldiers, but finally it was not signed because of the opposition by a section within the government and strong resistance by the masses. However, although SOFA was not signed, Bangladesh signed the agreement called HANA (Humanitarian Assistance Needs Assessment).

Bangladesh has economic relations of varying degrees with the countries of Western Europe. Among them Britain, Germany and Scandinavian countries are involved with projects dealing with technical training, infrastructure development, flood control and rural development.

Owing to the role of the Former Soviet Union in the War of Liberation, Bangladesh formed special relations with the country. Sheikh Mujib picked out the Former Soviet Union as the destination for his first visit abroad. Things included in the joint communiqué E9 issued during Mujib's visit to Moscow (support to the 7-point manifesto of the revolutionary government of Vietnam, European Security and Cooperation Conference, etc) gave such an impression that Bangladesh was pursuing a pro-Moscow principle in its foreign policy. Although the Soviet assistance to Bangladesh did not match up to the country's expectations, Bangladesh was thoroughly dependent on the Former Soviet Union during the regime of Sheikh Mujib. After the overthrow of Sheikh Mujib the dependence diminished drastically, and the political relations weakened at the same time. Recently steps were taken to improve relations with Russia and to purchase military equipment from it.

Immediately after independence, a bold initiative was taken in order to form relations with the predominantly Muslim countries including the Arab states. This was especially important against the backdrop of Pakistan's continuous propaganda against Bangladesh. These countries gradually accepted the reality of Bangladesh and announced their recognition. The oil producing countries of the Arab world came into possession of huge amounts of surplus money by selling oil at high prices during the oil blockade in 1973. As they decided to assist the developing countries in Asia and Africa with this money, Bangladesh availed itself of the opportunity. Bangladesh also managed to secure employment for its skilled and unskilled workers in the newly-created labour markets of these countries. This way the Muslim world, or the Arab

states for that matter, assumed importance in the foreign policy of Bangladesh not only because of religious consideration but also due to economic reasons. During different political crisis Bangladesh took active roles in favor of these countries. Apart from playing an important role in the OIC, Bangladesh has rendered strong support for various bilateral issues like Palestine issue, the interference in Afghanistan by the Soviet Army, Iraq-Iran War, the end of Iraqi occupation of Kuwait, etc.

The relations between Japan and Bangladesh are mainly based on economy. The emergence of Japan as the single donor country in 1979-80 was an important event. Japan stands second in terms of the assistance Bangladesh receives from different donor countries and agencies. Together with receiving economic assistance Bangladesh also aimed at introducing its own products in the Japanese market and attracting Japanese investment. Besides, Bangladesh procures a huge portion of its imports from Japan. The relations between these two countries are gradually improving against the backdrop of the increasing Japanese interest in South Asia. As regards Japanese investment in Bangladesh, although no remarkable undertaking other than KAFCO (Karnafuli Fertilizer Company) is noticed, Bangladesh has been trying to attract Japan as well as other industrialized countries to its market.

Bangladesh's relations with China, a country with whom it had no formal relation till August 1975, started to grow warmer after this point. China, like the United States, opposed to the War of Liberation of Bangladesh mainly on account of its dislike of India and the Former Soviet Union. However, although the United States recognized Bangladesh, China did not do so; moreover, in unison with Pakistan, it continued to refer to Bangladesh as a land under Indian occupation. All possible means were tried by Bangladesh to normalize its relations with China. China did not respond to any of those efforts; moreover, it vetoed Bangladesh's admission to UN membership in 1972. Although it did not recognize Bangladesh during the rule of the Mujib government, after a tripartite agreement was signed between Pakistan, India and Bangladesh on 28 April 1974, China no longer objected to Bangladesh's inclusion as a UN member.

China announced its recognition of Bangladesh on 31 August 1975. From this point on, the relations between the two countries continued to improve rapidly. China also supported Bangladesh in raising the Farakka issue in the United Nations. Apart from

political matters, Bangladesh entered into cooperation with China in the fields of military and economic affairs. China came forward to provide the armed forces and the navy with weapons and training. The relations between these two countries continued to evolve in harmony with the interstate relations in South Asia.

As is the case with any other country, foreign relations of Bangladesh flourished in the country's own interest. The reason that the foreign policy of Bangladesh has not attached equal importance to all the countries can be explained by the reality that its rulers have established foreign relations entirely on the basis of the estimates of benefits that the country expected to receive.

Chapter-3:

Research Methodology

3.1 Methods used for the research:

In researcher's views, the study is a qualitative in nature. Data form both primary and secondary sources have been collected. To reconstruct the background history of the Indo- Bangladesh and Bangladesh-Myanmar border issues, high level state records and other archival primary sources as well as a number of secondary sources have been underused. Secondary sources include the reports, documents and publications of different related government and non-government agencies, related research documents and related web sites etc. The voices, speaking from grassroots level, local records, newspapers and oral and written testimony by the ordinary people have also been reproduced.

On the other hand the researcher applied qualitative data collection tools e.g. spot investigation, In-depth interview, Case study, Focus Group Discussion (FGD), Community meeting to collect the primary data form the study area. On this note, the following table will show the researcher's view about the target group of his study and the methods should be used for different target groups.

No	Q.D.C.T (Qualitative data collection tools)	Target group	Number of QDCT
01	In-depth Interview	<ul style="list-style-type: none"> ▪ Security and border conflict specialist ▪ Law maker/Politician ▪ BDR high official ▪ NGO & CBO workers ▪ Foreign policy expert 	For each segment the researcher took 2 interviews and therefore the total number of interviews is 10;
02	Key Informant interview	<ul style="list-style-type: none"> ▪ Local politician ▪ Police & BDR ▪ Journalist ▪ Local businessman 	Took 3 interviews for each segment;
03	FGD	<ul style="list-style-type: none"> ▪ Influential and Opinion leaders 	6
04	Community meeting	<ul style="list-style-type: none"> ▪ Community people 	5
05	Case study	<ul style="list-style-type: none"> ▪ Based on collected data case study had been conducted with grassroots people at border area 	7

3.2 Procedure has been followed:

The study has started with review the selected literature from the respective organizations, book, journals, periodicals and web sides. In-depth interviews have been conducted form the expertise to find out the possible comprehensive recommendations regarding border management in non-violent means.

Case study and FGD were carried out with community people directly or indirectly that relate with the border disputes to get an actual picture of the study.

To get a wider view of the community people regarding the structural consequences of border disputes or tensions at grassroots level, community meeting has been arranged in each union of some selected area.

3.3. Study area of this research:

The selection of the study area is one of the essential tasks of any research study. For such type of study, the area should be as such that could represent the actual picture of the existing situation. Keeping this perspective in mind, the researcher thinks to take some border districts as his study area.

The researcher had visited the border Upazilas under different districts for the purpose of the research. He purposively selected the area where the erotic border issues have been observed frequently.

Number	District	Upazila visited
01	Brahmanbaria	Akhaura
02	Comilla	Burichong
03	Cox's Bazar	Teknaf
04	Jessore	Sharsa
05	Dinajpur	Biol
06	s	

In order to investigate the socio-economic conditions of the enclaves, an extensive field study was attempted. But because of some obvious practical impediments, the researcher was not able to doing his investigation with full of satisfaction. Since the Indian enclaves are located in Bangladesh territory, it was possible to visit some of them. On the other hand, in spite of his all initiatives, the researcher failed to reach the

Bangladesh enclaves laying in Indian territory. Under the prevailing circumstances of boundary disputes, it is highly risky to work in the Bangladesh- India borders issues.

Enclaves Visited:

Number	Indian Enclaves	Location
01	Singimari (Haripasha Union)	Panchagarh
02	Nagar Jigabari	Dimla (Nilphamari)
03	Dahagram-Angarpota	Kuchibari

More over the researcher has visited some border transit area like Hilly border, Beanpole border, Tamabil border and Agartala border area.

3.4 Data Collection, Editing and Processing:

Necessary pre-testing has been done by the researcher himself. As the study is sophisticated in nature, required permission should be collected from concerned authority. After completion of field works, the primary data has been rechecked and cleaned. Finally, the primary data has been used in research analysis as well as research findings.

Chapter-4:

Erratic Border Issues

As far as our geographical reality is concerned India is the only neighbor to be entered for. Except in the south to the gateway of Bay of Bengal and small border with Myanmar we are totally encircled by mighty India. Some experts call it geographical tyranny. Even India is having maximum boundary with Bangladesh rather than her traditional foe-Pakistan (Pakistan- India border is 2910 km). We cannot deny the fact that to manage this long border is not only very much critical and arduous for us but also for India.

We cannot disagree that every country in the world face number of problems with her neighbor whatever friendly and they may be. US-Mexico border is well known for drug and human trafficking, North Korea-South Korea shares onto d the most turbulent borders but no where in the world somebody would fond such a deadliest border like the Indo-Bangladesh border. Being friendly countries India and Bangladesh can share all the problems faced in the bordering areas and amicably solve them without any irritation. As we have to live together, share a long border then tyranny of geography should not be a factor which puts in a shamble. However, common border problems/issues are:

- a. Smuggling;
- b. Human Trafficking;
- c. Killing;
- d. Unprovoked Firing;
- e. Looting/damaging civilian properties of the bordering people;
- f. Push in /Push Back;
- g. Obstruction of Development works;
- h. Intrusion/ Illegal crossing;
- i. Fencing/Construction of structures within 150 yards of international boundary;

4.1 Anti Bangladesh Activities in India:

Indian authorities were found blaming Bangladesh for harboring anti-Indian insurgents groups with ambiguity but they never pay any attention to Bangladesh's complaints. Concerned authorities of Bangladesh whenever put any list to BSF/Indian government they presented it with detail and authentic documents/information. No

Indian can show any proofs/photographs of any anti-Indian insurgent groups marching towards border holding agitating placards from Bangladesh. On the contrary, some anti-Bangladesh elements were seen openly organizing long march, seminars and processions well within Indian Territory which were also covered in the Indian media portraying Bangladesh as a minority repressive country. Here we can give glaring examples of anti-Bangladesh activities carried out from India.

4.1.1 Sadhin Bangabhumii Movement: Sadhin Bangabhumii Movement has been going on against the territorial integrity and sovereignty of Bangladesh since 1977. There are a number of armed outfits carrying out anti-Bangladesh activities under the banner of Sadhin Bangabhumii Movement like:

- Banga Sena;
- Bangladesh Liberation Organization (BLO);
- Bangladesh Freedom Organization (BFO);
- Liberation Tigers of Bangladesh (LTB) etc;

The movement is running with the target of creating a new state with six greater districts of Bangladesh-Khulna, Barishal, Ptuaakhati, Faridpur, Jessore and Kustia. This is another step to divide the territory of Bangladesh basing on religion.

Leaders and address of Headquarters; The overall Chief of the movement Dr. Kalidas Baidya runs the movement from 169 Gorph main road, Ramlal Bazar, Jadoppur and Calcutta of West Bengal. Nilotpal Mandal is the alternative chief and Dr. Mukunda Majumdar is one of the main leaders.

4.1.2 Training camps of Liberation Tigers of Bangladesh (LTB): According to some reports published in Bangladesh newspapers and information collected from concerned sources following are the training camps of Liberation Tigers of Bangladesh (LTB) located at Chabbis Pargana district of West Bengal, India which are run under the overall supervision of Rameshwar Parshwan.

4.2 -Exchange of Enclaves:

The long existing porous boundary with India is one of the most sensitive problems affecting security and development of the both countries. Border problems have been revolving round the history of this country for hundreds of years. A short brief of border problems is given below-

4.2.1-The Indo- Bangla Enclave Problem:

The most common problems prevailing on the Indo-Bangladesh border are the problems of enclaves, adverse possession and disputed land. Enclaves are the most favorable and convenient points for smuggling, avoiding customs and excise duties, importing of contraband, and are a point of entry for illegal aliens. There are 111 Indian enclaves (17158 acres) in Bangladesh and 51 Bangladesh enclaves (7110.02 acres) in India.

Country	Number of Enclaves	Area (Acres)	Population
Bangladesh	51	7110.02	70,000 (appx)
India	111	17158.05	1,00,000 (appx)
Total	162	24268.07	1,70,000 (appx)

Table-1: Glance of Bangladesh-India Enclaves

District	Bangladeshi Enclaves.	Indian Enclaves.
Lalmonirhat	33	59
Panchagarh	-	36
Nilphamari	-	4
Kurigram	18	12
Total	51	111

Table- 2: District- wise Location of the Enclaves

Historically, enclaves date back to the period of expansion of the Mughal Empire into Northern Bengal in the late seventeenth century and continued till the British established control of the state. Later when the British left India, they awarded the problem as implementing the tactics of divide and rule.

Sir Cyril Radcliff, Chairman of Boundary Commission in 1947, left a main 123 Indian enclaves in East Pakistan. When in 1947 Feroz Khan Noon suggested that Sir Cyril Radcliff should not visit Lahore for he had to stand either by the Muslims or Sikhs. The Statesman wrote

On this live of argument he (Sir Cyril Radcliff) would do better to remain in London or, better still, take up residence in Alaska. Perhaps however there would be no objection to this surveying the boundaries of the Punjab from the air if piloted by an esquimo.

(India and Pakistan Still Waiting for the esquimo - Niharranjan Majumder, The Statesman (Calcutta), May 1, 1965)

Adverse possession mostly takes place due to the changing nature of the border at certain places that leaves chars after the floods. There are 2853.50 acres of Indian land under adverse possession of Bangladesh and 2154.50 acres of Bangladeshi land in under adverse possession of India.

State	Area (Acres)
West Bengal	2062.23
Assam and Meghalaya	791.10
Tripura	0.17
Total	2853.50

Table-3: Indian land under adverse possession of Bangladesh

State	Area (Acres)
West Bengal	1437.60
Assam	7.00
Meghalaya	548.00
Tripura	161.90
Total	2154.50

Table 4: Bangladesh land under adverse possession of India;

(Source: Ministry of Home Affairs, Government of India)

The historical border agreement between these two neighboring countries that held on 1974 provides for the exchange of enclaves and settlement of the issue of adverse possession. A Joint Working Group has been constituted to solve the border related issues. India has been insisting on a joint census of the enclaves before these are exchanged, but Bangladesh has not agreed to the suggestion yet. As regards the issue of that Adverse Possession, Article 2 of the Agreement state that-

“Territories in Adverse Possession in areas already demarcated in respect of which boundary strip maps are already prepared, shall be exchanged within six months of the signing of the boundary strip maps by plenipotentiaries. They may sign the relevant maps as early as possible as and in any case not later than 31st December, 1974.”

The difficulties of the enclaves existence for their residents and the two countries today is contrasted with their peafowl, albeit, administratively in convenient, existence until 1947, to prove that the enclaves themselves are not the sense of border tensions in the area but are neither a focus for other cross border disputes.

4.2.2-Origin of the Enclave Problem

Company Supremacy was reinforced by their defeat of the weak Mughal Emperor Shah Alam and the Nawab of Oudh at the battle of Boxer in Bihar 1764. In 1765, Clive chose to prop up Oudh, in north-west Bihar, as buffer state against other native incursions on Bengal, as the first link in a ring fence policy. In return for company support of Oudh, and continued nominal reformation of the Emperor, the East India Company (EIC) obtained the Dewane or revenue administration, of all Bengal, Bihar and Orissa. This allowed them to collect all taxes and keep whatever remained after payment of 2600000 rupees in tribute to Delhi. With the Bengal Nawab or even the Emperor now little more than figure heads, the company was not the mere trader but the effective ruler of much of East India. The granting of the Dewani on August 12, 1765, consequently meant that the enclaves of Cooch Behar and Mughal Bengal created in 1773 were now between the Cooch Behar and the company as tributary to the Emperor, who was himself now under British protection in Allahabad. The connection with the Emperor was partially severed in 1772 when Warren Hestines refused to pay the tribute anymore after the Emperor decided upon Maratha protection in Delhi in preference to that of the British in Allahabad.

As Mughal authority had declined in the Bengal, Sannyasi, aband of Hindu religious medic ants based in the North had tried to rescue from the East India Company (EIC). They exploited the complex boundaries in the vicinity of Cooch Behar using the enclaves to avoid capture of the Company. The Company managed to suppress them by a means of punitive expeditions in the mid 1760 during one of which in Cooch Behar in 1766, surveyor Major Rannel was severely injured.

The boundary between Cooch Behar and the Company's territories in Bengal was determined in 1769 and then fixed in 1773 according to Ghoshal (1942, 248 & 525-6) who mentions but does not quote or reference letter.

Cooch Behar (1774-1863):

With a minor king the affairs of state were placed in the hands of regent and different institutions grew up around each regent, intriguing for control, culminating in the kidnapping of the king and the Maharani by the Nazir's aunt. The Company intervened with a loyal commission under Lawrence Mercer and John Lewis Chauvet, which tried to untangle the history of the states and its factional disputes. Given the state of cartographic knowledge of the area, this was presumably a fair rough allocation, rather than delimitation. As part of this delimitation, Gitaldaha in Chakla Kakina were transferred to Cooch Behar (Ghoshal 1942, 248). The history of the state and its actual disputes was published its report in 1788. Amongst its findings, it declared its recent interventions by the collector of Rangpur had done more harm than goods and appointed a commission for Cooch Behar, to oversee the administration until the king reached his majority in 1801.

The 1788 commission considered the question of the rightful ownership of the three chaks of Boda, Patgram and Purvabhag. The Nazir had been dismissed in 1784 for misbehavior and the chaks repossessed by the King. Mercer and Chauvet considered that the Nazir had possession but not full Jamindari rights himself over the chaklas and the lands were settled on the King (Mercer and Chauvet 1869, 1990). The government accepted this and among the subsequent resolutions of May 1789 was also enquiring into what was considered vague wording in clause 3 of the treaty that of the annexation of Cooch Behar to Bengal. Mercer and Chauvet reported that, it will be admitted that under a liberal construction of the apparent object and spirit of the treaty no advantage can justify be taken of the loose and undefined expression of subjection and annexation above mentioned to the prejudice of the less powerful contracting party. That no diminution of the independent rights of the Raja within his own government was intended, is obvious from his having been left in possession of the two great characteristics of sovereignty, the right of coining money impressed with his own name and the administration of Justice and from this considerations collectively, Cooch Behar was thence forward to be regarded in the light of a tributary district receiving protection from the state to which for that purpose it agreed with

Mercer and Chauvet, as did the court of directors in England, although later governments would rankle at this limited interpretation (Ghoshal 1942, 461-3). The argument over whether Cooch Behar was a native state or a standard district of Bengal was raised even at late as the 1870s. The government of India in a letter to the government of Bengal dated 17 June 1873, wrote that, practice was just as important as the wording of any treaties and as the company never tried to in force its regulations in Cooch Behar for the century after the 1774 treaty, usage prevailed (Sever, 1985, 265-7).

4.2.3- Different perspectives: Exchange of Enclaves:

Indian Position: The Indian side reiterated the position on the exchange of enclaves and made the following additional observations-

- 1) While the Land Boundary Agreement 1974 has stated that the territory has to be exchanged, it has not specified any administrative procedures with respect to the people living in such territories other than providing them the option of citizenship, as the two leaders reorganized that both the governments have the fundamental obligation to take into account the interests of the citizens so affected by the exchange.
- 2) As the Land Boundary Agreement of 1974 has directed the two governments to provide the choice of citizenship to the people who are habitual residents of these enclaves, the conducting of census and survey would facilitate as orderly fulfillment of this directive.
- 3) The importance of protecting the interests of the people who are habitual residents in these territories that are due to be exchanged has been recognized and addressed by the government of India and the erstwhile government of East Pakistan (Bangladesh).
- 4) Further, the procedural or administrative modalities relating to exercise of the option of citizenship cannot be considered to be extraneous to the implementation of the provisions of the Land Boundary Agreement. The exercise of the option of the citizenship has legal ramifications, which have to be adequately addressed. The conducting of the census and survey in the Indian enclaves would also be a big step forward in the process of ratification of the Land Boundary Agreement.

Bangladesh Position:

- 1) Bangladesh urged upon India to expeditiously exchange enclaves as envisaged under Article 1(12) of the Land Boundary Agreement of the 1974.
- 2) In this regard Bangladesh stressed on the following points:
 - I. The Land Boundary Agreement, which was an outcome of the understanding between Bangladesh and India, had the unambiguous intention to settle the matter of the exchange of enclaves, as expeditiously as possible.
 - II. With a deep commitment the timely implementation of the Land Boundary Agreement of 1974, Bangladesh has already completed ratification of the Agreement for its immediate implementation and amended to constitution.
 - III. Regarding the proposal from the Indian side to hold a joint survey in the enclaves, Bangladesh reiterated that such a survey would be extraneous to the provisions of the Land Boundary Agreement of 1974 and as such cannot be made a precondition for the exchange of enclaves.

4.3-Adversely Possessed Territories: There are 5008.50 acres of land is under adverse possession under Bangladesh and India.

Indian Position: The Indian side has reiterated the position on the exchange of adverse possessions and made the following additional observations:

- 1) The Land Boundary Agreement of 1974 has stated that the territory has to be exchanged; it has not given any specific directives other than providing the option of citizenship to the people living in such territories.
- 2) As the Land Boundary Agreement of 1974 has directed the two governments to provide the choice of citizenship to the people who are habitual residents of these adverse possessions, the conducting of census and survey would facilitate as orderly fulfillment of this directive.
- 3) The importance of protecting the interests of the people who are habitual residents in these territories that are due to be exchanged has been recognized and addressed by the government of India and the erstwhile government of East Pakistan (Bangladesh).

Bangladesh Position:

- 1) Regarding transfer of adversely held territories Bangladesh reiterated that except for the undemocratic small strip of boundary, all work relating to the finalization, printing and exchange of strip maps have been completed between the two countries. The strip maps should be signed immediately by the plenipotentiaries of Bangladesh and India.
- 2) Bangladesh delegation emphasized the need on signing strip maps immediately by the plenipotentiaries of the two countries to make the Land Boundary Agreement 1974, operational. The land in adverse possession of either country would be relinquished in favor of the country it belongs to.
- 3) Regarding the proposal of the Indian delegation for exchanger of information of adversely held territories Bangladesh side reiterated that provisions for such an exercise are not stipulated in the Land Boundary Agreement of 1974.

