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*Border Management and Post-9/11 State  
Security Concerns: Implications for the  
Bangladesh-India Border*



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degree of Masters of Arts in the Department of Geography**

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**Hosna Jahan Shewly  
Department of Geography, Durham University, June 2008**

25 MAR 2008

## SUMMARY

The history of Bangladesh-India border started with the partition in 1947. Bangladesh has inherited the whole India-East Pakistan border as well as the disputes and unresolved issues following her independence on 16 December, 1971. In the pre-9/11 period, organised crime, such as human trafficking, arms trade and illegal trade were major threats for Bangladesh-India border, while terrorism received the highest security concern after the events of 9/11. Visibly, the US has taken the lead in defining terrorism as the utmost threat and shaping security measures in response to the 9/11 attacks. Since the 9/11 terrorist attacks, there is a trend linking the existing 'war on crime' with post-9/11 security concerns. Therefore, there is a gradual merging of societal and state security in response to transnational threats. Similarly, the 9/11 events may also be read as an opportunity to some that gave some already existing ideas, policies and technologies their chance. Besides, the high technology surveillance is not a post-9/11 invention, rather the attacks brought to the surface a number of surveillance trends that had been developing quietly and unnoticed for the previous decade and earlier. Following the US model, all the South Asian states have declared terrorism as their utmost adversary in all regional forums. Hence, they are approving a range of different agreements or safeguard measures. Therefore, a US branded 'risk perception' and 'focus on terrorism' have been transmitted to South Asia. This thesis argues post-9/11 discourses and policies towards Bangladesh-India border, in most cases, are also pushed by different anti-terrorism measures linking existing terrorist concerns with the new threat from Al-Qaeda. In other words, we can explain that 9/11 provided the context for the governments to implement some tough surveillance measures which they had failed to achieve previously. In all of the instances, none of the initiatives are completely new, but are rather a reinforcement of the previously existing surveillance systems. On the contrary, little attention has so far been paid to the resolution of decade's old border disputes and issues. It appears as though the nature of old problems is forgotten while integrating new threats.

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## LIST OF ABBREVIATIONS

ADB	Asian Development Bank
APL	Adversely Possessed Land
ASEAN	Association of South East Asian Nations
ATSEC	Action against Trafficking and Sexual Exploitation of Children
BBC	British Broad Casting
BD	Bangladesh
BDR	Bangladesh Rifles
BJP	Bharotio Janata Party
BNP	Bangladesh Nationalist Party
BNWLA	Bangladesh National Women Lawyers Association
BOP	Border out Post
BSF	Border Security Force
CBM	Confidence Building Measures
CHT	Chittagong Hill Tracts
CIA	Central Intelligence Agency
CTJWG	Counter Terrorism Joint Working Group
DG	Director General
EU	European Union
FTO	Foreign Terrorist Organisation
GB	Great Britain
Huji-B	Harkat ul-Jihad-i-Islami-Bangladesh



IANSA	International Action Network on Small Arms
IBR	India-Bangladesh Border Road
ICDDR, B	International Centre for Diarrhoeal Disease Research, Bangladesh
IG	Inspector General
IMF	International Monetary Fund
INGO	International Non-Government Organisation
JAJB	<i>Jagrata Muslim Janata - Bangladesh</i>
JBWG	Joint Boundary Working Group
JMB	<i>Jamaetool Mujahedeen Bangladesh</i>
LBA	Land Boundary Agreement
LTTE	Liberation Tigers of Tamil Eelam
LMG	Light Machine Gun
MEA	Ministry of External Affairs
MHA	Ministry of Home Affairs
MWCD	Ministry of Women and Child Development
NAFTA	North American Free Trade Agreement
NBCP	<i>New Biplobi Communist Party</i>
NDC	National Defence College
NGO	Non-Government Organisation
NML	No Man's Land
PCU	Passport Checking Unit
POTA	Prevention of Terrorism Act
RAB	Rapid Action Battalion

RAW	Research and Analysis Wing
RCSS	Regional Centre for Strategic Studies
SAARC	South Asian Association for Regional Cooperation
SAARCPOL	SAARC Police
SALW	Small Arms and Light Weapons
SDGT	Specially Designated Global Terrorist
SEACT	Sexual Exploitation and Abuse of Children including Trafficking
SMG	Sub-Machine Gun
STOMD	SAARC Terrorist Offences Monitoring Desk
TADA	Terrorist and Disruptive Activities (Prevention) Act
TPR	Trafficking in Persons Report
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development

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I confirm that no part of the material presented in this thesis has previously been submitted by me or any other person for a degree in this or any other university. In all cases, where it is relevant, material from the work of others has been acknowledged. The copyright of this thesis rests with the author. No quotation from it should be published without prior written consent from the author.

