### Background

* Longest boundary: 4096 km
* Common cultural ties and history of national movement
* 1971 liberation
	+ India provided haven to refugees
	+ Provided aid, training and shelter for the exiled govt of Bangladesh
* 1972: Treaty of friendship, cooperation and peace
	+ Aka Indira-Mujib treaty
* 1975: Assassination of Mujib
	+ Establishment of military regimes that sought to distance Bangladesh from India
* ULFA started operating its bases from the territory of Bangladesh
* Bangladesh alleged that India was supporting the Shanti Bahini insurgency in the Chittagong Hill tracts
* Some points
	+ Our geographical proximity makes us natural partners
	+ Common cultural identity can promote this partnership

## Major Outstanding Issues

Table

|  |  |  |
| --- | --- | --- |
| Issue | India’s Concern | Bangladesh’s Concern |
| Security | Bangladesh’s haven to NE insurgent groups, especially ULFA: already taken care by the Sheikh Hasina government |  |
| Water sharing[[1]](#footnote-1)/Farakka Barrage, Teesta and Feni |  | There are 54 rivers in common. Bangladesh says that it does not receive a fair share of the Ganges waters during the drier seasons, and gets flooded during the monsoons when India releases excess waters |
| Enclaves | 51 Indian enclaves in Bangladesh (28 sq km) | 111 Bangladeshi enclaves in India (70 sq km) |
| Immigration | There is illegal immigration from Bangladesh to India, especially in Assam and Tripura |  |
| Maritime Boundary | This is mine | No this is mine |
| Fencing of borders | India has fenced borders |  |

Table

|  |  |
| --- | --- |
| Binders | Separators |
| 1. India’s role in Bangladesh’s liberation – Indira Gandhi conferred the highest national award
 | 1. Security concerns: India shares the longest international border with Bangladesh
 |
| 1. Share common concerns: poverty, development, corruption and terrorism
 | 1. The issue of enclaves:
 |
| 1. Shared history and common heritage. Linked by culture: Rabindranath Tagore, Bengali language, outflow-inflow of people
 | 1. There is no demarcation of maritime boundary. Bangladesh has gone to the Tribunal of the Law of the Seas in this issue
 |
| 1. In 1982, India had gifted the ‘teen bigha’ region to Bangladesh so that it could link its two enclaves
 | 1. Negative mindset towards India still prevails among certain Bangladeshi circles
 |
| 1. Bilateral trade in 2009-10 was 3.507 bn USD. India enjoys trade surplus.
 |  |

## Institutional mechanisms for cooperation

* Joint Rivers Commission
* Joint Economic Commission
* Joint Working group on Security; Joint Boundary Working Group etc

## Relations in recent

Visits

* Sheikh Hasina visited India

Table

|  |  |
| --- | --- |
| Steps Forward | Steps Backward |
| 1. During recent visit to Bangladesh, SM Krishna signed an agreement on the protection and promotion of investments on both sides
 | 1. There are extreme right wing parties in Bangladesh (like BNP) which have opposed the recent strengthening of ties with India. If this government loses power, other governments might not maintain this friendly attitude towards India.
 |
| 1. Conducted joint census exercise in the enclaves in 2011
 | 1. In 2010, some 74 Bangladeshis were killed by the BSF
 |
| 1. Border management deal signed in July 2011[[2]](#footnote-2).
 | 1. Minor glitch in 2011 when PM MMS mentioned that 25 % of Bangladeshis are anti-India. < But Bangladesh handled this well and underplayed the remark. This shows that the two countries are moving towards a more mature relationship>
 |
| 1. Bangladesh has cracked down upon the anti-India insurgent groups based in Bangladesh
 | 1. Teesta issue was not resolved in the Sept 2011 meeting. Mamta Banerjee withdrew from the meeting
 |
| 1. Signed a crucial deal to allow the Indian goods to be trans-shipped to India’s land locked NE region (?)
 |  |
| 1. India has accorded a credit line of US$ 1 billion to Bangladesh for improving railway infrastructure, supply of 250 MW electricity everyday and dredger to de-silt rivers. It is the **largest sum of soft credit** India has ever offered to any country.
 |  |
| 1. Transport line through Bangladesh will be beneficial for India to access its North-Eastern states. Two countries have agreed to link Agartala (Tripura) and Akhuara in Bangladesh by Rail
 |  |
| 1. Due to Bangladesh’s crackdown ULFA has agreed to hold a peace dialogue with Indian government.
 |  |
| 1. India allowed Bangladesh transit through its territory for trade with the landlocked Nepal and Bhutan
 |  |
| 1. India’s help to Bangladesh during times of natural disaster etc
 |  |
| 1. In 2010, Bangladesh allowed India, Nepal and Bhutan to use the Chittagong and Mongla seaports for the landlocked Indian northeast.
 |  |
| 1. In Aug 2011, signed joint border maps, finalising the 4156 km long frontier between the neighbours
 |  |
| 1. Cross border trade has got a boost with the opening of new land ports and building of a new immigration building and truck terminal at India’s Petrapole port bordering West Bengal
 |  |
| 1. In Sept 2011, MMS visited Bangladesh. Demarcation of border agreed on. But sharing of river water, especially Teesta, is still an issue
 |  |