4.4-Border Terrorist Activities

Another problematic bilateral issue that has assumed larger significance in recent years is that of Indian insurgents using Bangladesh as their base. Since the formation of this country India has been accusing Dhaka for facilitating, encouraging and supporting a number of North-East insurgent groups. The government of India estimates that 99 camps of North-Eastern outfits are in operation from Bangladesh and 88 insurgent leaders are housed in different parts of Bangladesh. Most Chief Ministers of the North-Eastern states are of the opinion that militant activities continue in their states as the insurgents are able to operate freely from Bangladesh soil. Recently a prominent Indian columnist expressed his views in The Hindustan Times-

Why does Bangladesh repay India by allowing the inside its border? Why is it becoming a staging post for attacks on Indian targets by Islamic extremist groups, possibly aided by Pakistani's ISI?

In early 2002 responding to allegations by West Bengal Chief Minister Mr. Buddhadev Bhattacharjee, Dhaka maintained that Bangladesh does not allow its territory to be used by insurgents of terrorists against any other country. While the issue of harboring terrorist movement in Bangladesh is not a new issue and the blame game continues.

One of Manipur's first militant leaders Nameirakpam Bisheswar confessed that he had got his revolutionary movement training from East Pakistan. It was in the mid 60s that the leader of People's Liberation Army, with some followers came to this place to form a revolutionary government of Manipur. He was arrested on his way back at Agartala and came in contact with Naxalites in jail. Most militant groups in the North-East are believed to have visited Bangladesh and got their training from there. It was in 1989 that the Bangladesh camps became operational for the United Liberation Front of Assam (ULFA). Reports suggest that a chain of camps in the Chittagong area guaranteed easy entry into Assam through the Cachar and Barak valley corridors. According to *Borderline*, a quarterly journal, it was after operation Rhino that Bangladesh assumed prominence and became a full-fledged base area. The general council meeting of the United Liberation Front of Assam (ULFA) was said to be held at Dhaka on July 22, 1992 to discuss ways and means to recoup lost ground. The need get weapons in Assam meant control over those routes which led Sylhet, dominated by the immigrant Muslim population. Using Bangladesh as an exit point, the United Liberation Front of Assam (ULFA) made contact with arms dealers as far off as Romania and closer to home in Thailand. United Liberation Front of Assam (ULFA) sources speak of regular visits to Chiang Mai, then stronghold of the Maung Tai warlord Khun Sa. This was possibly the beginning of contact with arms dealers in Cambodia, even as Cox's Bazar began to emerge as a transit route for weapons. At Cox's Bazar, the United Liberation Front of Assam (ULFA) cadres were apt to meet up with the NSCN and other insurgent groups who had based in the same area.

However in a significant departure from this customary position in April 2000 Mohammad Nasim, Home Minister in Sheikh Hasina's Government admitted that with the help of an unnamed foreign intelligence agency Indian separatists had long been provided training on Bangladeshi soil. Accusing India of encouraging and training the Chakmas, he declared that after Sheikh Hasina came to power in 1996 both countries agreed not to cooperate with each other's separatists groups. The reality however, is rather different. For instance in July 2001, media reports highlighted the presence of a number of camps in Bangladesh operate by National Liberation Front of Tripura (NLFT), United liberation Front Of Assam (ULFA) and National Democratic Front of Bodoland (NDFB). The following November 12 Indian nationals were arrested in Khagration Front of Tripura. There are also indications that

the United Liberation Front of Assam (ULFA) has several lucrative income generation projects in Bangladesh to sustain its insurgency activities in India. The National Liberation Front of Tripura (NLFT) which has spearheaded the anti-Bengali agitation in Tripura has been maintaining bases in Sajek range of Chittagong Hill Tracts. An insurgent group, Kamtapur Liberation Organization (KLO), consisting of Rajbangshis is fighting for a separate of Kamtapur and is operating close to the enclaves. Kamtapur Liberation Organization (KLO) has developed strong links with a number of militant groups in the North –East as well as the ISI.

The political climate of the country also determines the nature of the approach. For instance, under the Awami League, Bangladesh was more sensitive towards India. In December 1997, United liberation Front Of Assam (ULFA) leader Anup Chetia was arrested when he tried to illegally enter into Bangladesh. Even though he has not been extradited to India, Bangladesh rejected his demand for asylum and sentenced him to six-year prison term.

During the past six years, over a dozen of meetings were held between the Indian government and its counterparts in Bangladesh, Myanmar, Nepal, Bhutan, Thailand and others, and cooperation was sought to control the increasing clout of the militant organizations in the seven North- Eastern states. But the result is almost zero.

The problem is commanded as the states leaders are generally hand in glove with the ultra groups especially in Manipur, Assam and Tripura. Most militant organizations were getting financial aid and arms from other organizations across the border.

Despite being declared unlawful by the state government of India at least 14 militant organizations are working in five of the seven North- Eastern states.

In Manipur, six major organizations including PLA, PRPK and MLF have been active for two decades, followed by two each in Assam- ULFA and NDFB, Nagaland's NSCN (Isak- Muivah) and NSCN (K), Tripura's ATTE and NLFT, and Meghalaya with ANVC and HNLC.

4.5-Illegal Trade:

One of the oldest challenges to border management pertains to illegal trade or smuggling. The main informal trading centers on the Indo-Bangladesh border are Assam (Fakiragram, Mankachar and Karimgang), Meghalaya (Lichubari and Dawki), Mizoram (Tangbung), Tripura (Kailashahar, Agartala, Sonamora, Bilonia and Sabroom) and West Bengal (Petrapole, Bagdha, Mejdia, Lalgola, Mohedpur, Radhikapur, Kaliagang and Hilli). Availability of a large market and railways near the border make it easier and attractive for the smugglers to indulge in informal trade. The illegal trade is carried out mostly on head loads, bicycles, rickshaw, vans and boats. An estimate of illegal trade as carried out by various agencies is given in the following table-

Serial No	Agency	Year	Amount (Million TK)
1	MARC	1998-99	73339.58
2	RAHMAN	1998	7951.00
3	BIDS	1994	25282.00
4	NCAER	1994	13976.00

Table-5: Estimate of Illegal Trade on Indo- Bangladesh Border

DN Bez Boruah gives another estimate of informal trade between India (North- East) and Bangladesh to be Rs 2768 million. The actual amount will be much more.

Seizures made by BSF (both incoming and outgoing) since 1990 also give an indication of the extent of smuggling/ illegal trade on the Indo-Bangladesh border. Since all the smuggling transactions cannot be monitored or stopped, the actual amount may be much more. The figures are given in the following table-

Year	Seizure (in Indian Rs)
1990	101,94,18,280
1991	18,89,45,156
1992	27,54,33,533
1993	31,20,95,210
1994	44,22,66,721
1995	78,67,31,696

1996	44,96,54,193
1997	40,76,60,558
1998	34,31,99,127
1999	38,33,57,013
2000	45,98,66,776
2001	55,02,32,426
2002	67,88,30,184
2003 (till Sep 30)	58,35,86,631
Total	688,12,77,504

Table- 6: Seizures Made by BSF on the Border.

(Source- Border Security Force (BSF), Government of India)

The factors that encourage informal trade range from evasion of tariff and non-tariff barriers; differences in the rates and high demand; nature of the border terrain; porosity of the border; habitation of the population; and connivance of officials. Informal trade also takes place due to domestic policy distortions. A large number of commodities that fall under administered pricing are siphoned off from the **Public Distribution System (PDS)** in India into Bangladesh. An inadequate transit and transport system often results high transport costs, which in turn creates a strong incentive for trade to take place through informal channels. If there is an absence or a shortage of warehousing facilities then the informal channel would be proffered.

The biggest item on the agenda of smugglers is cattle. There are about 100 cattle corridors all along the border and the cattle are transported undetected from Punjab, Rajasthan, Uttarpradesh, Maddyapradesh and Bihar. As many as 1.7 million pieces cattle are illegally imported into Bangladesh every year. These cattle are brought up to the border districts and from there unloaded about 15 kilometer from the border on the Indian side (out of the jurisdiction of the Border Security Force) and then gradually moved towards the international boundary in small groups as part of the local cattle herds. Since the local cattle are allowed to graze up to the boundary, these cattle also form a part of the group and eventually are made to cross over to Bangladesh through the unfenced border.

4.6 Trafficking across border:

Trafficking has endeavor the poor country encompassing erotic border situation. In a regional context, trafficking in Asia accounts a large share of the global volume of trafficked women and children. In the last two decades, the number of trafficked women and children in Asia has increased alarmingly.

Trafficking across borders was included as an important issue in the Ninth South Asian Association Regional Cooperation (SAARC) Summit in May 1997. In its 27th paragraph, the Declaration at the 9th SAARC Summit says,

“Expressing grave concern at the trafficking of women and children within and between countries, the heads of State or Government pledged to coordinate their efforts and take effective measures to address the problem.”

They decided that the existing legislation(s) in member states should be strengthened and strictly enforced. This should include simplification of the repatriation procedures for victims of trafficking.

Trafficking of women has been the part of the tradition in this region. In this review, it is found that the problem of prostitution indirectly related to trafficking of women, and this institution has been in existence in this region in the nineteenth and early twentieth century a report state that during village melas (fair). Many village girls were lost misled into brothels. A second study titled ‘Prostitution in historical and modern perspectives’, based on fieldwork was conducted in eight brothels in and around Kolkata by Joardar, who observed that prostitution was related with low castes. Also the findings of Joardar on many women originally belonging to Bangladesh and other neighboring countries indicate the existence of a regional ‘circulation’ of prostitution, and the regional trafficking of women was historical. In another study, it is observed some unique features in Jessore brothel, which are specific to a border town that has various kinds of business and cultural links with the adjacent Indian region.

District in Bangladesh	Transit Upazila.	Trafficking Route or Last Transit Point in Bangladesh.	First Transit Point in India/Myanmar.
Brahmanbaria	Akhaura	Gopinathpur	Agortala
Chittagong	Mirsarai Sitakundo	Karerhat Jorwargang Barobkundo	Western borders of Jessore, Rajshahi and India
Chuadanga	Jiban Nagar	Darshana	Belonia
Comilla	Chouddagram	Chouara	Agartola
	Burichong	Rajapur	Agartola
Coxs Bazar	Teknaf Ramu	Teknaf	Mongedaw (Myanmar)
Dinajpur	Hakimpur	Hili(Bangladesh)	Indian Hili
	Birol	Ranipukur Vandaria	Raiganj
Jessore	Sarsa	Shalkuna Shikarpur Benapole Goga Chanduria Putkhali Bahadurpur	Bongaon Kurulia Kurulia Jointipur, Kalini Haridaspur Jhoudanga Bonabari Paspota, Gopalpur Angrail Porano Bongaon Shutay
	Jhikorgacha	Kashipur	
	Chougacha	Kabilpur Mashila Ansolia Boyra	Boyra Boyra Laxmipur Bagdha Bagdha
Jhenaidah	Maheshpur	Jadavpur Porapara Talsar Mandartala Samkur Jololi	Krisnanagar Shantipur Birnagar Ranaghat Shibnagar

District in Bangladesh	Transit Upazila.	Trafficking Route or Last Transit Point in Bangladesh.	First Transit Point in India/Myanmar
Joypurhat	Panchbibi	Baghjana Ratankanda Kaya	Balurghat Balurghat Balurghat
	Akkelpur	Farshipara	Balurghat
	Dhamurhat	Dhamurhat	Devinagar
Kushtia	Daulatpara	Pragpur Dhotarpara	Baharampur (Murshidabad) Beldanga
Lalmonirhat	Lalmonirhat Sadar	Mogholhat Dahogram Angurpota	South Gitaldaha Berubari
	Patgram	Burimari	Chengra Bandha
Meherpur	Meherpur Sadar	Mujibnagar Shalika Sholmari	Batai
Naogaon	Nazirpur	Shimultali	Balurghat
Nawabganj	Shibganj	Biswanathpur Chowka Monakosha Kiranganj Radhanagar Zaminpur	New Farakka Station
Nilphamari	Dimla	Chatna	Jalpaiguri
Panchagargh	Atwari	Dhamur	Raniganj
Rajshahi	Charghat	Kakramari	Jalangi
Satkhira	Kalaroa	Hijaldi Damdam Bhadi Chanduria	Hakimpur Gunnaspur Panchpota
	Kaliganj	Bhomra	Ghozadanga Itendia
	Shymnagar	Bhomra	Ghozadanga Itendia

Table-7: Land Routes for Trafficking

District in Bangladesh	Transit Upazila	Trafficking Route or Last Transit Point in Bangladesh.	First Transit Point in India
Jessore	Sarsa	Chanduria Bhulat Putkhali Doulatpur ICP Benapole Sadipur Rogunathpur Bhadurpur Salkuna	Gopalpur Jaw Dhanga Bannabaria, Angrail Kalini Petrapole ICP Jaintapur Haridaspur Ramchandrapur Sutia Bazidpur
	Jhikargacha	Shikarpur Kashipur	Bassgata, Mustaqpur Meherani, Boyra
	Chowgacha	Shazadpur Mashilia Hizli Andulia Borni Jadabpur Zaluli Samanta	North Boyra Boyra Pasbaria Mama Vagne Musaumpur Kulia, Modhupur Zitpur Pasti Gata, Chawhali Singamari
Satkhira	Debhata Kolaroa	Vomra Madra, Vadli Hizaldi, Sultanpur	Bashirhat Hakimpur Gunnaspur, Bhitnari

Table- 8: Trafficking Routes- Jessore and Satkhira districts of Bangladesh

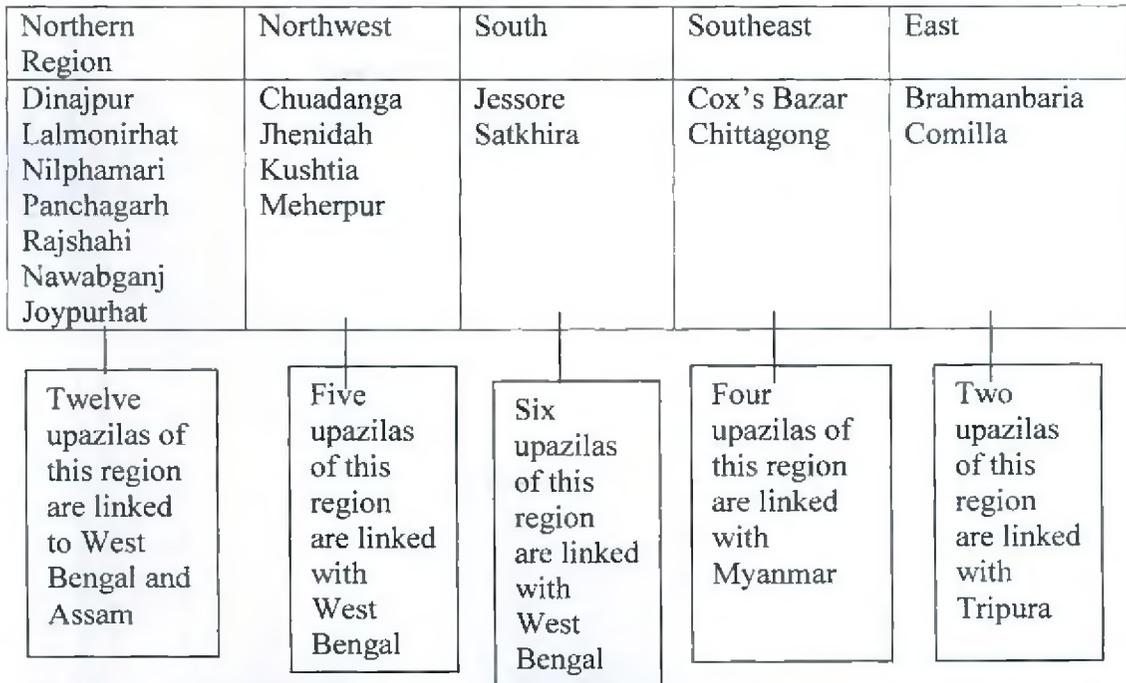


Diagram: 1: Traffic Prone Districts and Upazilas of Bangladesh

[Adapted from- Shamim and Kabir, Child Trafficking: the Underlying Dynamics, 1998 (1)]

4.7 Trans-Boundary Rivers: India and Bangladesh Water Down Differences

Sharing of water of trans-boundary Rivers has been a major cause of dispute between India and Bangladesh. India and Bangladesh share 54 common rivers' waters and in 1996 linked the landmark Ganges River Water sharing Treaty but there is still much progress that remains to be accomplished. In this conflict, one party (India) completely dominates the other (in a military sense), and it is only through other channels, such as the pressures of illegal immigration caused by environmental disaster, that the conflict has truly manifested itself. Due to the lack of a comprehensive solution that treats the Ganges basin as a system independent of artificial national boundaries, as well as the complexity of the secondary repercussions.

4.7.1 The Indus River Dispute (India vs. Pakistan): The Indus River is born in the highlands of Tibet, and flows to the Arabian Sea over the course of some 2,900 km through India and Pakistan. With a basin coverage area of over 900,000 km², the

Indus has a flow volume twice that of the Nile, and three times that of the Tigris-Euphrates river system.

As far back as 4 millennium ago , the Indus basin was one of the cradles of civilization, spawning the ancient cities of Harappa and Mohenjodaro. Agriculture was a main form of livelihood, and the Indus River was a fertile region. Only 200 years ago, during their occupation of the Indian sub-continent, the British actively encouraged agriculture in this region known as the Punjab (which means Land of Five Rivers) that today straddles a portion of the border between present day India and Pakistan. The British motivation was to find an occupation for the many idle Sikhs who had put up stiff resistance to the British invasion. Consequently, British engineers began an extensive set of projects to divert the main tributaries of the Indus into a web of irrigating canals, and the Punjab became a fertile "breadbasket".

In 1947, the British partitioned the region between India and Pakistan, and an agreement was signed between the two newly formed countries to maintain water supplies at the level of pre-independence times. However, disputes over water allocation soon arose, and in 1948, India cut off the water in canals flowing to Pakistan. Negotiations ensued, but the magnitude of the controversy that affected the agriculture of such a large region influenced the U.S. magazine, *Collier's*, to sponsor David Lilienthal, Chairman of the Tennessee Valley Authority, to undertake a fact-finding tour and propose some solutions. Lilienthal's work was brought to the attention of the president of the World Bank at that time, Eugene Black, who attempted to persuade the two riparian to find a lasting peaceful solution.

After many years of discussions, the Indus Waters Treaty was signed in 1960. It was agreed that the amount of water available from the Indus would be increased by various engineering works funded by the World Bank, and the six primary rivers of the Indus basin would be split evenly between India and Pakistan (three to each party). The Indus Water Treaty remains in effect today, and is largely intact because the amount of water available was able to be increased to both parties by the construction of various works that were funded by other countries. Two other contributing factors were the simple fact that the splitting of the river branches made physical geographic sense, and that the population levels at that time did not exert

strenuous demands on water resources. However, this region is increasingly growing in population today, and it remains to be seen how robust the Treaty will remain. On the other hand, it is interesting to note that this Treaty has withstood the strains of the major wars India and Pakistan have fought.

The resolution of the Indus River dispute remains as a good lesson in that as long as resources do not become overtly scarce, and there is strong external arbitration, there is hope for environmental conflict to be peacefully resolved to a large extent. However, it is true that remote sensing can still play an important role in monitoring long term change in the Indus River basin, and aid in the management of water flow and land use. We shall now turn our focus to the eastern boundaries of India where a festering dispute will be closely examined in the next section, and the potential benefits of remote sensing applications will be more apparent. The Ganges River Dispute (India vs. Bangladesh)

The Ganges and Brahmaputra river basin in South Asia is the largest in the region, encompassing over 1.6 million km². Flowing from the Himalayans in Nepal and Tibet, both rivers course through India, and ultimately join in Bangladesh where they discharge into the Bay of Bengal. Before the Ganges enters Bangladesh, it divides off a smaller river, the Bhagirathi- Hooghly, which flows through the port of Calcutta. Four-fifths of Bangladesh, an area smaller than New York state, is straddled by this delta system. Approximately half of the country GDP is based on agriculture, and hence these rivers irrigation value is vital to the country economy and its over 120 million inhabitants. The topography of Bangladesh (i.e. its sea level elevation and delta wetlands) and its geographical location make it extremely defenseless to natural disasters. Typhoons and monsoons produce multiple floods almost on an annual basis, and during the dry season between January and May, the Ganges River may drop to a level that has a strong detrimental impact on agriculture and fisheries. Relations between Bangladesh and its neighbor to the west, India, have been hardly cordial at best, and there has been a continuing dispute over the allocation of Ganges water between the two states.

Duration: 1951 to Now: The origin of the conflict dates back to 1951 when Bangladesh was part of Pakistan. India began plans for the construction of a mile-long

"barrage" (a river flow obstruction) at Farakka, 18 kms from the Bangladeshi border, to increase the diversion of Ganges water to the Bhagirathi-Hooghly River to flush silt and keep Calcutta harbor operational during the dry season. It was thought that by increasing the river flow, the harbor could be kept from deteriorating from silt deposition. However, Pakistan protested on the grounds that this action would wreak havoc on the environment. Nevertheless, India continued, and began construction in 1962. With no other course of action, Pakistan (and then later Bangladesh) took the matter before the United Nations General Assembly in 1968 and discussions continued in that forum until 1976. The international attention to the issue caused India to at least concede that the Ganges was an international river, and that each riparian State was entitled to a reasonable and equitable share of the waters of an international river.

In 1971, Bangladesh became an independent nation, with India aiding it in its independence struggle against Pakistan. It was expected that better relations between India and Bangladesh would result, but India persisted with its Farakka plans, and this led to a general souring of the relationship. Though the necessity for cooperative development of water resources of Ganges was expressed by India in 1953, all bilateral meetings held till 1970 remained inconclusive. With the liberation of Bangladesh in 1971, prospects of cooperative development greatly improved. A decision was taken to establish the Indo-Bangladesh Joint River Commission (JRC) to undertake joint action on the following:

- A comprehensive survey of the river systems shared, and
- Formulate projects in the area of flood control, hydroelectric power generation, river basin development and irrigation and to implement them.