  
Signed,

Date: 17.03.09

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# CHAPTER 1

## *Introduction*

## Introduction

The border, in the context of a state, is a fundamental element of identity and security. It is also meant to be a tool for the control the flow of goods, ideas, and even ideologies. Concepts about borders are closely related to the notion of national security and the use of force by the state apparatus to ensure it (Kolossof, 2005). However, a country's national security concerns have changed over time. Therefore, the meaning and interpretations of boundaries have changed along with the security concerns of states, although boundaries themselves may remain unaltered. Anssi Paasi (1999) identifies the meaning of boundaries as not constant but that they may change crucially according to social and political situations. During the Cold-War, border security followed the traditional concept of separation, linked with the core military alliances. It intended to inhibit the possibility of peaceful integration and cooperation between the nations.

In the post Cold-War time and space, the concept of integrated border security is understood as a comprehensive concept, which produces security in a lasting way without threatening the very foundation of state. The growth of supra-state regions basically shifted the previous concept of border and popularised the thesis of a 'borderless world'. Thus, there has been a global trend to construct borders of cooperation based on critical and comprehensive security thinking, instead of the borders' traditional exclusive concern with security. The bulk of border study research during the past decade has focused on the dynamics and characteristics of the 'opening' process, through which borders have become more permeable (Newman, 2006).

However, 9/11 brought about a reversal of the post Cold-War border security processes. The securitisation discourse has, once again, become prominent as national governments have moved towards re-closing their borders and making them more difficult to cross in the face of the perceived security threat (Andreas, 2003 b). It is argued by border scholars that we are now observing the 'rebordering' of the state. In this way, they pose a challenge to the more breathless pronouncements of certain theorists who, by the start of the 1990s, had come to equate globalisation with the advent of a 'borderless world' (Walters, 2006). Thus, intensification of cross border terrorism has thrown up new challenges for countries' border management policies, and major world powers are more concerned to seal their borders, and they are moving towards multifaceted security



measures in the border area. Thus, there is a growing concern that land borders are perhaps a country's greatest security vulnerability. Therefore, it is now a question of how to ensure effective and democratic border management.

This case can be well illustrated by a study of the Bangladesh-India border. The Bangladesh-India border is the longest land border (4095 kilometres) that either country shares with any of their neighbours. Demarcation of almost the entire Bangladesh-India border has now been completed, with only a small stretch of 6.5 km is yet to be demarcated. Yet the very geographic proximity creates security concern for both countries over this border. These security concerns have increased in recent times because of the emerging international security concerns and the complexity of the post-9/11 period in South Asia. The Bangladesh-India border is characterised by three types of problems: first, there are ongoing disputes between the countries along various sectors of the border. From time to time there are skirmishes along the border, which result in the deaths of many people and deal a negative blow to bilateral relations. Second, cross-border movement of arms, drugs and insurgents make the entire frontier event intensive. Finally, in the post-9/11, period Bangladesh and India are experiencing increased occurrences of bomb blasts and militant activities, a situation in which porous border may be a crucial factor. As such, it is important explore why and how the border disputes arose and how do they affect border management and create tensions between Bangladesh and India. In the context of post-9/11 scenario, it is also essential to study Bangladesh-India border management policies and challenges in both the pre- and post-9/11 period to identify how the changes of security concern shapes border security policies. This also explores how novel are the new policies in response to the threats.

## **Background of the Study**

Border management is all about the procedures by which the crossing of borders is eased or becomes more restrictive. In both past and present border demarcations, it is the nature of the power relations that remains a key factor (Newman, 2003). The removal or opening of borders usually serves the interests of the same power elites who were intent on constructing the closed borders of the past (Newman, 2006). And the North American power elites who, during the 1990s promoted the opening of boundaries to further the economic interests of NAFTA, are the same power elites who, in the post-9/11 era, are

doing their utmost to, once again, shut down and seal the borders in the view of what they perceive as a security threat (Andreas, 2003 b; Andreas and Biersteker, 2003). Thus, the shaping of either closed or open borders, a process which is always determined by the stronger or strongest country between/among the neighbours. It is a sense of unilateralism, which is also visible in Bangladesh-India border.