## Border dispute genesis

* Indira Gandhi and Sheikh Mujibur Rahman agreed to demarcate in 1974 the border between the two countries.
* Later, the two governments arrived at shared maps of 4096 km – but disputed enclaves left 6.5 km unresolved
* India has 111 enclaves spread over 17158 acres in Bangladesh (150000 residents)
* Bangladesh has 51 enclaves, covering 7110 acres inside India, with a population of about 50000
* In addition, 38 patches of Indian territory spread over 3000 acres are in the possession of Bangladesh, while some 50 patches of Bangladesh territory measuring about 3345 acres are held by India
* Genesis
	+ Rajas of Cooch Behar and Rangpur in the 18th century used to put up lands as stakes in chess games between them. Hence, patches went to different Rajas
	+ These territories were not accounted for at the time of the partition of India
	+ They thus became enclaves when the princely states joined the new countries

## Recent changes in Bangladesh and impact on India

Conclusion

* Durable peace and lasting good neighbourliness are essential in South Asia.

BCIM

The Home Minister told the press conference that a headcount of the 162 enclaves — 51 in Bangladesh and 111 in Indian territories — had been completed. The total population of the enclaves is 51,000

The Coordinated Border Management Plan (CBMP) was signed in the presence of Home Minister P. Chidambaram and his Bangladesh counterpart Shahara Khatoon on Saturday, with the hope that this would further enhance the quality of border management.

Ms. Khatoon said the coordinated efforts of the BGB and the BSF would check smuggling and trafficking of humans, drugs and arms.

Maritime Bdry:

India and Bangladesh started their bilateral talks way back in 1974, which was inconclusive. India was looking for equidistant border where Bangladesh was for equity based boundary. The same difference in arguments rendered Bangladesh-Myanmar talks inconclusive as well. But, India and Myanmar (opposite States) agrred upon equidistant boundary.

There are four issues involved in the maritime boundary. First, is the determination of the Hariabhanga border river boundary, especially the ownership of South Talpatty Island, which has to be settled. Second, is the determination of boundary of territorial waters up to 12 miles. Third, there is a need for determination of the boundary of the exclusive economic zone of another 188 miles from the end of territorial waters (12 +188 miles=200 miles economic zone.) Lastly, there remains the issue of boundary demarcation of the continental shelf up to another 150 miles from the end of the exclusive economic zone (200 +150 miles=350 miles of continental shelf).

On the Hariabhanga River boundary issue, it is suggested that a fixed boundary on the river with geographical coordinates may be agreed upon, as was the case between Bangladesh and Myanmar on the Naaf River. The disputed South Talpatti Island that is supposed to have emerged after the 1970 cyclone is actually a low-tide elevation. It is located about 4 kilometres south of the Hariabhanga river (21.37 N latitude and 89.12 E longitude). The direction of the mid-flow (deepest channel) of the river Hariabhanga will determine the ownership of the Island.

What is required at this stage is that the process of negotiation should recommence at a political level and for the government leaders look at the problem from a broader view of bilateral relations without confining themselves to the legal and technical details. The bottom line is that India’s political leaders must decide as to whether Bangladesh would get a fair and equitable share of the economic zone and continental shelf of the Bay of Bengal. India’s claim in the Bay of Bengal constitutes about three per cent of its total economic zone and continental shelf while for Bangladesh its entire economic zone is at stake.

Transit:

While India gives top priority to transit facilities through Bangladesh to northeastern India and denial of sanctuary for Indian insurgents in Bangladesh, Bangladesh’s top priority rests on water sharing, and water management of common rivers (54 rivers flow to Bangladesh from India), implementation of land border agreement of 1974 and duty and hassle free access of Bangladesh’s products to India’s market. With regard to bilateral trade, both countries agreed “to address removal of tariff and non-tariff barriers” and establishing border hats on selected areas including on the Meghalayan border. Bangladesh wanted to open the border hat on Bangladesh-Meghalaya border on 14 April (1st day of Bengali Year) but could not be opened. Recently Bangladesh Commerce Minister expressed his disappointment at the delay in establishing border hat and removing tariff and non-tariff barriers

Many Bangladesh people believe that India with its vast resources and more than a trillion dollar- economy, would be forthcoming in following the ‘Gujral doctrine’ which means strict reciprocity is not intended for smaller neighbours and whatever accommodation India is able to give, it provides without reciprocity. Regrettably many in Bangladesh take India’s promises with caution because in the past, either the promises were not delivered or were put into cold storage due to the federal-state bureaucratic maze in India.