In 1972, an Indo-Bangladesh Joint Rivers Commission was established to study the river flow and develop the river water on a cooperative basis. However, work on the Farakka barrage continued, and it was finally completed in 1975. A short-term agreement was subsequently signed by India and Bangladesh to conduct a 40 (January-31 May) day trial test of the barrage during the dry season. The Prime Ministerial meeting of 1974 discussed the Ganges issue and made a joint declaration on the question of augmentation. But the deadlock continued, though both agreed to a test run of the feeder canal at Farakka as per India's suggestion in the ensuing lean

season. India's unilateral withdrawal in the summer of 1976 led to record low level flows at the Hardinge Bridge (the point within Bangladesh where flows are monitored). President Zia-ur-Rahman took the issue to the UN in 1976.

Unfortunately, four months later, the President of Bangladesh was assassinated by elements of the military that found him too cooperative with India. The next dry season, India began to divert water at Farakka unilaterally, A special committee of the UNGA, called for early negotiations and settlement of the dispute and continued to do so until 1977 when a treaty on Sharing of the Ganges Waters at Farakka and on Augmenting its Flows was signed by the two countries and guaranteed a minimum flow level for Bangladesh for a five year period. After the expiration of this treaty in 1982, two more short-term Mou (1982, 1985) were concluded on water sharing until 1988. Thereafter, India began unilateral diversions at will. Moreover, domestic political upheavals, and the growing polarization caused by rising national religious factions (Hindu India vs. Islamic Bangladesh), contributed to a rising level of animosity between the two nations.

The political climate began to change when in 1992, the prime ministers of the two countries met and agreed to renew efforts for a solution. In addition, Bangladesh revived its attempts to internationalize the affair by bringing forth the dispute before the UN General Assembly and the Commonwealth Heads of Governments Meeting in 1993. In addition, the issue was raised in the South Asia Association for Regional Cooperation (SAARC), although no definite action was taken. SAARC comprises Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan, and Sri Lanka, and its main goal is to "accelerate the process of economic and social development in member states, through joint action in the agreed areas of cooperation."

In 1996, a new atmosphere of regional cooperation was created with a change of government in India, and in December of 1996, a Ganges Water Sharing Treaty was signed that is supposed to last for thirty years. The Treaty addresses the heart of the conflict: water allocation during the five months of the 15 phases of 10 days each, like the Farakka agreement . During the rest of the year, there is sufficient water that India can operate the Farakka diversion without creating problems for Bangladesh. However, increasing upstream withdrawal in Northern India has further lowered the

dry-season flow at Farakka, further complicating matters. Hence, the Treaty stipulates that below a certain flow rate, India and Bangladesh will each share half of the water. Above a certain limit, Bangladesh will be guaranteed a certain minimum level, and if the water flow exceeds a given limit, India will withdraw a given amount, and the balance will be received by Bangladesh (which will be more than 50%).

4.7.2 The Ganges Water Sharing Treaty: The 1996 Indo-Bangladesh water sharing treaty has opened a new gateway for fruitful bilateral cooperation. India and Bangladesh share 54 trans-boundary rivers that drain through Bangladesh of which the Ganges is highly seasonal. In 1975 India constructed a Barrage across the Ganges at Farakka for diverting the flow of water to the Hooghly River and to ensure the flushing of the Calcutta Port thus affecting Bangladesh's share of the Ganges waters. The question of sharing of the waters of the Ganges was kept out of the purview of the JRC to be settled later at the Prime Ministerial level as the problem had acquired political dimensions.

Consequent negotiations, led to the signing of the 1977 treaty for a period of five years (1978-82). The main clauses of the treaty were:

- Sharing apportioned according to a schedule of 10 day flows from 1 January to 31 May.
- Observed data (1948-73) of the flow at Farakka assumed at 75 percent availability of water, of which 60% flow to be allocated to Bangladesh.
- Incorporation of the 'Guarantee Clause' (during the leanest period, 21 April to 31 May), in case of exceptionally low flows, below 55,000 cusecs, Bangladesh was to be guaranteed at least 80%, 27000 cusecs of her stipulated for the concerned 10-day period).
- JRC to arrive at a mutually acceptable recommendation for dry-season-flow augmentation at Farakka within a three-year period.

The 1977 agreement was further extended in 1982 for two more years, deleting the 'Minimum Guarantee Clause', and adopting the 'Burden Sharing Clause' for exceptionally low flows below 75%. In 1985 it was renewed for three years. Then

followed a period of agreement vacuum. Since 1991 a series of discussions at the level of the political leadership and Joint Committee paved the way for the historic treaty signed on December 12, 1996 with 12 Articles.

The main features of the treaty are:

Validity for thirty years subject to review by the two governments at five years intervals or as desired by either signatory:

- Either party can seek the first review after two years to assess the impact.
- Sharing to be by ten-day periods from January 1-May 31 every year.
- Sharing will be on 50:50 basis, if the availability at Farakka is less than 70,000 cusecs. Bangladesh will get 35,000 cusecs and India the balance of flow if the availability at Farakka is between 70,000 and 75,000 cusecs.

India will receive 75,000 cusecs and Bangladesh the rest in case of availability of 75,000 cusecs or more.

“ During the critical month of April Bangladesh will get a guaranteed flow of 35,000 cusecs in the first and last ten days of April, and 27,633 cusecs during the period 11-20 April.

“ If flow falls below 50,000 cusecs in any ten-day period the two governments will enter into immediate consultations to make emergency adjustments.

“ The schedule is an indicative schedule based on the average 40 years flow data (1949-1988) to be applied to the sharing-formula which actually governs the treaty.

“ Provision of a fail-safe mechanism as India is obliged to release downstream water at a rate not less than 90% of Bangladesh's share as enjoined in the treaty until the five yearly review.

“ Joint Committee of equal number of representatives to be formed for daily monitoring of flows at the feeder canal in Farakka and at the navigation lock at Hardinge bridge and to submit annual reports to the two governments.

Despite the Treaty, there are still factions in Bangladesh that feel that India should not be drawing off any water at Farakka, as well as elements in India that do not want Bangladesh to receive any water. Annually, the Ganges brings to its mouth over 2 million tons of silt. Due to increasing deforestation in the foothills of the Himalayans, the amount of erosion is growing. With such levels of silt, it is increasingly no longer

possible for the Hooghly to retain a flushing role for Calcutta Harbor, and it is time for India to realize this and terminate Ganges water withdrawal and concentrate on port development further downstream.

In addition, due to silt deposition and flooding patterns, the Ganges is actually naturally shifting eastward, and it is only a question of time before the Hooghly River will no longer be capable of supporting deep harbor operations. India should accept this fact and plan for a harbor much closer to the Bay of Bengal, else it should consider regular and more intensive dredging operations.

However, the other important issues included water-sharing of seven trans-boundary rivers including Teesta, bank erosions of common rivers, construction of Tipaimukh Hydrological Dam on river Barak and more advance flood forecast data exchange.

4.7.3 River Linking Project Issue:

In 2003 India showed its intention to go for a multi-billion plan to divert surplus water from rivers in its flood-prone northeast to dry western and southern parts of the country, but set no deadline. Bangladesh, which gets about 70 percent of its river water from the Ganges and Brahmaputra rivers in the dry season, has asked India to shelve plans to siphon more water from their shared rivers. Bangladesh says the plan violates a 1996 water-sharing treaty and will hit its environment, agriculture and forests as well as water transport system. A formal protest was lodged by Dhaka about two years ago at the JRC meeting held in New Delhi.

Dispelling Bangladesh's concern over this River Linking Project (RLP), Dasmunsh (then water minister of India) stated in Dhaka that his country will not interlink the Himalayan rivers, including the Ganges and Brahmaputra. He acknowledged completion of feasibility reports on several planned links under the Himalayan Component of the RLP. He, however, clearly asserted, "Completion of feasibility reports by the National Water Development Agency of India does not necessarily mean the links will be established at the cost of our neighbors." He also assured Bangladesh that India would not do anything in this regard without taking it into confidence.

Terming Bangladesh's concern over the RLP "uncalled for apprehension", the Indian water minister said Indian states of Bihar and West Bengal will start a hue and cry even before Bangladesh if India ever ventures for water-diversion from the Ganges. He said water will not be diverted from the Ganges and Brahmaputra, the two rivers having immense bearings on Bangladesh, as India is concentrating on the Peninsular Component of the RLP in southern India only rather than implementing the Himalayan Component.

4.7.4 No Agreement over Teesta and Six Other Rivers

While Bangladesh favors a 40-40 or a 38-40 percent share of the Teesta water by the two countries and retaining the rest 20 percent for the river itself, India prefers keeping only 10 percent for the river. Moreover, India wants other factors to be taken into account before distributing water of these rivers. In the case of Teesta, 85 percent of agricultural land served by the river was in India and the remaining 15 per cent in Bangladesh.

Though no breakthrough was made over the sharing of Teesta water both sides expressed optimism that they would reach a mutually beneficial arrangement very soon after conducting a study on the water flow of the river. The issue meanwhile has been referred to the joint experts committee who would report back to the Commission.

India is very much willing to look into Bangladesh's request for water-sharing treaties with respect to six more rivers (Dharla, Dudhkumar, Monu, Khowai, Gumti and Muhuri) besides Teesta. But at the same time it wants Dhaka to agree to dredge its side of the river Ichhamati.

In 35th JRC meeting was held in New Delhi in September 2003, Water Resources Minister Priya Ranjan Dasmunshi said "We have to reach a point where two countries can make a sacrificed-share of Teesta. You know, some rivers are flowing with longer catchments area in India and shorter in Bangladesh. So, we need sacrificed-sharing here."

He urged Bangladesh to go for immediate joint dredging programme to save the region from unwanted flooding. Massive deposits of silt in the river Ichhamati is a major cause of floods along the river.

4.7.5 Tipaimukh Hydrological Dam (THD): Tipaimukh hydraulic dam (THD) to be constructed by our giant neighbor India in the upstream at a distance of 200km (direct distance 100 km) from Amalshid border of Jakigang of Sylhet district of Bangladesh followed by Fulertal Barrage in 100 km downstream of Tipaimukh dam and 100 upstream of Bangladesh border to divert the water to Indian Province Assam is a stern threat to the existence of Bangladesh hydrodynamically, geo-morphologically, geographically, tectonically-seismically, structurally, ecologically, bio-diversically, anthropologically, agriculturally, socially, culturally, economically, financially causing not only environmental hazard but also socio-economic and health risks to the mass people of Bangladesh from all walks of life.

Throughout the world, 263 trans-boundary (passed through more than one countries bordering geographically) rivers and lakes spread of which 57 trans-boundary rivers are located in Bangladesh of which 54 rivers are trans-boundary with India. About 45000 large dams extended over 140 countries of the world. India constructed more than 6000 dams of which more than 50 dams are constructed by our Giant Neighbor India on 35 trans-boundary rivers between Bangladesh and India without bothering Bangladesh, violating International River Laws and without any negotiation with downstream Bangladesh.

Dams in USA: A total of 75,000, including 6575 large dams; 2400 privately owned hydropower dams; no new large dams in recent years; 100s of dams removed since 1999; plan to remove about 10,000 dams by 2010.

Dams in India: As per CWC (1994), a total of 4291 large dams in operation (3159 in Maha, Guj, MP); over 50% constructed in 1971-90; a total of 695 dams under construction; 22 dams are being constructed in the north-eastern seven sister provinces of India.

India misuses all of these dams withdrawing unlimited waters in up-stream violating international laws and signed Memorandum of Understanding (MoU), agreements,

treaties between the trans-boundary countries. Consequently environment of Bangladesh are at the extreme risks.

Recently Tipaimuk dam on the Barak being constructed by India is the threat to the existence of Bangladesh in the train of environmental havoc and disaster to lean the bio-diversity and wetlands of north-eastern Bangladesh specially in the Sylhet basin.

History of India with Bangladesh is not optimistic rather crucial, and ironic due to illogical withdrawal of water from Ganges in dry season violating conditions of signed treaty & international laws and again flooding Bangladesh releasing gigantic amount of water opening all the gates of Farakka dam in rainy season. Same is the case between India and Nepal.

Bangladesh will face a lot of problems specially in dry seasons in the form of desertification and the severe flooding in the rainy seasons due to release of huge amount of water for the last three decades.

An ironic, sarcastic and double-crossing man-made river-killer Tipaimukh dam by Giant Neighbor India to kill the mighty rivers, streams and canals; dry up haors, swamps and other wetlands of its North-eastern region of Bangladesh.

4.7.5.1 Features of Tipaimukh Dam: The construction on the river Barak will be completed in 2011; it is rock dam located at the village of Tipaimukh; the THD is being constructed with an objective of holding water, generating 1500 MW electricity, flood control, and irrigation; cost is about 9000 Indian Rupees; length of the dam 390 m, breadth 162.8 m and height 178 m located at 108 m above the sea level storing 16 bcm water.

Environmental impacts of the dam will include:

- a. Increase the frequency of very large and small floods; Severity of flash flood in pre-monsoon due to the heavy rainfall in the hilly region due to the instantaneous release of water; Devastating Floods in rainy season due to the release of surplus water in every year.

- b. Decrease of water flow in Surma-Kushiara-Kalani-Meghna; Extreme low flow in of Surma-Kushiara-Kalani-Meghna during dry season after commissioning are expected to low as 10% of the flow of before dam construction. If Fulertal barrage is constructed, water availability in Surma-Kushiara will be severely threatened.
- c. Siltation in the river beds of Surma-Kushiara-Kalani-Meghna due to suppression of sediment flow.
- d. Possible morphological change of Surma-Kushiara-Kalani-Meghna causing change in the river course by probable severe earthquake of Richter scale greater than 8 due to dam failure in the earthquake prone area of Tipaimukh and redistribution of water flow, siltation etc.
- e. Change in water quality (turbidity, dissolved gases, minerals, metals etc.) of Surma-kushiara-kalani-Meghna.
- f. Ultimate killing of the rivers in downstream Bangladesh; THD will kill the rivers Surma, Kushiara, Kalani, Meghna and their tributaries and distributaries.
- g. Desertification and hydrological draught ness in seven districts Sylhet, Moulavibazar, Sunamgang, Habigang, Kishorgang, Netrokona & Brahmanbaria at the first stage; . Desertification and draught ness cause the districts of Narshingdi, Munshigang, Narayangang, Comilla, Chandpur, Shariatpur, Lakhmipur. Barishal at the long term. Desertification and hydrological draught ness will be more severe if Fulertal Barrage is constructed.
- h. Salinity intrusion in the new areas and increase in salinity in existing saline zone of lower Meghna due to the suppression of freshwater flow specially in dry season that will advance to upstream day by day causing severe crisis in water use in drinking, domestic and agricultural purpose, reducing soil fertility affecting crop production; saline water will reach to Sylhet within 15 years of commission of dam.
- i. Loss of fertility of the soil causing severe declination of crops, fruits etc.
- j. Reduction of wetland in haor areas dropping fresh water, curtailing fish due to food shortage, disappearance of migratory birds, dying trees, herbs, shrubs among others.

- k. Harsh effects on swamp forest of haor area leading to loss of animal, plant, birds, reptile and fish biodiversity and ultimate destruction of swamp forest in wetlands.
- l. There will be severe effects in river navigability of Surma-Kushiara-Kalani-Meghna shrinking potential water transport route; reduce the production of paddy and vegetables in north-eastern Bangladesh; cause destruction of fish habitats in rivers, streams and canals leading to tremendous reduction in the availability of fresh water fishes effecting aquatic ecology severely.
- m. It will also cause deterioration of ecosystem (both terrestrial and aquatic); Decrease of growth rate in all species; Plankton, flora and fauna will be under serious stress; decrease of groundwater recharge (one-third/fourth of GW recharged by rain water and rest by flood water, if water flow is reduced by 30 to 50%, normal flood will be disappeared hampering GW recharge) severely; affect forest bio-diversity decreasing the forest of both of the plain land and hilly areas ; Ultimately forests will be destructed. It will increase the probability of disaster in downstream Bangladesh if the dam collapses due to any kind of failure and extremely large down-flow stored water; seriously affect irrigation for Boro production at late rainy season when water flow will stop. Again if water flow increases by 110% in winter, it will affect boro paddy and vegetables causing food crisis.
- n. The risk of earthquake will increase due to the Tipaimukh dam on the seismic fault line of three tectonic plates. In 1897, Shilong earthquake of 8.7 scale changed the river course of Bramahputra. Tipaimukh will provide 500 feet deep reservoir that will exert more pressure of 160 ton per square meter that will increase the earthquake risk tremendously.
- o. The dam will adversely affect the social life of north-eastern region of Bangladesh specially Sylhet region and lead to loss of livelihoods and habitats of a large number of families.

Bangladesh, therefore, objected to the construction of Tipaimukh Hydropower Dam (THD) on the Barak River. It claims that diversion of the Barak waters through interventions like the THD would "drastically change the hydrological regime of Meghna."

On the contrary, India dispelled Bangladesh's concern over THD, saying Tipaimukh is a power generating venture, not an irrigation scheme, and it will not affect Barak's flow to Kushiara and Surma that eventually contribute to the Meghna. India, however, agreed to provide Bangladesh with detailed plan of the THD beforehand. It also agreed to accommodate concerns of Bangladesh, if any. Indian side also pointed out that the project would help the north-eastern region of Bangladesh in managing floods.

India turned down a proposal of Dhaka to include Nepal to discuss the issue of constructing a reservoir in Nepal to solve water sharing issues of the Ganges. It maintained that a third country should not be involved in a bilateral framework. India also rejected the idea to raise the issue at the SAARC meet saying that the regional body was a forum for handling economic issues.

Type of Environmental Problem: Water: Nearly 35 million people in about one-third of the total area of Bangladesh are directly dependent upon the Ganges for their livelihood. Hence, the impact of water availability can have far-reaching consequences. The diversion of Ganges waters and other 53 common rivers by India and the resulting decrease in flow through Bangladesh has disrupted fishing and navigation, brought unwanted salt deposits into rich farming soil, adversely affected agricultural and industrial production, changed the hydraulic character of the rivers, and brought about changes in the ecology of the Delta. In addition, there have been increased health problems due to the decreased availability of fresh water. The worst effects are felt during the dry season between the months of January and May.

Environment-Conflict Link and Dynamics: Direct

The ecological impacts due to the reduced river flow have been dramatic. The salinity front has traveled upstream up to 280 km, and the salinity in surface water in the area has increased almost sixty-fold. The increase in salinity and the encroachment of saline water have affected soil and plant nutrients, resulting in the wide-spread death of trees. The largest natural mangrove forest in South Asia, the Sundarbans, is losing about \$20 million worth of timber every year.

River flow reduction has reduced the irrigation capacity, while also affecting the non-irrigated crops which depend upon the residual moisture in soil. The withdrawal has also delayed the planting of the crops, shortened the growing season, and affected the planting and production of subsequent crops. In addition, decreased flow has caused depletion of groundwater tables in the region, and has seriously impacted the capabilities of low-lift pumps. In 1982, severe food shortages were attributed by the UN to scarcity of water. Fish is a staple of Bangladeshi diets, and the reduced flow has been unable to wash out decomposing weeds, insecticides, and industrial debris which is taking a terrible toll on fish and prawn populations.

Bangladesh is also heavily reliant upon its inland water navigation system for public and goods transportation. According to two surveys done by the Bangladesh Inland Water Transport Authority in 1975- 76 and 1976-77, the inland waterway transportation was reduced by 11 million tons because of reduced flow. Furthermore, the total number of waterways available for powered vessels dropped from 25,000 km to 5,000 km.

The economic impacts of the reduced river flow are significant. According to the Bangladeshi section of the Joint River Commission, the consolidated financial losses of Bangladesh due to India's water withdrawal from 1976 to 1993 amounts to nearly \$3 billion (in 1991 dollars), with the greatest losses suffered in the fisheries and agricultural sectors.

All these environmental effects and their economic impacts have had a direct impact on the Bangladeshis who derived their livelihood directly or indirectly from the Ganges River and other river also. One of the significant outcomes has been a large-scale migration from Bangladesh to India. The populace in the affected rural regions has been forced to move away from their homes as a result of the loss of their livelihood, and the dwindling urban economy of Bangladesh has not been able to absorb them. Since the early 1970s, over 2 million Bangladeshis have immigrated to the neighboring regions of India, namely the states of Assam and West Bengal and also have IDP (Internally Displaced People) rush to cities bringing more environmental impact. It is hard to determine the exact number of illegal immigrants, and hence population figures quoted are estimates, but the scale of the exodus is very

large. This large influx, that has crossed a largely porous border, has led to numerous ethnic conflicts between indigenous inhabitants of Assam and West Bengal, and the numerous refugees from Bangladesh. In Assam, more than 4,000 people were killed in a series of violent incidents in the early 1980s, and tensions even continue today.

Moreover, immigration of Bangladeshi immigrants has started to spread to other parts of India. An excessive population pressure in the eastern states has led to increasing diffusion to western urban centers like Bombay and Delhi. These immigrants, due to their precarious financial situation, settle in urban slum areas where sanitary conditions are appalling. Dissatisfaction with living conditions and native-migrant tensions has led to many communal riots, and much loss of life. In 1992, the Indian government began a campaign to forcibly deport illegal Bangladeshi immigrants. However, protests from the Bangladeshi government and Indian intelligentsia terminated this approach. Nevertheless, this incident only deepened the rift between the two countries.

As can be seen, the repercussions of tampering with a large-scale ecosystem can be far reaching and lead to many highly undesirable, unforeseen consequences. India now faces violent ethnic conflict within its borders due to the reduction of water to a neighboring country. With this background that has introduced the problem, the role of remote sensing will now be explored.