India took a unilateral decision of fencing the entire Bangladesh-India border during the 1980s as a defensive protective measure. However, it is argued that fencing the border can be a short term solution but in the long run it is not an effective measure. On the other hand, it also raises the question that at a time of cross-border terrorism, how long can a country be secured through adopting an isolated securitisation approach. Can tough measures and re-closing of borders manage global terrorism? With the globalisation of terrorism, it is possible to attack without crossing the border, for instance in the case of the London bombings in 2005. On the other hand, the geopolitical location of Bangladesh and India also forces them to have a common agenda and cooperation for border security. Bangladesh and India both are sandwiched between two of the world's largest opium production centres, the Golden Triangle and the Golden Crescent. It is also assumed that the drug traders are also major sources of funds for arms smuggling in South Asia. The region is suffering from different separatist, insurgent and criminal activities. These separatist groups collect arms and explosives from South-East Asia and the porous Bangladesh-India border is considered as one of their routes. Again, Bangladesh is in between different insurgent and criminal activities operating in India's West Bengal and Northeast region. Therefore, the country's land boundary is vulnerable from three sides.

Furthermore, 9/11 brought 'terrorism' into view as the most dangerous threat in the forefront of the concerns of states and, accordingly, most countries are trying to pursue some new means to curb them in line with the approach of the US. A similar trend has been observed in Bangladesh and India. In many instances their measures have been formulated in terms of the Homeland Security and Patriot Act. However, a question arises whether these new measures are a reinforcement of the existing policies or whether everything has been changed following after 9/11? How are state elites reasoning in relation to 9/11 in order to justify their anti-terror drive? How sensibly do they link new threats with the old problems of the borders? Is the impact of 9/11 more discursive than practical? This research tries to answer these questions for the Bangladesh-India border.



However, there has been little research done on Bangladesh-India border issues from the point of view of border management. Most of the available research works have highlighted only the border skirmishes that have taken place from time to time. Moreover, most of those have been written mainly from an Indian perspective. In Bangladesh, most of the research work deals separately with cross border trafficking, informal trade, and arms and drugs. However, most of the issues, disputes and problems for border management are integrated and deeply rooted in the history of the border-making and decolonisation in India. Therefore, this research focuses on the disputes and threats that emerged and are continuing concerning the Bangladesh-India border on the one hand, and how border management has been designed and implemented in the pre- and post-9/11 periods on the other hand. This thesis provides an overall contemporary history of the management of this border and situates 9/11 as a significant part of this tale. Thus, this research deals intensively with the transformation in policies in response to threats to this border over time. As a result, this research is expected to remedy a gap in Bangladesh-India border research.

## **Objectives of the Study**

The objectives of this study comprise:

- Identifying why and how border disputes emerged and remained unsettled over the last six decades, and elucidating how they contribute negatively in terms of border management.
- Assessing Bangladesh-India border management policies and security challenges before 9/11.
- Examining Bangladesh-India border security threats in the post-9/11 period in the context of regional and bilateral threats/insecurities.
- Analysing the surveillance policies and practices in Bangladesh and India in response to the threats following 9/11.

## **Literature Review**

Very little intensive research work has been done so far concerning the Bangladesh-India border. The sensitivity of the border issue and the states' imposition of highest possible levels of confidentiality and restriction on border documents and maps discourage local

researchers from making scholarly contributions. Moreover, border researches often demands cooperation from both of the participating countries. In regard to Bangladesh and India, one country's researchers usually experiences suspicion from the other country and, often, do not receive visas for research purpose. Nonetheless, foreign researchers, from other than these two countries, are in more advantageous position in terms of access to documents (Schendel, 2005; Whyte, 2002). Still, Schendel (2005) and Whyte (2002) noticed obstacles to accessing documents, receiving visas, and collecting field data. Both of them mentioned India in particular, and Whyte had to work on tourist a visa since he had not received a researcher visa from India. Up until now, Joya Chatterji, William Van Schendel and Bredan Whyte have extensive and significant contribution in Bangladesh-India border studies.

The outstanding study by Chatterji (1999) illustrates the border-making procedures and demands of different sides that shaped the border through Bengal, by investigating the Boundary Commission and its procedures. She also explores how the tangible line on the map became geopolitical reality, as well as the problems in implementing and administering the newly created border. In her study, Chatterji mentions how the newly created border affected the frontier people. However, the study illustrates border demarcation processes and problems from 1947 to 1954, and therefore did not cover the full demarcation of this border. Additionally, particular emphasis is given to the West Bengal experience, hence, the study lacks illustration of the problems facing borderland people in the then East Pakistan in the implementation of the border.