One of the reasons for India’s assistance to the birth of Bangladesh, according to many observers, was not only to weaken Pakistan but also to dismantle the network used to assist separatists in India’s northeast.

Another motivation for India to turn a new page with Bangladesh is that given the depth of Chinese influence in Myanmar, India fears that Bangladesh could also come under China’s sway if it does not sincerely address Bangladesh’s needs.

 joint communique

On an examination of the contents of joint communique, it appears India could have removed at least 200 items (instead of only 47) from its negative list, and provided more time-bound framework to settle sea boundary and land boundary issues, although in water sharing, the communique has provided an early meeting at the Ministerial level by April 2010.

Both sides would reap the benefits of transit facilities once put in place. It is also likely to open fresh avenues for regional connectivity.

Bangladesh will allow the Mongla and Chittagong seaports to be used for the movement of Indian goods, transported through rail and road linkages.

India and Bangladesh have also agreed to restore railway links in order to enhance people-to-people contact and boost bilateral trade and investment. Initially Bangladesh and India proposed a rail link between Agartala in Tripura and Akhura in Bangladesh; later, however, the link between Agartala and Gangasagar (in Bangladesh) was finalized to avoid passing through densely populated areas near the Akhura junction.

The Indian Railways’ Northeast Frontier Railway is also conducting a survey to extend the railways up to Sabroom in Tripura and to set up connectivity with the Chittagong Port in Bangladesh, which is just 72kms away.

Tipaimukh dam:

The Tipaimukh Dam is located near the confluence of the Barak and the Tuivai rivers in the Tipaimukh sub-division of the Churachandpur district of Manipur. This area is close to the Manipur-Mizoram-Assam border, and therefore the project involves the three states in Northeast India. The Barak river which flows downstream to meet the Surma river system in Bangladesh, is considered to be the lifeline of the Sylhet region in Bangladesh. There have been intense debates in Bangladesh among civil society groups, environmental groups, human rights organizations and media over the implications of the Tipaimukh Dam on the share of water coming from upper-riparian India. This debate continues to gather momentum as civil society groups from Manipur in India and Sylhet in Bangladesh voice similar concerns and demands across international borders.

# Freedom from virtual captivity

Haroon Habib (Nov 3, 2011)

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Union Health and Family Welfare Minister, Ghulam Nabi Azad with Bangladesh Prime Minister Sheikh Hasina at the Tin Bigha Corridor in Mekhligunj sub-division of Coochbehar district in West Bengal. Photo: PTI

On October 19, Bangladesh Prime Minister Sheikh Hasina declared the Tin Bigha Corridor formally open for 24 hours, heralding the end of nearly 64 years of captivity for its inhabitants. The right to unrestricted movement through the corridor was virtually open from September 8 when the two countries signed an agreement during Prime Minister Manmohan Singh's visit to Bangladesh.

For the people of the two tiny Bangladesh enclaves, history recently took a new turn. The iron gates of the Indian corridor connecting them with the mainland will now remain open round the clock.

On October 19, Bangladesh Prime Minister Sheikh Hasina declared the Tin Bigha Corridor formally open for 24 hours, heralding the end of nearly 64 years of captivity for its inhabitants. The right to unrestricted movement through the corridor was virtually open from September 8 when the two countries signed an agreement during Prime Minister Manmohan Singh's visit to Bangladesh.

Whatever the reasons, it took nearly four decades to see the full implementation of a historic agreement signed between Indira Gandhi and Sheikh Mujibur Rahman in 1974 — three years after Bangladesh emerged on the world map dividing Pakistan with active Indian assistance. Ironically, the signatories could not see the agreement implemented during their lifetime.

Accompanied by senior Ministers, lawmakers and journalists, the Bangladesh leader moved through the Tin Bigha Corridor, a piece of 178x85 square metres, where she was greeted by two Indian Ministers — Union Health Minister Ghulam Nabi Azad and Minister of State for Home Jitendra Singh. Both Bangladeshis and Indians were in a festive mood when Sheikh Hasina crossed the corridor into the enclaves. She was given a rousing reception at the corridor, which wore a new look with festoons and flags of both countries. According to Sheikh Hasina, complete access through the corridor is a great achievement as it has given “our people a new freedom.” Mr. Azad was also jubilant as he said “it is a historic occasion.”

Sheikh Hasina, whose nearly three year-old government is increasingly coming under attack with her political opponents launching a nationwide agitation, highlighting what they call its “complete surrender of national interests to India,” seemed unfazed. “India is a friendly country. We have good relations with them,” she told her audience that had gathered from the enclaves as well as mainland Bangladesh and India. Amid euphoric applause, she said, “you have lived the lives of prisoners for long. Your imprisonment has ended.”