4.8 Indo-Bangladesh Maritime Border Dispute:

There are three issues between the two nations that impede a settlement. First is the claim over South Talpatti Island. The dispute is over the ownership of this tiny island which emerged in the estuary of the border river, Haribhanga after the cyclone and tidal bore of 1970 and is still in the formation stage. Flow of the river Haribhanga has also been a major source of discord between India and Bangladesh. India claims that the main channel of the river flows to the east of the new island, whereas Bangladesh maintains that it flows to the west, which would clearly make the island an integral part of the Bangladesh territory. Demarcation of Sea Boundary remains, as always, the biggest challenge. It has also delayed the demarcation of territorial waters, the Exclusive Economic Zone (EEZ) and continental shelves, which are essential for the exploitation of marine resources.

However, the need for resolution has become imperative for several reasons. As signatories to the UN Convention on the Law of the Sea (UNCLOS), India, Bangladesh and Myanmar need to resolve their maritime boundary issues, and file their claim by 29 June 2009, 27 July 2011 and 21 May 2009 respectively. Moreover, India's ever growing demand for energy has led to exploration of its areas including maritime zones for oil and gas. India, Bangladesh and Myanmar are conducting their offshore operations and allocating blocks for exploration of oil and gas to foreign multinationals in the Bay and claims of overlapping territories have piled up with the three, challenging each other's decisions. Bangladesh opposed India's endeavor in the Bay in 2006 while India opposed Bangladesh in June 2008. With a view towards the future, the two governments are keeping in mind that scientists have reported that resources in the sea are likely much more bountiful than those on land. With the depletion of land resources and increase in populations, Bangladesh and India both will depend increasingly on sea resources. Delimitation of EEZ and continental shelves have therefore, become very important, especially after India's discovery of 100 trillion cubic feet (tcf) of gas in 2005-06 and Myanmar's discovery of 7tcf gas at about the same time. India has also discovered oil in the Bay.

4.9 Unresolved issues with India:

Land boundary agreement (1974): Indira-Mujib Treaty-1974 was signed on 16 May 1974 with 3 issues unresolved. Unless the issues are solved in totally the effect of the treaty will always remain in question and affect sound border management. Apart from these unresolved issues the treaty has not yet been ratified by the Indian Government. 34 years have passed with no substantial advancement.

The Bangladesh government ratified the treaty immediately and handed over South Berubari to India as per agreement. In return India has not yet leased out Tin Bigha Corridor to Bangladesh in perpetuity. It should be added that Tin Bigha Corridor is located about 95 km North West of Lalmnirhat Town. Size of this corridor is 178 metres by 85 meters. It connects Angorpota-Dahagram with the mainland of Bangladesh. This Corridor was agreed upon by the India on account of prolonged and successive discussions and was established on 26 June 1992. According to Article 1, Item 12 and 14 of Indira-Mujib Agreement of 1974, South Berubari Union on 12 with

adjacent enclave was handed over to India. But, in exchange, Bangladesh did not get the lease of Tin Bigha Corridor. After 1974, two agreements were signed between the Government of India and Bangladesh in the year of 1982 and 1992. After that, inhabitants of Angropota-Dahagram were allowed to cross either side of the Tin Bigha Corridor from dawn to dusk at alternate intervals of 1 hour. Due to constant plea, the Indian government agreed to keep Tin Bigha Corridor open from 0630 hours to 1830 hours since August 2001 without any interval. Bangladeshi nationals in the enclaves are not allowed to evacuate patients in emergency or allowed to attend funerals beyond the scheduled time.

Construction of Military Wire Obstacle (Barbed wire fencing): Bangladesh shares a length of total 3976 km common land border with India. In the year 1989 Indian government took a project to construct Military Wire Obstacle in 3287 km of the border with Bangladesh in the name of sealing the border to curb infiltration and smuggling from across the border. It is learnt that Indian Government has allotted Rs 3925 crore for this project. By now they have completed erection of barbed wire fencing in 2364 km border belt and construction work for 730.51 in under progress.

The Wire Obstacle is a double concertina coil with a height of 12 feet. Coils are placed both vertically and horizontally between military wires, which stretch to a height of more than eight feet. Indian authorities have constructed gates in between the Military Wire Obstacle and these gates are controlled and kept under constant vigilance by BSF. Such wire obstacle is an internationally recognized conventional defense obstacle hence has got defense potentials. But time and again in the BST Recruit Training Centre and School, Tekanpur, the recruits are introduced with the Military Wire Obstacles (used in Bangladesh Border) as a defense obstacle.

As per the Joint India-Bangladesh Border Guidance for Border Authorities-1975 no construction having defense potentials can be made within 150 yards either side of the zero line. Bangladesh has never objected to any construction work authenticated by the border guideline. But violating the guideline in many cases places Indian authorities have attempted to construct Military Wire Obstacle within 150 yards of the zero line. There are a number of occasions where even after repeated requested by BDR to stop the construction work within 150 yards and assurance from BSF side of

no further repetition of violation of the guideline, BSF continued their construction work within 150 yards of the zero line at the hour of darkness of during inclement whether.

Bangladesh raises objection only when India authority attempts to construct Military Wire Obstacle in the following areas:

1. within 150 yards;
2. in un-demarcated areas;
3. in adversary possessed land;
4. where pillars are not constructed;

Indian authority mentioned about the topographical limitations in maintaining 150 yards distance at certain places. Lot of discussions took place between BDR and BSF on this issue at various levels. In the Director General Level Border Coordination Meeting held at Dhaka during April 2005 both BDR and BSF agreed on the decision that construction of fence within 150 yards of the zero line due to geographical and local compulsion has to be processed through diplomatic channel. It is worth mentioning that Indian authority has full flexibility of constructing Military Wire Obstacle with an inward detour towards India that of making an outward diversion towards Bangladesh in the area of geographical or local compulsion, as the gates are under control and observation of BSF.

Chapter-5:

Bangladesh-Myanmar Relations

During the 1980s, when Burma, renamed Myanmar, (Barma was renamed Myanmar by its military government in June 1989) was the largest opium producer in the world, the basic goal behind Myanmar-Bangladesh bilateral relationship was to cooperate in anti-drugs cooperation. But, over the years, the relationship started facing a lot of complications with the emergence of issues like maritime border demarcation, Rohingya refugees and drug trafficking.

As far as economic aspect of Myanmar-Bangladesh relationship is concerned, the signing of the border trade agreement of May 1994 legalizing the informal border trade between the two states; the inauguration of Teknaf-Maungdaw trade in September 1995; Bangladeshi trade delegation's visit to Myanmar in 1998; Sr. Gen Than Shwe's visit to Bangladesh in December 2002 and consequent agreement between the parties to cooperate in road and water transportation; can be pointed out as significant developments. However, on strategic issues, a lot remains to be done. The very fact that Myanmar-Bangladesh border offers a safe haven to terrorist organizations in the region makes it necessary for both countries to cooperate in counter insurgency activities. But ironically, not much has been initiated by either side in this respect. The refugee problem in Myanmar is another significant aspect which needs to be addressed adequately by both Myanmar and Bangladesh.

5.1 Bangladesh-Myanmar Border Demarcation:

The almost 200-km-long Bangladesh Burma border remains completely un demarcated despite demarcation agreements in 1966, 1980 and 1998. In 1993 the armed forces of Burma (Myanmar) began laying anti-personnel mines in the borderland.

A meeting between the survey departments of the two countries was held in Rangoon (Yangon) in September 1998, and a land boundary treaty was signed in November 1998. Demarcation began right away but when it was in progress a powerful anti-personnel mine exploded at the border near Lemochhari. As a result, demarcation was immediately suspended. The lack of demarcation could easily lead to disagreements,

as in 2001. when Bangladesh and Burma came to blows over the construction of a dam in the Naf river.

5.2 Myanmar's refugees in Bangladesh

Since 1991, Bangladesh has been the main country of refuge for members of the Muslim Rohingya minority in Myanmar's Arakan State, many thousands of whom have fled gross human rights violations perpetrated by the Myanmar government. In 1991-92 alone, discrimination, violence and the imposition of forced labor practices by Myanmar authorities triggered an exodus of some 250,000 Rohingya across the border into Bangladesh. Most of these refugees returned between 1993 and 1997 under a repatriation program arranged through the auspices of the United Nations High Commissioner for Refugees (UNHCR). The future of 22,000 Rohingya who remain in refugee camps in Bangladesh, however, remains unclear. Donor countries, frustrated by the lack of progress in finally resettling these remaining refugees, have reduced the level of support available to them. Meanwhile, continuing discrimination against, attacks upon, and other widespread violations of the rights of Rohingya in Myanmar have led to new refugee outflows into Bangladesh. More than 100,000 Rohingya, who have not been formally documented as refugees, now live in Bangladesh outside the refugee camps. Their situation too remains precarious.

5.2.1. Historical background:

The Rohingya were once counted as a part of the Mrauk-U (Mrohaung) kingdom in Arakan which stood independent of both the Myanmar kingdoms in the Irrawaddy delta and central Myanmar as well as Bengal and the Moguls to the west. Muslim traders came to the area in the eighth century when the local dynasty was seated at Wesali, not far from contemporary Mrauk-U and some of the traders settled along the shores. More Muslim sailors made their way to the Arakan region during the twelfth and thirteenth centuries. Migrants also gradually filtered into Arakan from neighboring Muslim Bengal. In the 1400s, when Mrauk-U was invaded by forces of the Myanmar kingdom at Ava, King Narmeikhla sought help from Bengal and expelled the invaders with the help of a Muslim army. The link between Bengal and Mrauk-U from this point solidified, to the extent that the Mrauk-U king began to use Muslim court titles along with traditional ones. Buddhist kings ruled Mrauk-U but Muslim officials often played a significant role in the court. Indeed, the inclusion of a

variety of ethnic minority and religious officers in courts was a common practice throughout the mainland Southeast Asian sub-region.

In 1784, the Myanmar King Bodawpaya conquered and incorporated the Arakan region into his kingdom of Ava in central Myanmar. As a consequence of the invasion, refugees began to pour into what is today the Cox's Bazar area of southern Chittagong. Cox's Bazar takes its name from the British lieutenant who was sent to the area to organize and provide relief for the refugees. One of the groups of dissatisfied Rohingya that fled to British controlled Chittagong in East Bengal proceeded to conduct raids against the Myanmar king. In one incident, the king's men pursued the Rohingya insurgents into British territory. The incursion led to tension between the British colonial government and King Bodawpaya over the king's demands for extradition of the insurgents. In 1811, the leader of the insurgents, Chin Bya, organized his forces and managed to capture much of Arakan. A request by Chin Bya for British protection, however, was rejected and the Myanmar army pushed Chin Bya back into Bengal. Many of the Rohingya that fled during this period never returned to Myanmar, but instead settled in the area of Cox's Bazar and became integrated with the local community.

The British colonized Myanmar in a series of three wars beginning in 1824. During their rule, the Arakan problem declined as the British allowed for a relative degree of local autonomy. From 1824 to 1942, there were few recorded incidences of uprisings. This period witnessed significant migration of laborers to Myanmar from neighboring South Asia. The British administered Myanmar as a province of India, thus migration to Myanmar was considered an internal movement. The Myanmar government still considers, however, that the migration which took place during this period was illegal, and it is on this basis that they refuse citizenship to the majority of the Rohingya. The reality is that the Rohingya have had a well established presence in the country since the twelfth century.

5.2.2 World War II, Independence, and Rohingya Flight

In 1942, Japanese forces invaded Myanmar and during the British retreat communal violence erupted. Attacks were made against those groups that had benefited from British colonial rule. Myanmar nationalists attacked Karen and Indian communities,

while in Arakan Rakhine and Rohingya villagers attacked one another causing a displacement of Buddhist villagers to the south and Muslims to the north. Some 22,000 Rohingya are believed to have crossed the border into Bengal. The region remained under Japanese control until a British offensive drove out the Japanese in 1945. Prior to the Japanese invasion, the British, seeking to bolster support for their forces, had promised the Muslims of northern Arakan a Muslim National Area, and some of the displaced returned with the British. But Britain never delivered on its promise to create a Muslim National Area.

After Myanmar became independent in January 1948, tensions between the government and the Rohingya grew. Immediately following independence, a group of Arakanese Muslims went on the political offensive, pushing for the integration of Maungdaw and Buthidaung into what was then known as East Pakistan. The proposal was rejected by the Constituent Assembly in Rangoon. The government contributed to the escalation of tension by treating the Rohingya as illegal immigrants.

The immigration authorities imposed limitations of movement upon Muslims from the regions of Maungdaw, Buthidaung, and Rathedaung to Akyab [Sittwe]. The Muslims were not resettled in the villages from which they had been driven out in 1942 (with the exception of villages they left in the Maungdaw and Buthidaung regions). Some 13,000 Rohingya still living in refugee camps in India and Pakistan whence they had fled during the war, were unable to return; as for those who did manage to return, they were considered illegal Pakistani immigrants. The properties and land of all these refugees have been confiscated.

Because they were denied the right to citizenship, Rohingya were prohibited from military service and Buddhist Rakhine villagers replaced Rohingya civil servants. Beginning in 1950, segments of the Rohingya community resorted to armed action, led by armed groups called Mujahids. In a series of attacks, Mujahid fighters pushed out both non-Muslims and Muslim villagers unsympathetic to their cause from Maungdaw, Buthidaung and part of Rathedaung. Aware of the conflict just across the border, the Pakistani government in 1950 sent a warning to its Myanmar counterparts about the treatment of Muslims in Arakan. However, Myanmar's Prime Minister, U Nu, quickly dispatched a Muslim ambassador, U Pe Kin, to negotiate an

understanding according to which Pakistan would no longer provide weapons to the Mujahids. In 1954, authorities in Pakistan finally arrested Cassim, the leader of the Mujahids, and placed him in a Chittagong jail. In November 1954, the Myanmar army stepped up counterinsurgency operations in Arakan and succeeded in quieting the rebellion.

5.2.3 Operation Nagamin and the 1970s Exodus:

Shortly after General Ne Win and his Myanmar Socialist Programme Party (BSPP) seized power in 1962, the government began to dissolve Rohingya social and political organizations. In 1977, Myanmar immigration and military authorities conducted what they called Operation Nagamin (Dragon King), a national effort to register citizens and screen out foreigners prior to a national census. By May 1978, more than 200,000 Rohingya had fled to Bangladesh: this, the Myanmar authorities claimed, signified the Rohingya's illegal status in Myanmar. Refugees reported that the Myanmar army had forcibly evicted them and alleged widespread army brutality, rape and murder. The International Committee of the Red Cross and the Bangladeshi government supplied emergency relief but were quickly overwhelmed. The Bangladeshi government requested assistance from the United Nations and soon thirteen camps for the refugees were established along the border.

Almost immediately upon the refugees' arrival, the Bangladeshi government engaged its Myanmar counterpart in a discussion on their repatriation. Bangladeshi authorities complained of the economic and social burden the presence of the Rohingya placed on the local community and insisted that there would be no local integration. The United Nations also urged the Myanmar leadership to allow the Rohingya's repatriation. U.N. officials hinted that a flow of aid, which the Ne Win government in Myanmar was pursuing through a more open foreign policy, would be more readily accessible should the ruling Myanmar Socialist Programme Party agree to the returns. The Myanmar government relented and the Rohingya began to go home. At first, in the early months of the program, few refugees opted for repatriation, but the number increased when the Bangladeshi government allowed camp conditions to decline and restricted food rations.

5.2.4 Flight in the 1990s:

The most recent mass outflow from Arakan to Bangladesh took place in 1991 and 1992, when more than 250,000 Rohingya refugees fled forced labor, rape and religious persecution at the hands of the Myanmar army. With the assistance of UNHCR and non-governmental relief agencies, the Bangladeshi government sheltered the refugees in nineteen camps in the vicinity of Cox's Bazar in southeastern Bangladesh.

Faced with this new influx of refugees, the Bangladesh government announced that it would not countenance any local integration and that the Rohingya would have to return home. Bangladesh was not then, and is still not, a signatory to either the 1951 U.N. Convention on the Status of Refugees or its 1967 Protocol. As in the 1970s, the Bangladeshi government intended to send all the refugees home quickly and sought to achieve this through negotiation with the ruling State Law and Order Restoration Council (SLORC) in Rangoon.

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The Rohingya repatriation, which the Bangladeshi and Myanmar governments began in September 1992, was troubled from the outset, as Human Rights Watch and other organizations have previously reported. Following reports of forced repatriation, UNHCR began to monitor a proportion of the returns in October 1992 but withdrew its support in December 1992 when it became clear that coercion was continuing. UNHCR then agreed a formal Memorandum of Understanding (MOU) with the Bangladeshi government and in May 1993 began to interview refugees individually in order to ensure that the Bangladeshi authorities were respecting the principle of voluntaries. When a UNHCR survey revealed that less than 30% of the Rohingya wished to repatriate, however, the Bangladeshi government responded by insisting that all of the Rohingya should return by the end of 1994 and allowing the MOU with UNHCR to expire in July 1994. The same year, UNHCR gained access to the return sites located in the Buthidaung, Rathedaung, and Maungdaw townships of Arakan State; this, it insisted, would facilitate the safe return of the Rohingya because UNHCR could now monitor what became of them. UNHCR then abandoned its system of individual interviews with refugees in August 1994 in favor of a program of mass repatriation in which thousands of Rohingya returned to Myanmar each week. Initially, however, UNHCR representatives were not permitted to travel within

Arakan state without prior clearance from the Myanmar government, and the latter also failed to provide a firm commitment that it would recognize the rights of the Rohingya to Myanmar citizenship. At the time, Human Rights Watch questioned the accuracy of the information about conditions in Arakan which UNHCR provided to the refugees and noted the concerns expressed by non-governmental organizations (NGOs) involved with the repatriation that it was being conducted in "less than optimum conditions." Even so, between 1993 and 1997, some 230,000 refugees returned to Arakan.

5.2.5 Continued Obstacles to Repatriation

In July 1997, a series of events surrounding the repatriation led to disturbances in the refugee camps in Bangladesh. A few months earlier, the Myanmar government had informed both Bangladesh and UNHCR that it would accept no more returning refugees after August 15, 1997. The Bangladeshi authorities then sought to return as many refugees as possible before the deadline, in the course of which they forcibly expelled over three hundred Rohingya across the Naf River into Myanmar. This provoked a violent reaction on the part of other refugees, who seized control of the two remaining camps at Nayapara and Kutupalong. For over a year, only a select few UNHCR and NGO officials were permitted to enter the camps and the leaders of the protest would not allow refugees to leave the camps, and, in some cases, forced refugees to forego rations. A UNHCR vehicle was also stolen.

In March and October 1998, Bangladeshi authorities and local villagers moved into the camps and restored order. Some refugees were beaten by police and many of those responsible for the disturbances were arrested. From July 1997, when the disturbances broke out, until the Bangladeshi authorities restored order in 1998, all repatriation ceased.

Following the police action and negotiations between UNHCR and the Bangladeshi and Myanmar governments, the Myanmar authorities announced that as of November 15, 1998 they would once again permit the repatriation of Rohingya refugee families but only if they, the Myanmar authorities, could re-verify residence, limit the number of returnees to fifty per week, and receive only complete families. Later they added the stipulation that they be allowed to confirm each refugee's willingness to return. As a result of these conditions, which have proven onerous in practice, even those Rohingya who wish to return to Arakan have not been able to do so.

As this report was being prepared in late 1999 and early 2000, there were still problems in the camps and conditions inside Myanmar for Rohingya remained dismal. In Bangladesh, UNHCR has made progress in reducing violence in the camps and in pressing the Bangladeshi government to respect the principle of non-refoulement, but there are still reports of violence by camp officials against refugees. UNHCR itself has been accused by NGOs and refugees of employing coercive tactics in its pursuit of refugee registration. In Arakan state, the Myanmar government has continued to demand forced labor from Rohingya villagers, arbitrarily confiscate their property, and restrict their movement. Moreover, members of the Rohingya minority are still being denied full rights of citizenship. Unsurprisingly, therefore, there are continued outflows of Rohingya and Bangladeshi officials and NGOs estimate that there are now more than 100,000 undocumented Rohingya in Bangladesh.

Faced with a multi-million dollar deficit for the Rohingya operation and reduced funding from international donors for a program that donors perceive as failing to progress, UNHCR informed the Bangladeshi government in June 1999 that it would be forced to terminate its assistance program for the Rohingya by year's end. Because of delays in the transfer of assistance programs to other UN development agencies and ongoing protection concerns, UNHCR then decided to maintain its presence until the end of 2000. Reductions in the number of UNHCR personnel in Bangladesh and Myanmar are now being discussed.

5.3 Other conflicting issues with Myanmar

Smuggling of arms and ammunitions is considered another area in which both Myanmar and Bangladesh need to cooperate. Factors like recovering of arms and ammunition of the insurgent group Arakan Rohingya Solidarity Organization (ARSO) by the Bangladeshi Army and Bangladesh Rifles (BDR) in September 2005 and the recovering of a large amount of heavy weapons from the Naikhangchari sub-district in Bangladesh in the last eleven months clearly indicate lack of cooperation between Myanmar and Bangladesh in tackling smuggling issue.

Over the years, besides Rohingya and smuggling, issues like land border demarcation and maritime order demarcation have emerged as two major areas of friction. Tensions have arisen particularly over Myanmar's planned construction of a 40

kilometre fence along the border, ostensibly to check cross-border smuggling. Recently in October 2008, a standoff between Myanmar and Bangladesh occurred when Myanmar not only permitted a South Korean ship to explore natural gas in the disputed area between the two countries, but also sent its naval vessel. Claims and counterclaims of the two neighbours in the Bay of Bengal continue to occur regularly.

It is quite interesting to note that in case of Myanmar-Bangladesh relations, the demographic factor plays quite a different role. Over the years, while flow of refugees from Bangladesh has been a source of trouble for its neighbours, in case of its relations with Myanmar, Bangladesh is the affected party. The burden of refugees seems to be particularly high in case of Bangladesh due to its poor economic condition and limited resources. In addition, there are constant assessments that some of the refugees may be associated with terror groups.

Chapter-6:

Analysis of Research Findings

This Chapter examines and reviews the assessments of research findings regarding the role of foreign policy in the process of border conflict management. The researcher therefore tries to identify the existing and potential complementarities between Bangladesh and India, Bangladesh and Myanmar. The study also suggests the ways and means to overcome the existing constraints in promoting and strengthening friendly relations among these neighboring countries. Initially it starts with the examination of Bangladesh India border management strategies and then discusses on a healthy Bangladesh-Myanmar border relations in the eye of foreign relation.

The foreign policy of Bangladesh has always been fashioned by certain core factors, among with the influential 'India factor' seems to be a predominant variable. Bangladesh's largest and most significant neighbor is India-the regional power. Historic links, economic interactions and geo-strategic interests make Bangladesh and India vital to each another. As one of the main immediate neighbors surrounding Bangladesh, India naturally occupies a pivotal position in its foreign policy. The geographic conditions, economic interactions, energy supplies, trade links, ethno-cultural proximity and historical linkages provide a plethora of opportunities for close, cordial and co-operative relations between the two countries. Sufficient opportunities and incentives exist for developing relations beneficial to both the parties. However, despite the growing trade linkages and opportunities, fundamental structural problems inhibit the realization of their full potentials. An attempt is made in this paper to examine the factors that limit and constrain the strengthening of Indo-Bangladeshi relations.

6.1 Issues hinder border management: The researcher has found some important issues that are of concern in border management include the following:

- **Porous nature of Border** — Wide inter-BOP gap in the face of dense population residing near the boundary, allows free movement of nationals including criminals, of both the countries. This problem gets severely

compounded in the reverie and jungle areas where patrolling is difficult. Withdrawal of the forces for other duties (counter-insurgency operations, election work for prolonged period), further worsens the problem.

- **Difficulty in Identifying Indian/Bangladeshi Nationals** — Indians of the bordering states and Bangladeshis look alike, speak the same language (Bengali and/or Assamese), wear the same dress and have similar set of cultures and traditions, thus making it difficult to identify a Bangladeshi/Indian national in the absence of identity cards in the border areas. Connivance of the locals with infiltrating Indian/Bangladeshis — for a payment — makes the task of detection more difficult.

- **Passive/Indifferent Attitude of Border Population** — All border crimes take place in an organized manner. The population residing in the border areas is either dependent on the kingpins or are scared to speak against such criminals. This sometimes happens due to indifferent attitudes of the administration where some of them are also part of the nexus.

- **Over-population in the border areas** — Density of population in the border areas at some places is approximately 700-800 persons per square km on the Indian side and about 1,000 persons on the Bangladesh side. Such an over-populated area with a porous border poses problems in detection and apprehension of criminals who have the option of crossing over to the other side to evade arrest. Since many villages are located so near the border — there are approximately 187 villages in South Bengal where houses are located within 150 yards of the international border — the density of population is far more than the rest of the country. It has also been observed that some children of such villages study in Bangladesh.

- **Deportation of Bangladeshi/Indian nationals** — Bangladeshi/Indian nationals caught on the border or in the interior areas are to be deported back to Bangladesh/India. Certain problems arise in their deportation, such as non-receipt of lists from state police organizations in advance of the persons to be deported, state police forces bringing in the problem of feeding the

apprehended Bangladeshi/Indian nationals and accommodating them till they are deported is an issue that causes serious administrative problems.

- **Border Fencing** — The primary aim of fencing along the Indo-Bangladesh border and Bangladesh-Myanmar border was to check the ingress of criminals, prevent smuggling and provide a sense of security to the border population. The fencing however, has not resulted in curbing the menace to significant degree.
- **Criminal-Administration-Police Nexus** — The trans-border crimes in the border regions flourish due to the connivance and close nexus of the criminal-police-administration triumvirate. These illegal migrants are then helped to reach any part of this country. A glaring instance of connivance can be seen from the fact that the cattle smuggled from India to Bangladesh reach the Bangladesh border from places as far as MP, UP, Bihar, Orissa, etc., on the basis of fictitious documents and bribing the officials at respective checkpoints.
- **Criminals in Enclaves** — Enclaves pose a problem of a peculiar nature. Since police cannot enter the enclaves, the local heads act as per their whims without attracting any retribution from either country. Indian and Bangladeshi criminals are taking shelter in these enclaves.
- **Cheap Labor** — It is a win-win situation for the labor as well as the contractor in India. Bangladeshi labor can be hired at cheaper rates and also it is profitable for them to work in India due to the wages they earn in Indian rupees (the value of Indian rupee being more than Bangladesh taka). There are many places where Bangladeshi labor comes to India, e.g., Karimganj in Assam, Agartala in Tripura.
- **Circuitous International Boundary** — The international boundary follows a non-linear pattern. It passes through villages, fields, houses, rivers, and jungles in an uneven manner and at places forms big loops. If one is to follow the proper route along such loops, it is time consuming. The pattern of

demarcation is so tedious that people in the border areas find it tempting to trespass and violate the international border as shortcuts.

- **Public Distribution System (PDS)** — Border areas on the Indian side are covered under the public distribution system whereby items like sugar, wheat, rice, etc., are made available to villagers at subsidized rates. The PDS shops are normally located in the rear and the items Border Management: India-Bangladesh Border 27 is sold to the villagers either in the godowns or the local salesmen carry the items to the villages near the boundary according to the population of the villages. While carrying such items the courier normally shows a chit to the BSF officials, mentioning the quantity being carried in a particular trip, if questioned. Invariably, such couriers make a number of trips in a day, distributing rations exceeding the quantity required for the village population. The excess quantity so carried is smuggled across the boundary at night or when the opportunity arises. The PDS chits in possession of the courier specifies the amount of the item but it does not mention the number of trips a courier has to make, resulting in a person making many trips and selling rations to Bangladesh.

- **Relations across the Boundary** — Radcliff's scalpel at the time of partition left many people with relations stranded on other side. It did not matter initially to the people as the borders were virtually porous and they could visit each other freely. Due to laxity they continued to enter into marriage alliances subsequently and nurtured the relations to the extent of settling down, particularly in Assam. With the tightening of control on the border it became more and more difficult, yet the efforts continue till date to go and meet the relatives across the border.

- **Limitation to Applicability of Law of the Land** — Indulgence in transborder crimes like cattle lifting, dacoities, kidnapping, crossing over of under trials/criminals, trafficking of women and children have become a phenomenon and a way of living because the law of the land ceases to apply after a person crosses over to the other side. Criminals have entered into an

understanding to provide shelter to each other in their respective countries to avoid legal proceedings.

- **Poaching of Natural Resources** — Citizens of both countries indulge in poaching of natural resources that are found near the boundary like wood, bamboo, limestone, etc. Bangladesh does not have stones to carry out construction work; the stones are found in India and smuggled to Bangladesh.
- **Cultivation in Adverse Possession Land** — Cultivation in adverse possession areas invites aggressive reactions from the other side and creates tension in the relations of the border guarding forces. An incident of April 2001, where about 16 BSF persons were killed by Bangladeshis, had its origin from one of the adverse possession areas.
- **Char Lands** — Char lands are the areas that emerge in river border areas as the rivers change their course due to floods. People (who come first) occupy and settle in these char lands leading to claims and counter-claims. The problem is alive in Dhubri district of Assam where the Brahmaputra crosses to Bangladesh forming char lands.
- **Missing Border Pillars** — Border pillars show the alignment of the boundary on the ground. There are various types of border pillars like main, minor, and subsidiary. These pillars sometimes get stolen or removed by criminal elements with a view to create tension on the border or nibble ground.
- **Firing Across the Border** — Though not as intense as on Indo-Pakistan border (J&K), both Indian and Bangladeshi troops resort to firing across the International Border at the slightest provocation, causing tension and problem of management.
- **Lack of Development** — The produce in the border areas does not find any market on the Indian side for want of communication facilities, and the items produced are of a perishable nature. So, the Indians have to perforce resort to selling it in Bangladesh. But, in case of the Meghalaya border, the boundary

lies on the foothills towards Bangladesh while the plains are in India where the vegetables, etc., produced, are consumed by Indians.

- **Legal Constraints** — Some of the legal constraints involved in the management of the India-Bangladesh border are: Ambiguity of Jurisdiction on the Border — The jurisdiction of border guarding forces differs from border to border. There is no clear-cut demarcation regarding the jurisdiction. In some cases the jurisdiction extends to 5 km and in other cases, it is 15 km and in some states like Meghalaya in the entire state, this results in confusion among the forces.

- **Lack of Judicial and Law Enforcement Infrastructure** — It has been observed in border areas especially in the North-East India that the local administration is virtually non-existent. The presence of local police is also grossly inadequate. Often, only a constable may be available at the outpost. This causes complete breakdown of the law enforcement mechanism as in the case of any crime, it takes very long to activate the law enforcement machinery. Absence of other infrastructure like telecommunication network, absence of vehicles with the police, inadequate staff, ambiguous laws, and poor road network, are also severe constraints for the border guarding forces. In the North-East India criminals make use of women and children as carriers in smuggling, as lookouts, etc. There is no woman police available on the border as a result of which no woman or child can be detained. This is fully exploited by the criminals. The women also take advantage of the fact that strict action is taken against the security forces in case of any report against them for ill-treating women. The women also exploit this by leveling false allegations against the security forces who are reluctant to get involved in apprehending any woman or child for fear of being reported against by them. The long inquiries, which follow after such allegations, are a source of immense stress to the security forces.

- **Non-availability of Witnesses** — It is very difficult to get any local to testify in court against any criminal, as a strong bond exists amongst the people in the border areas. Most of the people are involved in some way or the other in one

illegal activity or another. This affinity forces them to side with the criminals and extend no help to the security forces.

- **Easy Exit Across the Border** — The criminals make full use of the porosity of the border. They are known to cross over after committing a crime and find refuge in sympathizers and relatives till the pressure of the law eases on them.

- **Loopholes in the Legal System** — The legal system has several loopholes, which are fully exploited by the criminals. For example, in case of a claimed seizure the BDR is required to produce the person from whom the contraband has been recovered, before the Customs in case the seizure is to be termed as claimed. When this is done the Customs officials confiscate the goods and release the criminal, as the offence does not warrant his detention under the Customs Act. In case the man is handed over to the police, the seizure becomes unclaimed. Similarly, in case of illegal border crossing, the intruder is apprehended by the BDR and handed over to the police. The individual is released at times, the same or the next day by the police and pushed back.

6.2 Efforts to Solve Border Disputes

6.2.1 Bagge Awards

Certain disputes arose during the interpretation and implementation of the Radcliffe Awards. Accordingly, by a special agreement The Indo-Pakistan Boundary Disputes Tribunal was set up in December 1949 under the Chairmanship of Hon'ble Algot Bagge, former member of the Supreme Court of Sweden with a member each from India and East Pakistan for the adjudication and final settlement of the arising out of the interpretation of the Radcliffe Award and for demarcating the boundary. The tribunal looked into disputes related to the boundary between the districts of Murshidabad and Rajshahi, portion of a common boundary between the two Dominions which lay between the point on the River Ganges where the channel of the River Mathabhanga takes off and the northernmost point where the channel meets the boundary of Daulatpur and Karimpur, East Bengal-Assam disputes concerning the Patharia Hill Reserve Forest, and the course of the Kusiara River.

6.2.2 Nehru-Noon Accord

In 1958, the Prime Minister of Pakistan visited New Delhi at the invitation of Pandit Jawaharlal Nehru. Both the Prime Ministers discussed Indo-Pakistan (including East Pakistan) border problems to reduce tension and establish peaceful conditions along the Indo-Pakistan border. The Nehru-Noon Agreement on India-East Pakistan Border was signed in New Delhi on September 10, 1958, which addressed border disputes related to West Bengal, Assam, and Tripura.³ The agreements covered the Bagge Awards, Hilli, Berubari Union No 12, 24-Parganas-Khulna and 24-Parganas-Jessore boundary, Bholaganj, Piyain and Surma rivers, Feni river and Cooch-Bihar enclaves.

Pandit Jawaharlal Nehru, while making a statement on the enclaves in the Lok Sabha after the signing of the Agreement, stated that, "In regard to exchange of small territories we don't want migration from them, as far as possible, and we advise the people to continue living there and accept the country to which they will now belong."

6.2.3 Indo-Bangladesh Border Agreement 1974

The emergence of Bangladesh created a new situation altogether and a need was felt to take a fresh look at border disputes. Mrs Indira Gandhi entered into an Agreement with Bangabandhu Sheikh Mujibur Rahman and signed the Indo-Bangladesh Agreement of 1974. The Agreement listed in detail the modalities to deal with each of the outstanding border concerns including enclaves and undemarcated boundaries. Under this Agreement, India was allowed to retain Southern Berubari along with the adjacent Muslim enclaves. Bangladesh was left in control of 80 per cent of the Muslim enclaves of Dahagram and Angarpota in exchange. Since the two enclaves were not contiguous to the Bangladesh mainland, India offered to lease in perpetuity to Bangladesh an area of 178 mt. x 185 mt. (Tin Bigha) to connect them with Panbari *Mouza* of Bangladesh.

The Indo-Bangladesh Agreement was subject to ratification by the two governments. Bangladesh ratified it in November 1974. However, India has still not ratified it. The Government of India argued that ratification needed parliamentary approval, which

could not be obtained until the entire border had been demarcated, and the areas to be exchanged are identified on the ground.

However, Avtar Singh Bhasin argues in *India-Bangladesh Relations 1971-1994 Documents Volume One* that under the Constitution of India ratification of an agreement or treaty is an executive prerogative and no legislative approval is required.

6.3 In search of Indo-Bangla Border management: The Indo-Bangladesh border is a long one and heavily inhabited and the inhabitants have a common history of growth, culture, language and rich heritage. Today, most of the problems are the manifestation of this fact. The problem of border management on this border is not just one of securing the borders but of doing so without causing harm to the economic interest of the people, long dependent on mutual trade and various other forms of interdependence. Being on the extreme corner of the country, the border areas have remained underdeveloped and were economically and politically ignored for a long time. The negligence by the mainland forced the people of the border area to indulge in and depend on the traditional systems for their survival and this gave rise to cross-border movements. Since borders are with neighbors and neighbors are people, we have to take into consideration the people and the state when we talk about borders and its management.

- I. To integrate the border with the mainland, economic and infrastructure development of the border areas must be done. It is also equally important to ensure political satisfaction of the border people, provision of adequate security, closing the cultural and communication gaps between the border people and the national mainstream and developing friendly relations with their border people. Though, a lot has been done, much more remains to be done.
- II. It would be in the interest of both the nations to streamline and institutionalize the movement of people by issuing work permits and identity cards to migrants. Such people should go back after the expiry of the term. Contractors employing such labor should also remain accountable for movement of labor so employed. Detection of illegal migrants by the BDR should also be upgraded through computerization and fingerprinting. To check inflow of

illegal migrants, armed intruders and illegal trade, particularly cattle smuggling, trafficking of women and children, the completion of fencing should be expedited.

- III. Joint Indo-Bangladesh Guidelines — 1975 for the border guarding forces be revised as some of its provisions have become irrelevant. That these guidelines were framed at a time when trans-border crimes, illegal migration and movement of armed insurgents across this border were virtually non-existent. Over the years many changes have taken place along the border including the demographic profile and movement of armed insurgents (despite these border guidelines). Many villages (built up areas) already existed and many came later within 150 yards of the International Border. Bangladesh's objection of not allowing the fencing and construction of roads along the International Border under the cover of these border guidelines, is logical as fencing poses security threat to Bangladesh. Actually, fencing should be constructed under the guideline of 1975.
- IV. Similarly, illegal trade due to differences in tariffs and trade restrictions has given rise to vested interest groups who benefit by indulging in smuggling. The earlier a mechanism is set to open and liberalize the border trade the better it would be for the economy of the border areas and both the countries. Domestic reforms are required to address policy distortions in the public distribution systems to check informal trade.
- V. In border management, some other agencies are also involved in addition to the BDR. These agencies should play an active role in strengthening the basic infrastructure on the borders like police outposts, communications, roads, legalising border trade as per local traditions, issue of identity cards to the border population, providing employment to local youth, simplification of legal procedures, strengthening the local legal bodies, and so on. These measures would augment the efficiency of the BDR and also make law enforcement more effective.

- VI. India claims that Insurgent camps in Bangladesh are a cause of worry for India. Insurgents and the fundamentalist parties are a deadly combination for activities against India. Bangladesh always denies this but it should be settled within a guideline and can be in a name of **Counter-terrorism guideline for India-Bangladesh**.
- VII. One of the tasks for the BDR is to hammer a sense of security amongst the border population. This means putting an end to trans-border crimes and defending the border population in case of a threat from across the border. As long as there is no mutual trust between the border population and the BDR, it cannot be achieved. BDR needs the people's assistance for identifying and apprehending the trans-border criminals and illegal migrants. BDR personnel, by virtue of their operational requirements, are rotated after two/ three years. These troops come from different parts of the country and hardly understand the language and culture of the border areas. As such, there always remains a gap between the force and local people. By the time the BDR gets into the grid of intelligence gathering and understands the local conditions, they are due for rotation and a vacuum is created. The population has to be used as a force multiplier. A continuous liaison with the population is inescapable. It is recommended that locals of the border areas be recruited in the BDR who maintain continuity particularly for intelligence gathering and better integration. These people should remain in the area even when the units move out and they stand posted in the new unit. Last, but not the least, the morale and motivation of those guarding the borders has to be ensured in terms of welfare, incentives and promotions. These men work under the most trying conditions, in inhospitable terrain, remain away from their families throughout the year and are under constant mental stress. If these men are not motivated, no amount of instructions and measures towards border management will yield the desired results.
- VIII. The issue of land erosion by some trans-boundary rivers has been a major cause of conflict between the border guards of the two countries. To deal with this issue both Bangladesh and India should agreed on a joint inspection by their water ministers of the bordering areas affected by erosion of trans-

boundary rivers. Though no major breakthrough was achieved at the latest round of Indo-Bangla JRC meet, it managed to end on an optimistic note. India succeeded in convincing Bangladesh that the Himalayan streams would be excluded from its river-linking project. Speaking at the joint press conference with Indian Water Resources Minister upon conclusion of the two-day JRC meet in Dhaka, Bangladesh Water Resources Minister has said that he was satisfied with the talks and hoped that this would lead to an acceptable solution to the existing problems in the common river water sector shared by Bangladesh and India. Besides this optimism the talks also produced some tangible results as India agreed to cooperate with Bangladesh on advanced flood forecasting.

6.3.1 Things to be done regarding Tipaimukh Dam:

Bangladesh is already under threat of climate change due to the continuous emission of GHG by the fossil fuel from the industries of the USA - the largest industrialized country of the world, China - the most populous country of the world, India - the mighty Giant neighbor of Bangladesh. If the Tipaimukh impacts are added the problems already aggravated by the Farakka barrage in the Western and South-western parts of Bangladesh would further worsen.

Things that need to be done on an urgent basis include:

- ✓ Effective bilateral negotiation, common understanding and mutually benefited collaboration through realistic and practicable (that can be implement) water sharing of trans-boundary rivers in black and white (not in paper and agreement only) playing intelligent, tactful and diplomatic role in Bangladesh-India Joint River Commission (JRC) from Bangladesh part like the Indus River between India and Pakistan and many neighboring countries of the world.
- ✓ Presenting the research study based data by experienced and real expert groups in the JRC meeting with strong arguments, reasons, clues and points etc.
- ✓ Members of the expert group should be selected from expertise specialists and renowned researchers of the specific fields.

- ✓ Significant number of prior studies to assess the actual scenario of the trans-boundary rivers at the crucial and strategic points applying proper technology and know how, economic feasibility, financial viability and equal-participation from all walks of life of the society as well as the scientific and authentic study for flow data, water level data of river, water level data of groundwater incorporated with latest sophisticated ultrasonic mechanism, advanced computer modeling and information technology, before going to JRC meeting.
- ✓ Academicians, researchers, experts as well as engineers should come forward to raise and open the adverse environmental, socio-economic and health impacts of Tipaimukh in the daily life, life of people in the north-eastern region specially Sylhet basin.
- ✓ Engineers, experts and technologists should explain hydrodynamic, geomorphological, geographical, tectonic, seismic, structural, ecological, bio-diversical, anthropological, agricultural, social, cultural, economical threats of Tipaimukh the people of all walks of life for effectively supporting the Government on the issue .
- ✓ Lawyers, all type of environmentalists, Civil society, media men (both of print and news media), Teli-media, teachers community, intellectuals, social workers, NGOs, public representatives such as parliament members/mayor and counselors of city corporations and municipalities/ chairmen and members of Union Councils should come forward and create awareness among the masses.
- ✓ The government should the raise the trans-boundary issues like Farakka, and specially the crucial trans-boundary issue if Tipaimukh at international forums such as the UN with the collective efforts and proper cooperation of the opposition.
- ✓ Bangladesh Government should handle the trans-boundary river issues like Tipaimukh issue very tactfully to realize the interest of the country.
- ✓ In addition to all kinds of Government initiatives the private sector, NGOs, media groups, civil society, academia, research organizations, experts, intellects, and specialists of trans-boundary arena should raise their voice. The Government should play vital role inside the country as well as in bilateral joint river commission and multilateral and international forums.

6.4 A healthy border relation between Bangladesh and Myanmar:

Myanmar is a 'Buffer State' between the two emerging big powers- India and China. Its geopolitical position and abundance of natural resources make it a strategically important country. Bangladesh-Myanmar relation began officially from 13 January 1972, the date on which Myanmar accorded recognition to Bangladesh as a sovereign nation. Ahead of West European powers, Myanmar was among the first few countries to accord recognition to independent Bangladesh.

Besides, an amicable relationship with resource rich Myanmar will also help Bangladesh to improve its energy security in the long run. Whether to tackle the growing insurgency problem in the region Bangladesh needs to have a region wide comprehensive policy, including positive policies toward its immediate neighbors.