Apparently moved by the joy expressed by the inhabitants, she narrated later at a public rally in Patgram — a border township adjoining West Bengal's Cooch Behar — her government's efforts to resolve the long-standing enclave problem. “It's an achievement of our government,” she said, recalling her father's move in 1974 to ensure the use of the Tin Bigha corridor for the people of the two enclaves.

The issue of enclaves is the result of a hasty and unwise job done by the Boundary Commission led by Sir Cyril Radcliffe in 1947 — the year British India was partitioned. After Bangladesh emerged as an independent country in 1971, Indira Gandhi and Sheikh Mujibur Rahman signed an agreement aimed at putting into effect the demarcation of boundaries on selected stretches of territory on May 16, 1974. Under the accord, India was supposed to lease in perpetuity to Bangladesh an area of 178x85 square metres in Tin Bigha, to connect the Dahagram-Angapota enclaves to the mainland in exchange for Bangladesh's South Berubari. South Berubari was handed over to India almost instantly but the people in Dahagram-Angarpota remained virtually stateless due to a lack of unfettered access to the mainland.

The handing over of the piece of land was delayed abnormally due to prolonged constitutional and legal controversies in India that resulted in adverse public reaction. On October 7, 1982, the two countries signed another deal which, too, failed to resolve the issue. On June 26, 1992, the people of the two enclaves were able to move through the corridor for six hours a day till June 1996. They were allowed to use the corridor for 12 hours a day between July 1996 and September 2011. But even after getting the 12-hour access, the people remained virtual captives. Most of the children were forced to abandon their education, many died due to a lack of timely health care. The mainlanders refused to even enter into matrimonial relations with the enclave inhabitants.

Naturally, the people of Dahagram-Angorpota were euphoric when they got back their rights and privileges. Sheikh Hasina was accompanied by the former President, Hussain Muhammad Ershad, who ruled Bangladesh between 1982 and 1990. “People of the enclaves have got a new life,” remarked the former Army Chief-turned-President, whose Jatiya Party is a partner of the ruling Awami League.

Sheikh Hasina assured the inhabitants that her government would take urgent measures to improve the quality of their lives, and that would happen when new projects in the 18.68-square km area — where 16,000 people have their homes surrounded by India — were implemented. She inaugurated a 10-bed hospital, a union parishad complex, and a power transmission line.

While in the enclaves, surrounded by West Bengal — a stakeholder in the Teesta — the Bangladesh Prime Minister renewed her firm optimism that the deal on water-sharing would be signed. “All issues will be resolved, provided friendly relations exist between the two countries,” she remarked.

After the Indian authorities allowed the iron gates of the Tin Bigha corridor to remain open, Sheikh Hasina became the first head of the government to go there. There was a great expectation that West Bengal Chief Minister Mamata Banerjee, whose last-minute opposition frustrated the Teesta water-sharing deal during Dr. Singh's much-hyped Dhaka visit, would be in Tin Bigha to receive Sheikh Hasina. But the hope was dashed. Ms Banerjee's presence would have provided an opportunity for the two leaders to discuss the Teesta issue, after the missed opportunity in Dhaka.

Asked by journalists of both countries about the transit facility to India, Sheikh Hasina said her government believed in connectivity, and added that the opening of the Tin Bigha Corridor was indicative of good relations.

The two governments, which enjoy a cordial relationship despite the jolt over the failure to sign the Teesta deal, deserve to be credited with taking up the issue of mitigating the sufferings of the people of the 162 enclaves. While the Teesta deal is important to carry forward the warmth, it is also time to complete the final exchange of the enclaves, in accordance with the agreement signed in Dhaka.

Under the protocol signed on September 6, the transfer of enclaves and demarcation of 6.5 km of land boundary between the two countries have been agreed upon. But except the 24-hour access through the Tin Bigha Corridor, not much progress has been achieved on the issue.

A total of 37,000 Indians live in the Bangladesh enclaves while 14,000 Bangladeshis are in the enclaves in India. An early exchange of enclaves in line with the agreement will help resolve the long-standing problems which, over the years, have bred misgivings between the neighbours. It will also address the issue of virtual captivity of those living in the enclaves — caught in the midst of government indifference and suffering for decades for no fault of theirs. Let New Delhi and Dhaka see the issue as humanitarian, rather than territorial.

*(The writer, a Bangladesh journalist and author, is at hh1971@gmail.com)*

1. India and Bangladesh share 54 common rivers. Ganga Waters Treaty was signed in 1996 for sharing waters of river Ganga during lean season [↑](#footnote-ref-1)
2. In July 2011, India and Bangladesh signed the Coordinated Border Management Plan (CBMP)

	* The border guards of the two countries would exchange information on vulnerable areas to ensure joint patrolling in a coordinated manner
	* None of the troops would cross the border during patrol [↑](#footnote-ref-2)