Important points must be considered in foreign relations regarding the border relations between Bangladesh and Myanmar:

- It is necessary to analyze if the bilateral relationship between Myanmar and India has undergone any tremendous change after the end of the Cold War. In this context, China's role, in particular, should be taken into account.
- Emphasis should be given on how China has been trying to develop its relationship with both Bangladesh and Myanmar on economic and strategic issues.
- There is a need to highlight the role of India as a decision maker in the context of Myanmar. At the same time, the possible role of China in the Myanmar in the future also should be analyzed.
- Bangladesh needs to analyze how having China with veto power in the UN has helped in furthering Myanmar's cause in the world affairs.
- It is necessary to highlight the constraints in improving the bilateral relationship between India and Myanmar.
- It should be point out the Myanmar-India relations from both regional as well as bilateral standpoints.
- As Myanmar is quite a resource rich country while Bangladesh imports most of such resources, the paper needs to analyze how both Myanmar and Bangladesh can take advantage of that aspect in improving their bilateral relationship.

- Rohingya refugee problem is a significant issue in Myanmar-Bangladesh relations and so, an elaborate discussion on the issue is necessary. Indian perspective to this issue needs to be discussed as Rohingya problem offers breeding ground for terrorism.
- While elaborating Rohingya issue, Bangladesh needs to take into account Myanmar's ruling junta's refusal to recognize Rohingya people as an ethnic group of Myanmar. In this context, strong hatred of most people in Myanmar toward Muslim community should be discussed.
- Bangladesh needs to dwell upon the obstacles in improving Bangladesh-Myanmar trade relations. This will help in studying constraints on Indo-Myanmar trade relations as well. In this context, issues like weak working banking system, restrictions on visas to Bangladeshis as well as Indians, artificial exchange rate, etc., should be taken into consideration.
- Bangladesh needs to mention the recent evolution of an idea known as the 'growth triangle' incorporating Myanmar, Bangladesh and India, which, if implemented, will definitely help in improving the relations among the three countries.
- The border dispute between Myanmar and Bangladesh should be addressed as a border management problem. At the same time, an analysis should be made on why border demarcation has not proved to be that much of a problem between India and Myanmar while the issue of border demarcation between Myanmar and Bangladesh remains a highly disputed issue.

6.5 Connecting the Neighborhood: Bangladesh, India, Myanmar and Southeast Asia:

As development becomes the primary focus, nations attempt to advance their interests through multilateral regional and international cooperation. Even States that have traditionally been sovereignty sensitive, at least in terms of integrating themselves through roads, today, are trying to negotiate multilateral economic arrangements that include transit and transportation across their national boundaries.

Bangladesh, which has traditionally opposed such an idea on the grounds of sovereignty and security, is slowly adjusting to this phenomenon. As a part of the

South Asian Association of Regional Cooperation (SAARC), the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) and the Asian Highway and Trans-Asian Railway networks it is imperative that Bangladesh considers this issue pragmatically.

Connectivity VS Security & Sovereignty

Connectivity between the two neighbors (i, e, Bangladesh-India) is at present restricted to bus services between Dhaka- Kolkata and Dhaka-Tripura and a train service between Kolkata and Dhaka, which started on 14 April 2008. Both countries signed the treaty on Inland Water Transport in 1972, which has facilitated river water transit. This treaty has been renewed periodically by both governments.

Security and sovereignty issues have been of paramount concern in Bangladesh's consideration of India's proposal for transit facilities. The nationalistic constituency in Bangladesh, for ideological reasons, does not favor greater economic relations and communication linkages between Bangladesh and India and wants to accentuate a security centric discourse for political reasons. While dealing with various problems, India and Bangladesh can move forward in forging better economic relations.

In contrast to India's bilateralism, though Bangladesh insists on multilateral arrangements, it is ironic that Dhaka is reluctant to join the multilateral initiative for bilateral reasons. Although Bangladesh has agreed in principle, as per Article V of the 28 March 1972 agreement, to extend facilities for the use of its ports, roads and railways for the transportation of goods and passengers to India's Northeast, there are major stumbling blocks in its implementation. Analysts have been citing security reasons for denying India transit or even transshipment facilities. Some analysts feel that this is the only tool Bangladesh possesses when negotiating with India. As Bangladesh tries to keep the advantage it has over other countries in order to emerge as a major connectivity hub, it will lose its significance. Other options available to India to connect its northeastern region to the larger world would be difficult but not impossible to implement. In the past few years India has been making an effort to establish various road and rail networks with Myanmar. India has been providing aid to construct the Sittwe port in Myanmar, which would emerge as a major port for

products from the Northeast. It is trying to construct a road network that would connect the northeastern part of India to Thailand through Myanmar.

Bangladesh's security concerns are unfounded on two counts. First, in spite of adverse relations with India, Pakistan had granted India transit rights through the territory of East Pakistan. This was only stopped after the 1965 war. Second, Bangladeshi analysts who cite China-India relations, which if soured would drag Bangladesh into a bilateral conflict, should look at the growing trade ties between India and China despite unresolved border issues.

The politics of transit also play on semantics. Confusion exists about what a transit facility would entail. Many believe that transit is synonymous with providing a transport corridor. This is illustrated by the fact that it would connect Indian territories through Bangladesh. The BNP was not against the transit facility and in the 2001 elections it showed willingness to consider this issue. However, many believe that it would benefit India more than it would benefit Bangladesh. If that is the case, why should Bangladesh waste its only trump card without gaining substantially?

Improving existing connectivity

Inland Water Treaty: India and Bangladesh signed the Protocol on Inland Water, Transit and Trade in 1972. However, river transit has remained of limited utility to India given the fact that very few rivers are navigable throughout the year. Bangladesh levies BDT20 million annually on India for allowing it to use its waterways.

On 1 April 2009, the Indo-Bangladesh Protocol on Trade and Transit was extended by two years. Irrespective of who has been in power in Dhaka, this treaty has been extended by two years, each time it has expired. Since January 2002, the BNP has extended it periodically. The treaty was extended 21 times during the four party alliance government. It was only after the army-backed caretaker government assumed power that the treaty reverted to being extended for two years each time. Given the fact that the treaty has been in existence for more than 35 years, both countries need to seek a long-term arrangement.

A new river route for linking India's Northeast to Bangladesh has been proposed. Bangladesh and India already have eight specific routes for river transit connecting West Bengal and Assam with Bangladesh. During his visit to Dhaka in 2007, Minister of State for Commerce and Power, Jairam Ramesh requested Bangladesh to allow India the use of the Ashuganj river port for the transportation of goods from Tripura, which is just 62 kilometres away from the port. This proposal is being considered and does not constitute part of the recently extended protocol on trade and transit.

Port Facilities: Citing poor facilities, Bangladesh has constantly argued that it is difficult to allow the Chittagong port to be used as a regional economic hub. Modernization of the Chittagong port is under consideration and the Asian Development Bank (ADB) submitted a preliminary study on the subject in March 2008. Recently, the World Bank proposed that it would support Bangladesh in developing internal and communications infrastructure and that it would help to establish regional connectivity. According to a study, increasing the efficiency of Chittagong port would enable it to handle 67 per cent more cargo than it is currently capable of. This would be achieved without any new infrastructure development. Similarly, Mongla port can be developed to handle cargo from India, Nepal and Bhutan. Allowing the northeastern states of India to use the Chittagong port while allowing the western districts of Bangladesh to use Kolkata, Haldia and Kulpi ports as quid pro quo to facilitate trade, has been suggested.

Rail links: During the British period Assam was linked to Chittagong port by Eastern zone railways. By 1965, due to various problems between India and Pakistan, the inland waterways were used for goods transit between India's northeastern states and Kolkata through Bangladesh and subsequently railway freight reduced substantially. After 35 years India and Bangladesh resumed the Dhaka-Kolkata passenger train service in 2007. The proposal was bogged down initially due to security concerns raised by the Home Ministry in India. There are proposals now to reopen similar facilities in Tripura. There are additional proposals to establish rail links between Sylhet and Shillong. There are problems in expanding people to people contact as in several places the railway networks of the two countries are not compatible. Both Bangladesh and India continue to have meter gauge railway tracks that need to be upgraded to broad gauge in order to facilitate transit if and when both countries agree.

Asian Highway Network (AHN): Understanding the politics: The previous government led by the BNP declined to sign up to the Asian Highway. The main controversy was that signing of this treaty would be tantamount to providing transit to India – a political issue without any economic logic. Bangladesh's desire to change the route before signing the agreement was not supported by member countries. They urged Dhaka to join the AHN and to then propose a change to the route. After the AL assumed power in January 2009, the Cabinet approved Bangladesh's accession to the AHN in principle, in a meeting held on 16 June.

As Bangladesh was not comfortable with the Asian Highway route, it had previously explored various other possibilities for augmenting its "Look East" policy. The policy envisages a close relationship with China and Southeast Asian countries. It also strives to reduce its dependency on India and open up new vistas of cooperation with Southeast Asia for trade and economic development. As it was not prepared to sign up to the AHN Dhaka proposed to build roads that would connect the country with Myanmar.

On 27 July 2007 Bangladesh and Myanmar signed a bilateral agreement for a Bangladesh-Myanmar Friendship Road, which would serve as a link between the two countries that would give Bangladesh access to Thailand, Malaysia and Singapore through Myanmar. Bangladesh has proposed to bear the entire cost of this road.

Although greater connectivity is important for Bangladesh, this proposal is mooted, bearing in mind the fact that it is part of the Asian Highway, which Bangladesh initially refused to sign up to. To further its foreign policy goals there is a proposal to build Dhaka-Yangon-Kunming road, which would allow China to ship its crude oil through Chittagong port to eastern China. Dhaka's proposal for a trilateral agreement on connectivity has China's support. These proposals are being propagated under the Kunming Initiative (BCIM) and therefore largely bypass India.

End words: Having a multilateral transit framework would help the region in that it would facilitate trade. Transit and communication will not be sufficient to deal with the issue of connectivity and any such initiative has to be complimented by facilitation by the customs authorities and by improvements in the road network.

Developing Chittagong, Mongla, Haldia and Kolkata ports would be a major step towards facilitating trade.

The security centric debate on connectivity has made it extremely difficult for the two countries. Bangladesh needs to take the broader picture into account. Even though both countries conducted a dry run in February 2000, to see whether transshipment would solve the issue of transit, it is yet to be implemented. This dry run demonstrated that transshipment would be economically beneficial to Bangladeshi lorry drivers as well as to the two countries. Both Bangladesh and India have been trying to take the initiative in order to improve trade between the two countries. Although the balance of payments (BoP) is heavily in favour of India, the two countries can try various means to improve trade. Providing transit facilities would also help Bangladesh to improve the BoP situation with India as well as expanding trade baskets to include more products from Bangladesh. Bangladesh needs to play a leading role in facilitating connectivity. In fact, this is one area in which Bangladesh can play a greater regional role. Being the founder country of SAARC, which has paved the way for greater cooperation within the region,

Bangladesh again needs to assume a leadership role. In the era of globalization Bangladesh needs to emerge from its insecurity syndrome, which has been carefully cultivated by successive military governments in Dhaka to protect their regime's interests. Bangladesh's decision not to cooperate with India in this regard would be a loss to both countries. If India's loss is Bangladesh's gain Bangladesh's policy is justified.

However, there is nothing to prove that Bangladesh is gaining either politically or economically by following such a policy. Although the current government has agreed to sign up to the AHN the debate still seems to hover around whether this will lead to granting corridor to India or to providing transit to India. Bangladesh needs to make an investment in terms of providing facilities, if it wants to reap the rewards of economic integration. As India is connecting its northeastern region, linking it to Myanmar and further to Southeast Asia, Bangladesh's advantage will slowly lose its relevance. Before that happens, Bangladesh needs to make a choice between the economics and the politics of regional connectivity.

6.6 Maritime dispute management among Bangladesh, India and Myanmar:

Bangladesh has submitted a note to the United Nations Convention on Law of the Sea (UNCLOS) last week rejecting all delimitation claims of India stating that the country has initiated an arbitration proceeding against India on October 28 last for achieving a delimitation of the boundaries in the Territorial Sea (TS), Exclusive Economic Zone (EEZ) and Continental Shelf (CS).

Meanwhile India has objected to Myanmar's submission claiming the continental shelf in the Bay of Bengal and so on. With the submission of dispute by Bangladesh the Commission may ultimately defer the issue until the final submission of Bangladesh by July 27, 2011.

6.6.1 Bilateral solution:

Meanwhile Bangladesh has opted for resolving the issue both with India and Myanmar bilaterally. While Dhaka has opted for pure bilateral solution with Yangon, it has involved the UNCLOS. All the three parties are signatories of the UNCLOS.

Bangladesh's note verbally against Myanmar's submission was discussed in the 24th session of the Commission on the limits of the Continental Shelf which was held in August this year. In its remark on Bangladesh's note verbally, Myanmar said that the responsibility of giving proof about rejecting Myanmar's claim is on Bangladesh. If Bangladesh could resolve the issue with Myanmar and India through bilateral stipulation, that would ease the tension.

The Bangladesh's note against Indian submission, obtained from the UN website dated October 29, 2009, states that "based on its initial review of the Executive Summary of India's submission, the Government of Bangladesh observes that the submission fails to comply on both substantive and procedural grounds with UNCLOS and with the rules of procedure of the Commission".

6.6.2 Bangladesh's rights, claims:

The major elements of disputes as were described in the note, state that "Bangladesh continues to reject all delimitations claimed by India in the Bay of Bengal" to the extent they infringe on the rights and claims of Bangladesh as they are inconsistent with UNCLOS and general international law.

"On 8th October 2009 Bangladesh initiated arbitration proceedings against India, pursuant to UNCLOS Article 287 and annex VII for the purpose of achieving a delimitation of the boundaries between Bangladesh and India in the TS, EEZ and CS. The unresolved delimitation in the Bay of Bengal is therefore to be considered as a dispute."

6.6.3 Natural prolongation:

The note added that the "actions of the Commission may not prejudice matters relating to the delimitation of boundaries between States with adjacent or opposite coasts. India's submission invites the Commission to do just that, because the areas claimed by India in its submission to the Commission as part of its putative continental shelf are the natural prolongation of Bangladesh and hence India's claim is disputed by Bangladesh."

6.6.4 Outer edge of the Bay:

The note further states that India has claimed a natural prolongation of its landmass through the outer edge of the 'Bay of Bengal Sector' and the 'Western Andamans Sector'. "The Government of Bangladesh believes this assertion is not supported by morphological, geological, or tectonic evidences. Scientific research and analysis have established that the morphology of the seabed in the Bay of Bengal is marked by a regional slope where water depth gradually increases in a seaward direction from North to South."

6.6.5 Further submissions:

"Bangladesh has also reserved its rights for further submissions in this regard," adds the note, "and stated that the Government of Bangladesh observed that, given the presence of a dispute between Bangladesh and India concerning entitlement to the parts of the continental shelf in the Bay of Bengal claimed by India" in its submission,

the Commission may not "consider and qualify" the submission made by India without the "prior consent given by all states that are parties to such a dispute."

Bangladesh has suggested to "consider both the submissions of India and Bangladesh together" while Bangladesh submission will be made by July 2011.

Chapter-7:

Concluding Remarks

Certainly, as a small power, Bangladesh does not pose a threat to its neighboring countries. So, it will be able to sustain and promote its development and move ahead to its attain and sustain a sustainable economic and political relations with its neighboring countries (e.g, India, Myanmar). During the past three decades, Bangladesh's relations with particularly India and partially with Myanmar have remained quite problematic and often disturbed despite wide-ranging efforts by the leaders of the these countries to have non-confrontational and more meaningful cooperative relations. Political analysts believe that there is sufficient political and economic space for these countries to develop mutually. But misapprehension and mistrust exist among the countries on national security, illegal migration, huge smuggling and trade deficits, delimitation fo maritime boundary and transit issues. In fact, lack of political will and lack of constructive agreement, dearth of reciprocity and result-oriented intensive dialogue, have been responsible for coll relationships with Bangladesh's neighbors.

In order to make the Border safe and sound, Bangladesh has to establish a sustainable border management guide Index. This Border management guide doest not indicate only to improve the efficiencies of Border Forces rather it should encompass many things, like the structural development in the border area, improve and integrate all the border agencies of neighboring countries to work together, regular and frequent meeting from grass root level to top level of the government officials, settle disputed issues through negotiation or peaceful settlement, use track II diplomacy (people to people contact) to build a good report among the neighbor's mass etc. however, the bottom line is that for a sustainable border management, foreign policy of Bangladesh must have to play a vital role in any point of view. So, this point of view, our foreign policy should include the above things as well as proper implementation of those policies at policy level. Some important Action plans include:

7.1 Commitment to shared values:

The Bangladesh and its neighbors have to pledge to adherence to fundamental human rights and freedoms, through their adherence to a number of multilateral treaties as well as through their bilateral agreements with one another. The Action Plans will contain a number of priorities intended to strengthen commitment to these values. These include strengthening democracy and the rule of law, the reform of the judiciary and the fight against corruption and organized crime; respect of human rights and fundamental freedoms, including freedom of media and expression, rights of minorities and children, gender equality, trade union rights and other core labour standards, and fight against the practice of torture and prevention of ill-treatment; support for the development of civil society; and co-operation with all international treaties.

7.2 Normalizing the border.

An unequivocal definition of national borders is essential for any modern state because the global state system is based on the territorialization of state power and on each state's striving to exercise exclusive sovereignty over a delineated self enclosed geographical space. This is way both Pakistan and India were eager to spend much money and manpower on fixing and demarcation their borders. And this is why the unfinished nature of border demarcation today is an embarrassment to the state elites of India, Bangladesh and Burma. It highlights the fact that their strategies of territoriality home not resulted in a self enclosed national territory and that they are incapable of exercising sovereignty over parts of the territory that they claim to be theirs.

As a historical process of bureaucratic classification and control, however the establishment of the Bengal border has been rather successful. For the bureaucracies involved, the process of gaining a clear understanding of the location of the border was a lengthy one. At the local level, it required studying survey maps and colonial notifications, visual inspection of border sites, joint enquires, rapid responses to border incidents and endless reporting to one's superiors. These superiors in turn sought legal advice, devised instruments (conferences, committees, agreements) to deal with border issues, applied diplomatic pressure, built up military presences at the border and tried to away public opinion. Gradually these highly complex activities

normalized the border in most places. Here the states developed ways of dealing with each other, the border became a routine issue, and disputed over the border became a thing of the past. Incidents might still occur – a cow straying across, or smugglers being caught – but these could no longer upset the regular pattern of administration. Half a century after the painful separation, despite the danger of half forgotten flash points erupting the borderland had not quite acquired the natural feel of an adult borderland, but in many places it was on its way.

7.3 A more effective political dialogue:

Bangladesh should strengthen their political dialogue and make it more effective. This encompasses foreign and security policy issues including regional and international issues, conflict prevention and crisis management and common security threats (e.g. maritime boundary, enclaves and adversary possessed land, terrorism and its root causes, illegal arms and drugs exports etc). Bangladesh and neighboring countries should also work together on effective multilateralism, so as to reinforce global governance, strengthen coordination in combating security threats and address related development issues. Improved co-ordination within the established political dialogue formats should be explored, as well as the possible involvement of partner countries in aspects of conflict prevention, crisis management, the exchange of information, joint training and exercises and possible participation in crisis management operations. Another important priority will be the further development of a shared responsibility these countries for security and stability in the neighborhood region.

7.4 Economic and social development policy:

The approach envisages enhanced preferential trade relations and increased financial and technical assistance. It also offers neighboring countries the prospect of a stake in the South Asian Internal Market based on legislative and regulatory approximation, the participation in a number of SAARC programmes and improved interconnection and physical links with the SAARC. However, the actual delivery of these benefits requires effective implementation of the agreed measures and appropriate accompanying policies.

The Action Plans' economic and social component needs to be consistent with partner countries' own strategies. Strengthened dialogue is needed through the relevant

subcommittees and economic dialogues. It will also be important to ensure appropriate coordination with the International Financial Institutions. These have valuable contributions to make both in terms of policy advice and financing. Issues related to the movement of workers, in particular as regards equal treatment or living and working conditions of migrant workers, and on co-ordination of social security will continue to be addressed within the framework of the association and co-operation agreements.

7.5 Trade and Internal market:

The Action Plans will set out ways and means to ensure that both the Bangladesh and its neighbors derive the full benefits of the provisions on trade contained in the existing Partnership and Cooperation or Association Agreements. Due account will also be taken of initiatives at regional level.

Legislative and regulatory approximation will be pursued on the basis of commonly agreed priorities, focusing on the most relevant elements of the *acquis* for stimulation of trade and economic integration, taking into account the economic structure of the partner country, and the current level of harmonization with legislation. Both Partnership and Co-operation and Association Agreements contain provisions on legislative approximation over a broad area. Regarding goods, steps should be taken to improve administrative co-operation, and ensure the gradual elimination of non-tariff barriers to trade and the development of appropriate infrastructures.

The objective of improving the investment climate, including by ensuring transparency, predictability, and simplification of these countries' regulatory framework will help to facilitate and increase two-way investments. Non-discriminatory treatment of investors is an essential element in this process. Actions enhancing a systematic dialogue covering all investment-related issues and consultation with stakeholders will be key to improving the bilateral investment environment, and reducing administrative barriers to the development of business. Strengthening of the functioning of the judicial system will also contribute to a better investment climate.

Regulatory convergence in key trade-related disciplines will bring economic benefits, both in terms of reforms in partner countries, and in terms of enhanced investment climate. In particular, increased levels of effective protection of intellectual and industrial property rights as well as effective enforcement of such rights, along with regulatory convergence and improved market access in the area of public procurement are likely to have significant effects on economic development and on investment levels. Actions could also be taken to increase harmonization and the sustainability of the statistical systems.

In addition, partners should be encouraged to enforce competition discipline through independent competition authorities with adequate powers and resources as well as proper training. Convergence towards comparable approaches and definitions, legislative approximation on anti-trust as well as State aid regulations, will eventually be needed for partners to advance towards convergence with the Internal Market. Such steps will also benefit domestic markets as well as facilitating trade.

7.6 Justice and Home Affairs:

Border management is likely to be a priority in most Action Plans as it is only by working together that Bangladesh and its neighbors can manage common borders more efficiently in order to facilitate legitimate movements. The Action Plans should thus include measures to improve the efficiency of border management, such as support for the creation and training of corps of professional non-military border guards and measures to make travel documents more secure. The goal should be to facilitate movement of persons, whilst maintaining or improving a high level of security.

Action Plan priorities could furthermore include co-operation on migration, asylum, visa policies, measures to combat terrorism, organized crime, trafficking in drugs and arms, money laundering and financial and economic crime. Action Plans will identify concrete steps to strengthen the judiciary and to increase police and judicial co-operation.

7.7 Connecting the neighborhood:

7.7.1 Energy: Enhancing our strategic energy partnership with neighboring countries is a major element of the European Neighborhood Policy. This includes security of

energy supply and energy safety and security. Action Plans will contain concrete steps to increase energy dialogue and co-operation, and to foster further gradual convergence of energy policies and the legal and regulatory environment. This will include policies to promote increased energy efficiency and energy savings, as well as the use of renewable energy and co-operation in energy technologies.

Reinforcing networks and interconnections will be necessary for ensuring the security and safety of energy supplies and for extending the internal energy market to partner countries.

7.7.2 Environment: Environmental pollution does not respect borders and can therefore be best addressed through a mix of international, regional and national action. Enhanced environment protection will bring benefits to citizens and businesses both in Bangladesh and in neighbors' countries. It can help to avoid conflicts over scarce resources, such as water. Whilst the benefits of improved environmental management are clear, the fact that it often represents a major short- and medium-term financial burden for both public and private actors is an issue which needs to be taken into account in planning and funding.

Action Plans should promote good environmental governance in South Asian countries to prevent environmental degradation and pollution, protect human health, and achieve a more rational use of natural resources. Priorities will be identified in key areas such as water quality, waste management, air pollution and the fight against desertification and deforestation. Regional co-operation between the partner countries needs to be further enhanced and ratification and implementation of international agreements promoted.

7.7.3 People-to-people, programs and agencies: An effective means to achieve Border management's main objectives is to connect the peoples of the Bangladesh and its neighbors, to enhance mutual understanding of each others' cultures, history, attitudes and values, and to eliminate distorted perceptions. Thus, in addition to contacts between public bodies or businesses, the policy will promote cultural, educational and more general societal links between Bangladesh and its neighborhood.

Human resource development is an essential component to reach objectives such as increased competitiveness, social inclusion and active citizenship. The deficit in the knowledge society needs to be tackled urgently in order to address development challenges in certain neighbor's countries, especially India and Myanmar.

This said, it is clear that improved relations would further the national interests of these countries. As a former Ambassador of Bangladesh has observed, 'A stable and prosperous Bangladesh is an asset to India. Not only its markets expand in Bangladesh, but also with economic prosperity allegation of unauthorized migration of labor to India disappear. It is a win-win situation for both'. (Rashid, *The daily Star*) In this way we can say that the scope, depth and the multifaceted nature of the relations between the two countries demand continuous constructive engagements all levels of these governments. It is imperative that Bangladesh and its neighbors opt for utmost cooperation regarding effective border management through goodwill, diplomacy, continuous dialogue and attitude of sensitivity towards each other concerns.

Annexure A

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Related web links:

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http://www.idsa.in/event/myanmar-bangladeshrelation_ubsingh_150509

Annexure B

Related Figures and Maps

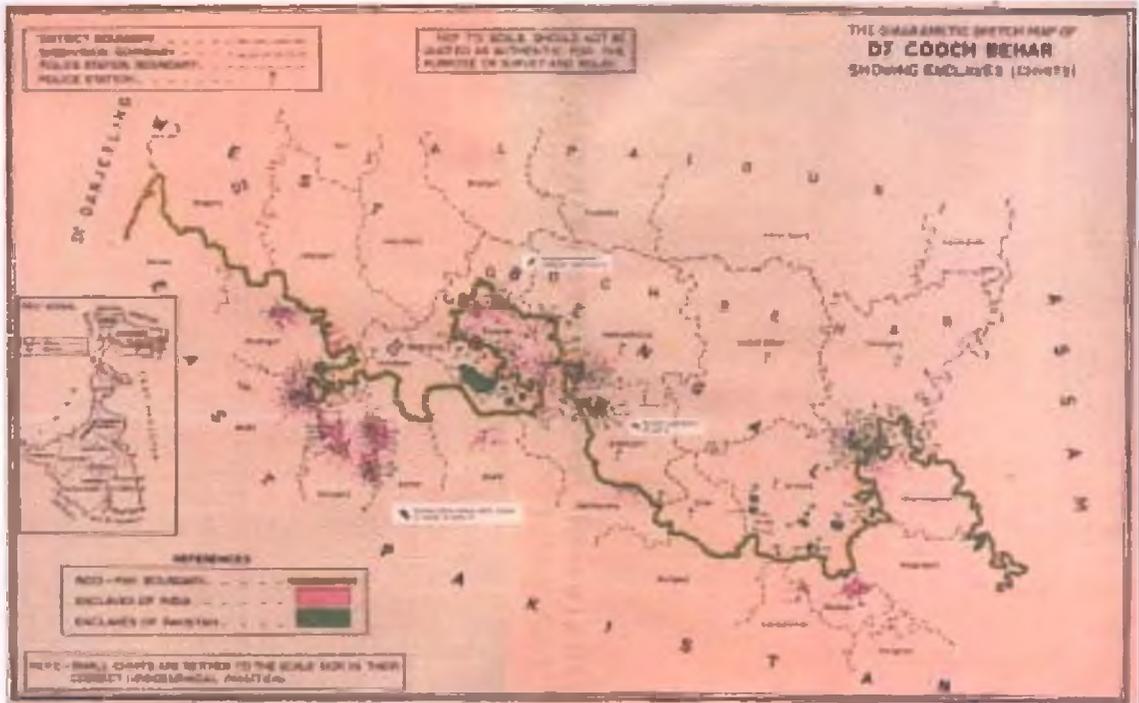


Figure: Enclaves of Indo-Bangla Borders



Figure: Bangladesh-India Border fencing build by India



Administrative Area of Bangladesh

Offshore Oil & Gas Block Map

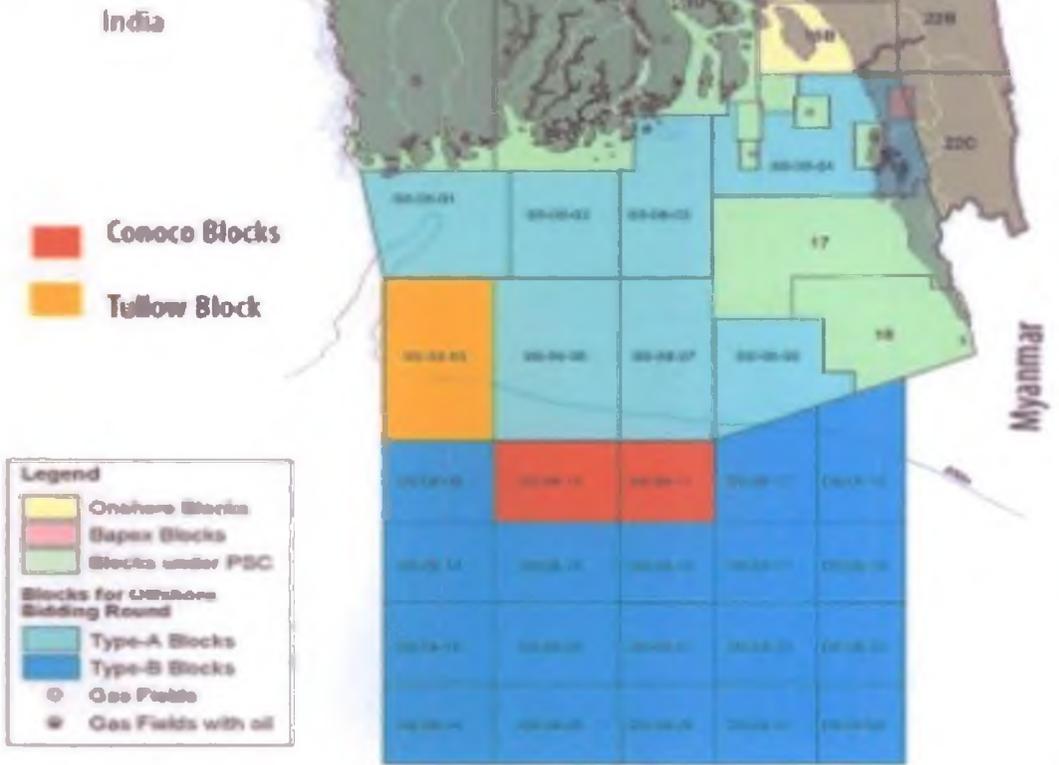


Figure: Offshore Oil Gas block Map

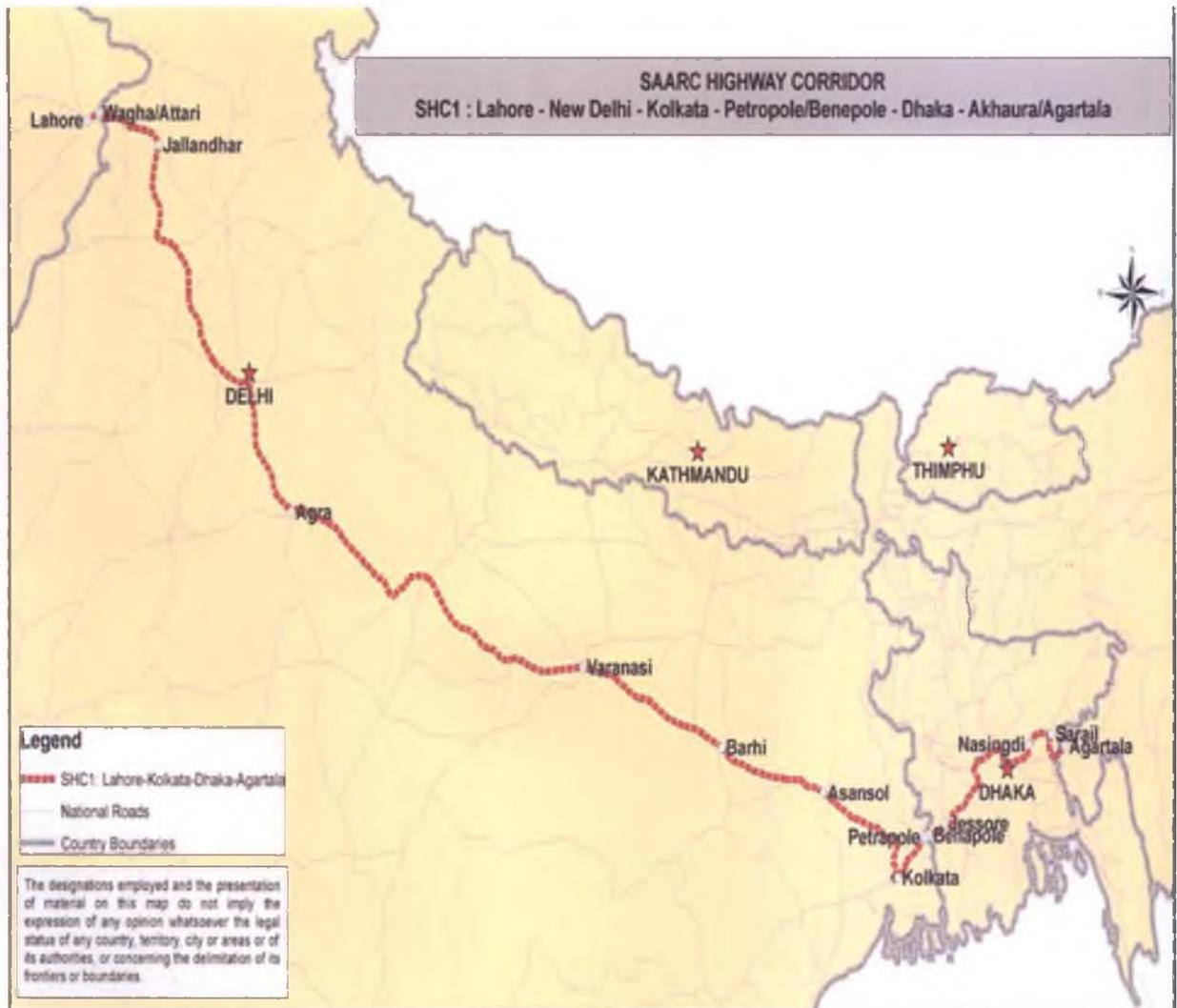
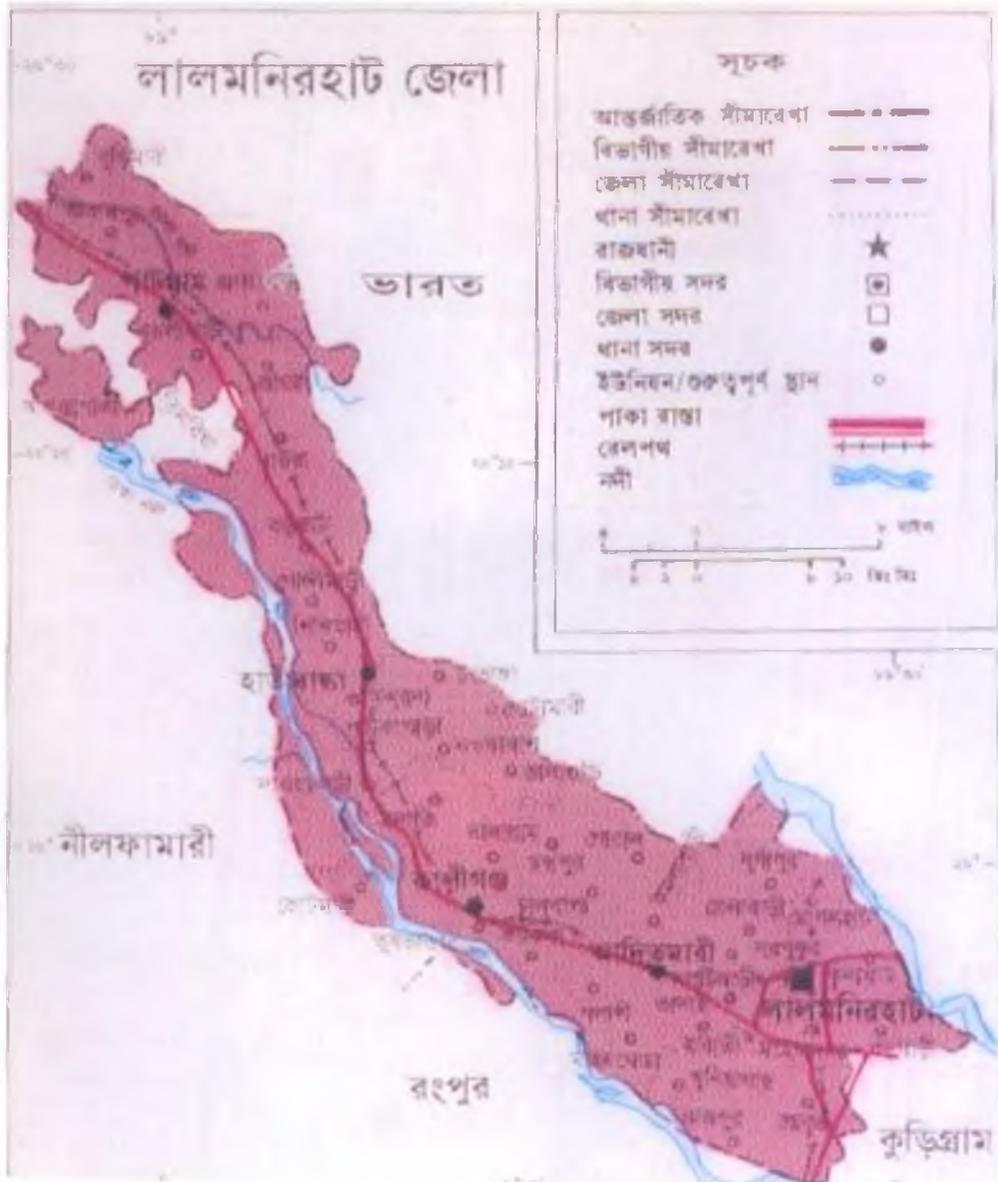


Figure: SAARC Highway Corridor



Legend: 1. Petrapole – Benapole (India – Bangladesh), 2. Burimari –Changrbandha – Jaigaon – Phuentsholing (Bangladesh – India – India – Bhutan), 3. Banglabandh – Phulbari – Karkabitta (Bangladesh – India – Nepal), 4. Raxaul – Birganj (India – Nepal)



Dahagram and angarpota MAP with Tinbigha Coridore.

Annexure C

Documents of Field Work



Figure: Researcher with BDR Personnel in the checkpoint of Hili border



Figure: Researcher at Hili Border point



Figure: Researcher at Tin Bigha Corridor (Enclave)



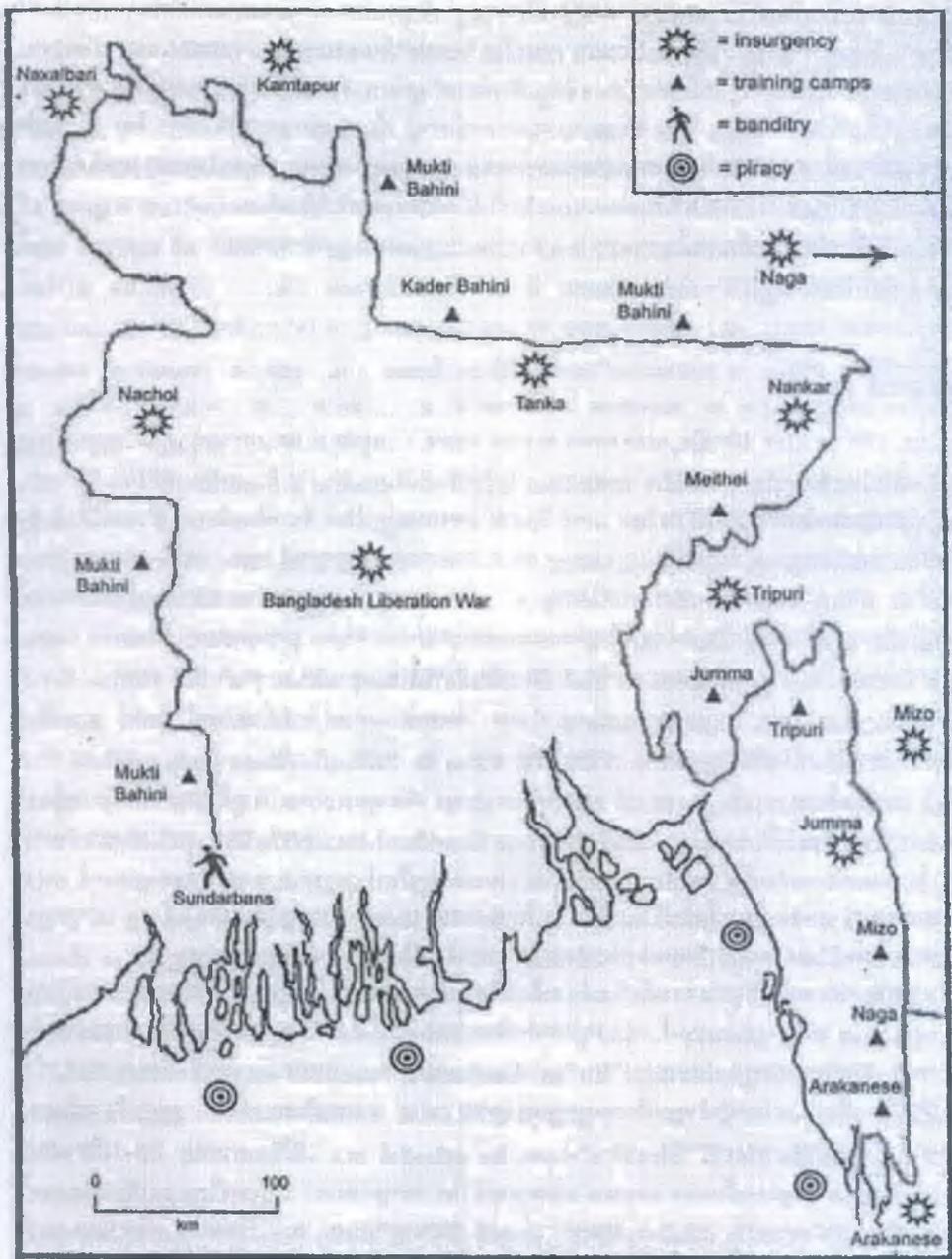
Figure: Researcher at Pathgram, Lalmonirhat



Figure: BSF Check post at Agartola



Figure: Dahgram-Angorpota Enclave in Bangladesh



Location of some borderland rebellions , 1947–2003.

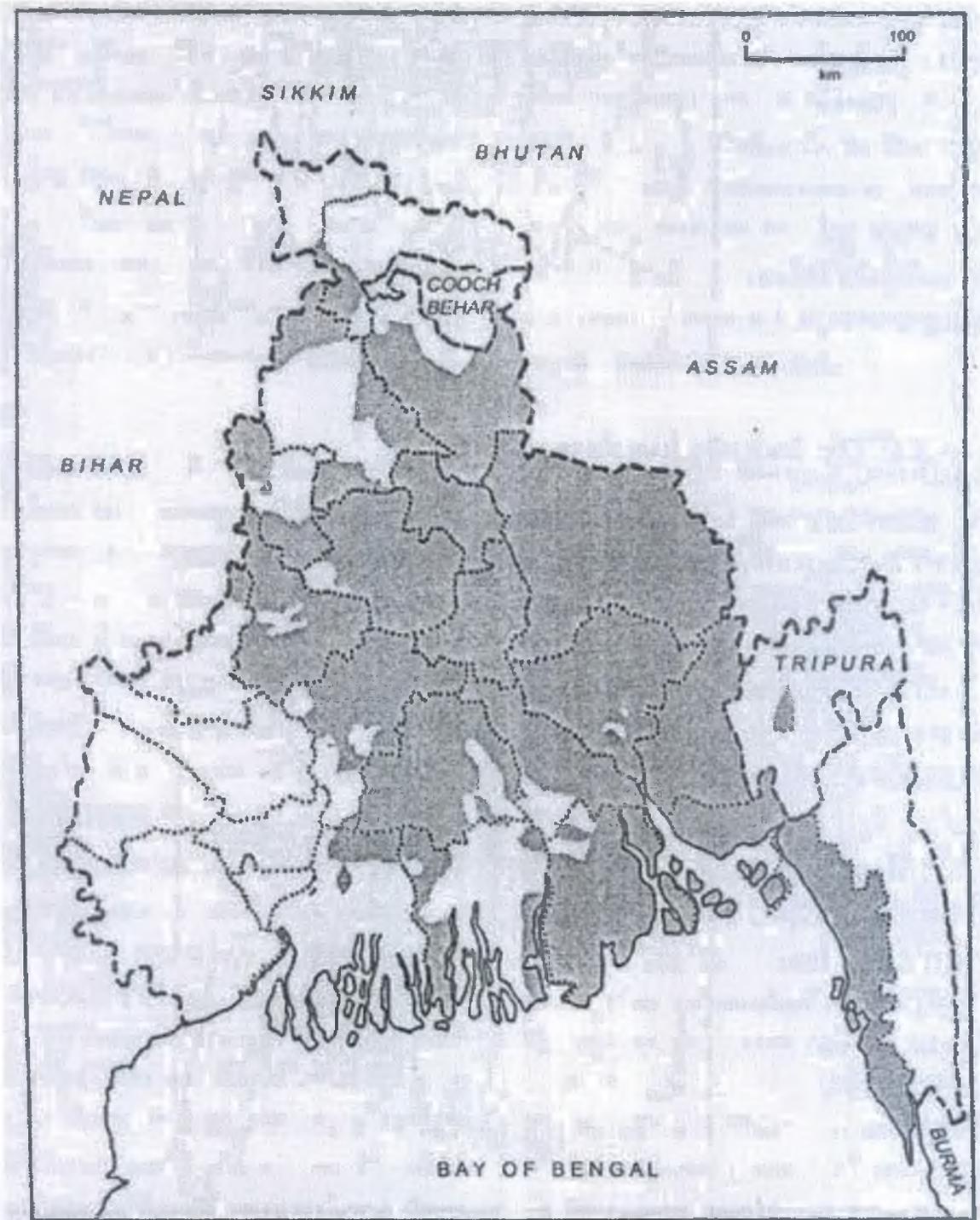


Figure: Bengal in 1947, Muslim and Non Muslim Majority according to Thana Population Figure.



Figure- The Partition Boarder and Adjacent District

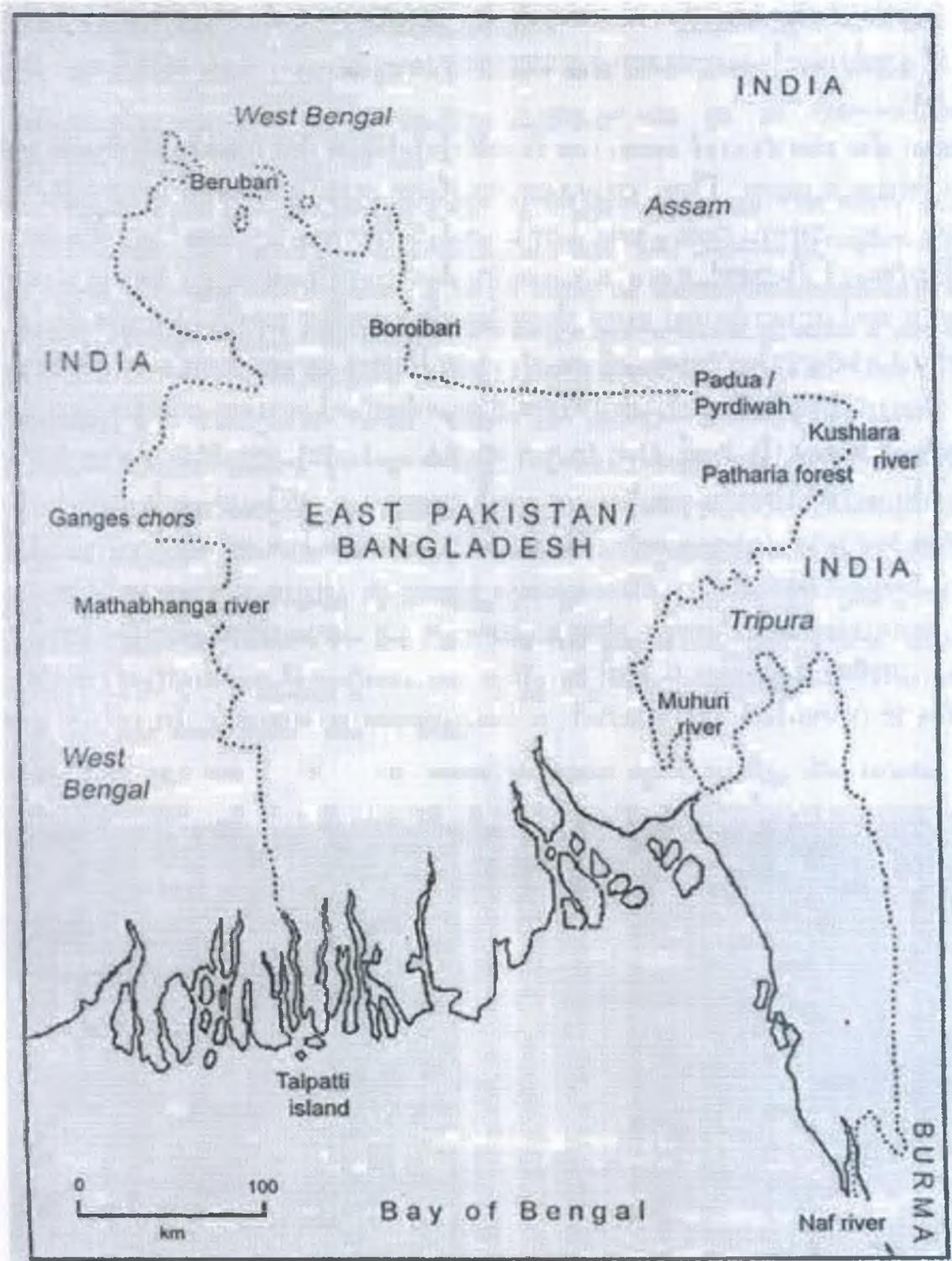


Figure-Border disputed areas

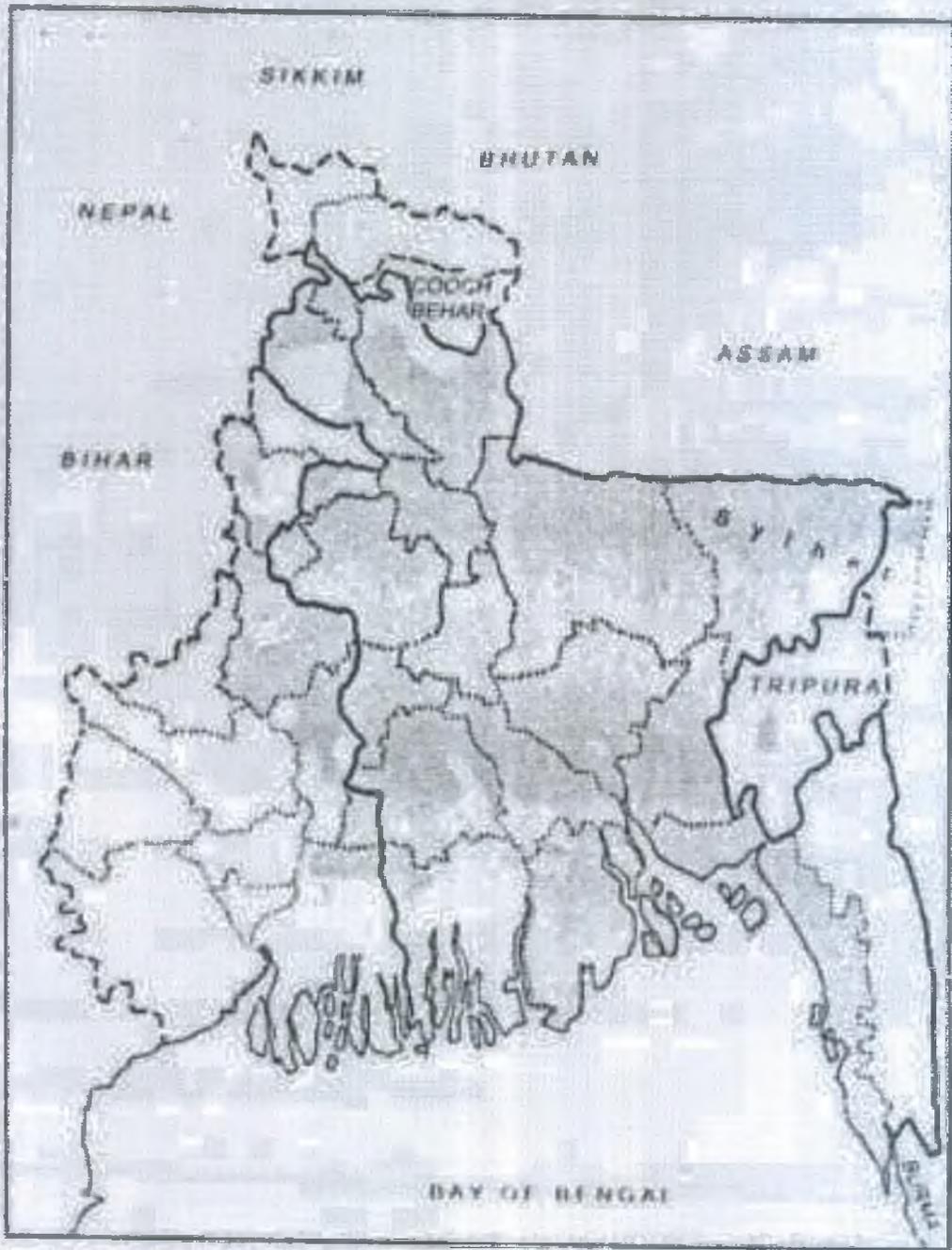


Figure: The Radcliffe line through Bengal

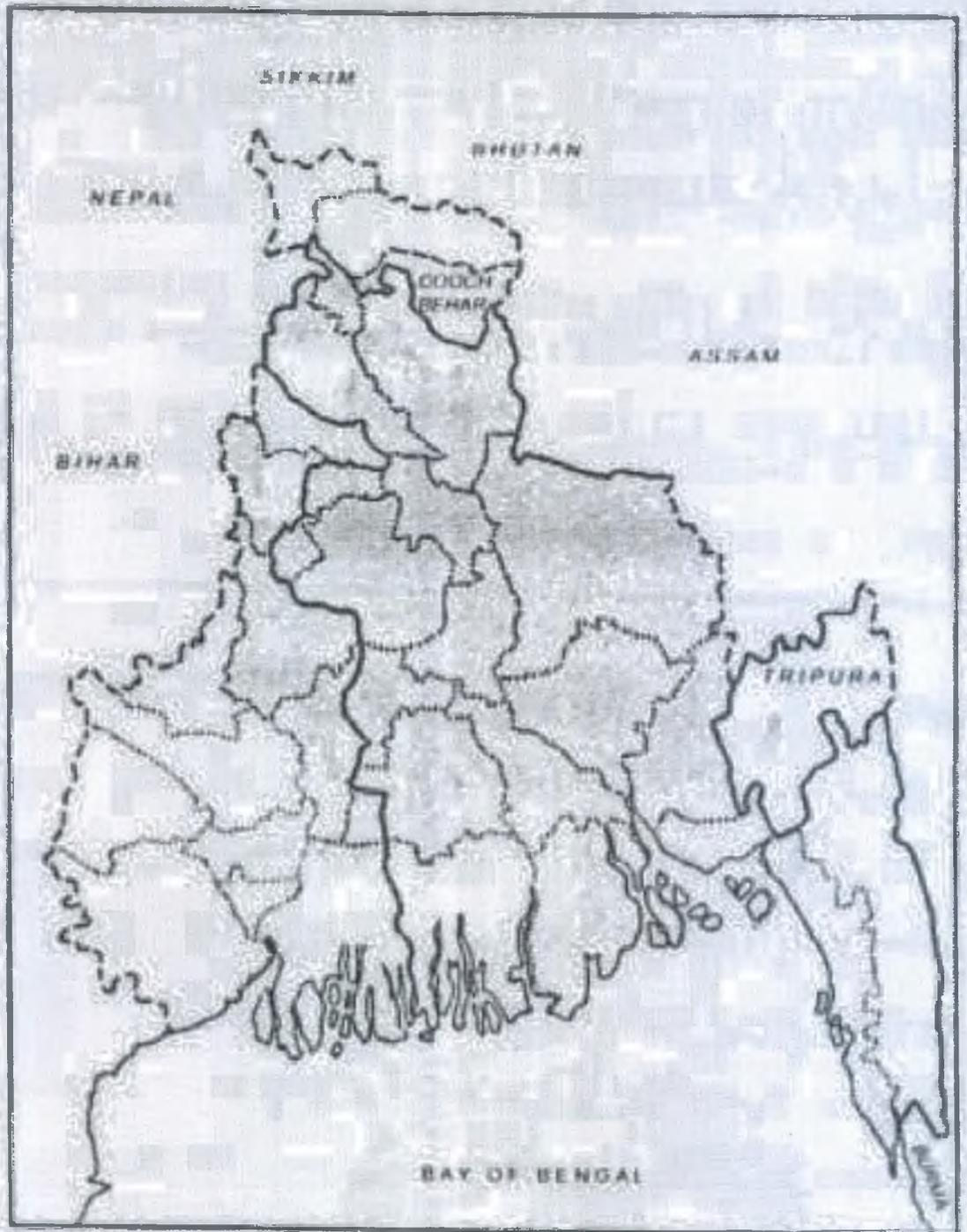


Figure- The Partition border. The Radcliffe line through Bengal and through Sylhet.

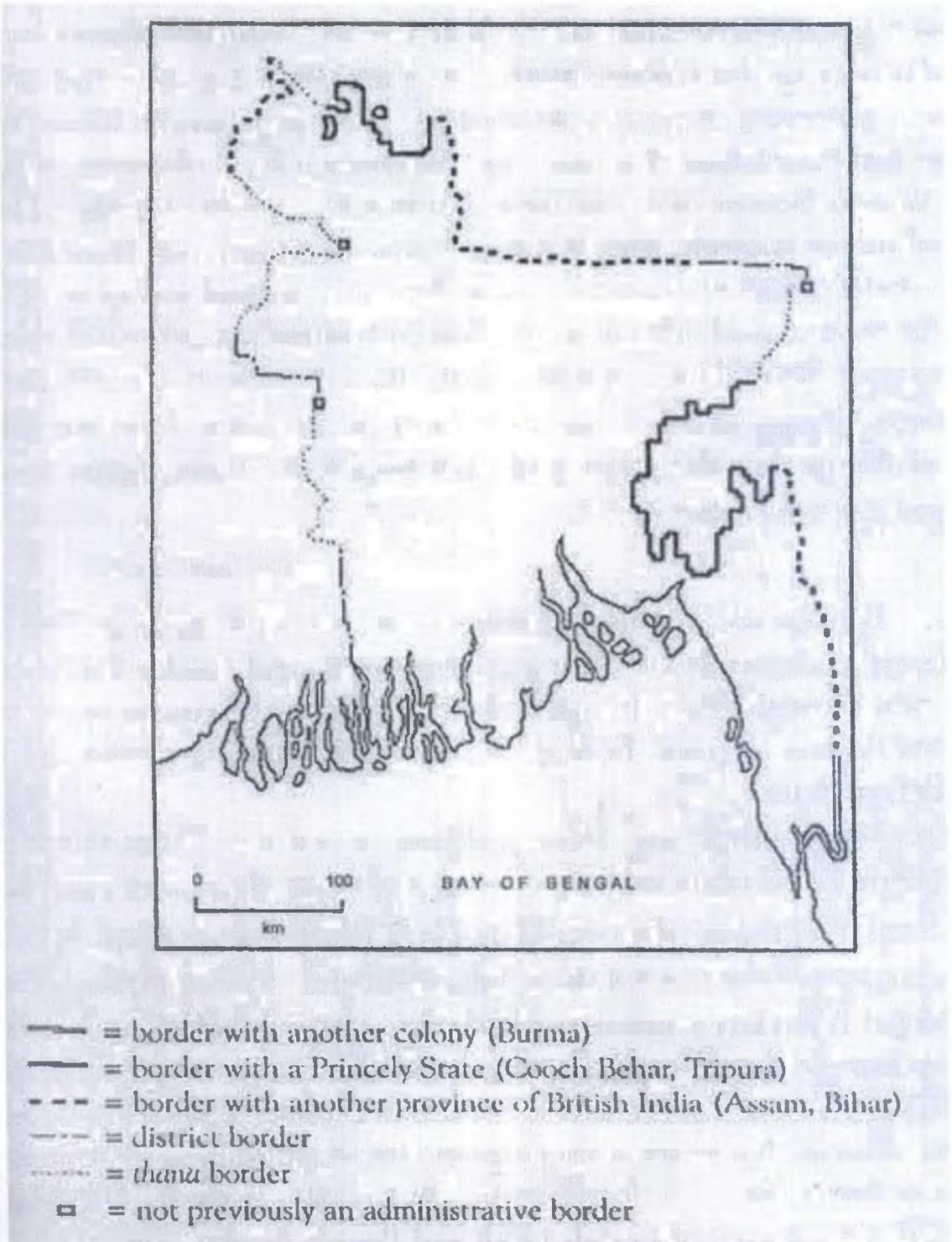


Figure : Component parts of the Bengal border



Figure- Triple Indian border fence 150 yards inside the Assam-Bangladesh border, 2000. To the left is the border road, used exclusively by the (Indian) Border Security Force. Bangladesh is in the Background



BSF

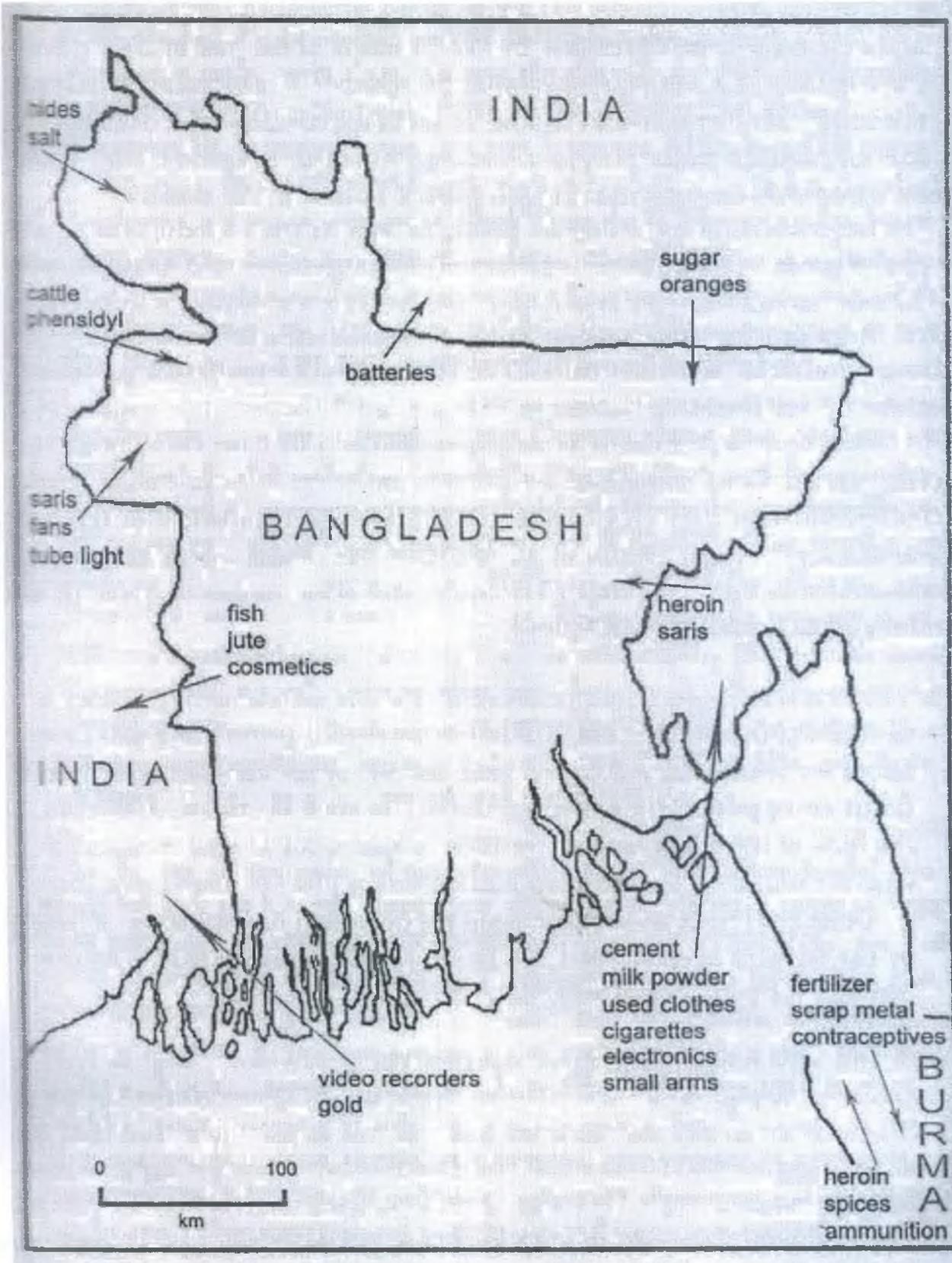


Figure:- Some borderland trade flows, about 2003