William Van Schendel, a Dutch historian, is the only academic who has contributed make a comprehensive study on the Bengal border. However, the shortcomings of Chatterji's work are remedied by Schendel (2005), who intensively focused on issues and disputes over the border from the perspective of both sides. He also tries to explore some of the difficulties concerning the Bangladesh-Myanmar border; however those are not relevant to this present study. Schendel's book, *The Bengal Borderland: Beyond State and Nation in South Asia* (2005), narrates Bengal borders issues and concerns all through the previous Bengal from a borderland perspective, and the book deals with the emergence, demarcation and disputes of this border since 1947. It illustrates how the border has been created and implemented, and how it affected the frontier people. Similarly, Schendel explores how the everyday social activities on the Bangladesh-India border ignore state

sovereignty. A detailed illustration is also made on cross-border formal and informal trade through the Bangladesh-India and Myanmar borders. He concludes by saying that borderland studies can tell us much about states, because borders form a clear link between geography and history. On the other hand, Schendel (2001) particularly explores how the partition of India affected working people's livelihoods and labour relations. The article focuses on the northeastern part of the subcontinent, where Partition created an international border separating East Bengal, which later became East Pakistan, then Bangladesh, from West Bengal, Bihar, Assam, and other regions which joined the new state of India. The author explores how labour relations for several categories of workers in the new borderland changed during the period of the late 1940s and 1950s. Both of his works are very good from a sociological perspective of borders, but these studies ignore how different illicit activities are challenging existing border management practices in different times, and how states are making efforts to curb them.

Some work has been done by Bangladeshi and India researchers with particular focus on mentioning border management problems from their respective sides. For example, a study by Jamwal (2004) highlights various dimensions of management of the Bangladesh-India border, including various initiatives from the Indian side. Jamwal believes that the nature of the border configuration offers an easy opportunity to the infiltrators and smugglers to cross over into India. He points out that topography, border guarding, habitation, enclaves and adverse possession, the internal security environment of Bangladesh, illegal trade, un-demarcated boundary areas, illegal immigration from Bangladesh, terror networks and ISI activities in Bangladesh are the internal and external dimensions affecting border management. However, it offers only a brief assessment of India's border management problems in having such a long border with Bangladesh. It neither mentions nor analyses what issues and concerns are perceived on other side of the border. A similar trend is also evident from the work of Kanchan Lakshaman and Sanjay K. Jha (2001), who depict different trends in terms of the Bangladesh-India border and their implications concerning India's internal security. They focus on migration issues between Bangladesh and India, the porous border, and active insurgencies on the Bangladesh-India border. They also highlighted the force structure of the Border Security Force (BSF), India on this border and the flaws in border management practices. By contrast, Chowdhury (2002) briefly illustrates the disputes along this border and

concentrates mainly on the Bangladesh Border Security Force's measures and difficulties in ensuring border security.

Some other literatures mainly focus only on some particular aspect of border disputes, or on concerns such as enclaves, illegal trade, or insurgency. Karan (1966) wrote a very small piece on the enclaves where he mentions that a resolution of the enclave problem requires a change in the basic emotional attitudes within India and Pakistan (his article was published before the independence of Bangladesh). On the other hand, Schendel (2002) has investigated the enclaves from the point of view of nationalism, in a critique of previous assumptions that nations, like states, were necessarily contiguous. He illustrates how the enclaves have existed outside of the world state system because of abandonment by their host and home countries. He considered the various options the enclave dwellers have with regard to their own national feelings, as the enclave dwellers see themselves as a third state, an 'enclaveland'.

Brendan Whyte (2002) has conducted a comprehensive empirical and archival research on Bangladesh-India enclaves from historical, political and geographic perspective. He reviewed the documents, identified the location of enclaves and explored the state perspective on the existence of the enclaves. Interestingly, the incredibly complex Cooch Behar sector of the Bangladesh-India boundary is investigated in detail for the first time; he traced the origins of those enclaves and tried to illustrate why they still exist. Whyte claims that the enclaves themselves are not the cause of border tensions in the area, but are rather a focus for other cross-border disputes. On the contrary, he ignores how enclave dwellers' everyday practices of trans-border movement are continually challenging the territorial pretensions of two states. He identifies India's inability to implement a 1958 treaty with Pakistan, and its continued delay in ratifying a subsequent 1974 treaty with Bangladesh to exchange the enclaves is highlighted as the major factor impeding a resolution of the enclaves dispute. That the delays have been rooted in Indian internal politics is demonstrated. Wider hostilities between India and Pakistan, and later India and Bangladesh, found an easy target in the enclaves, which came to be seen as a physical embodiment of the more abstract concept of territorial integrity.

Krishan (2001) briefly recounts the details of border clashes in April 2001, and made few suggestions towards improving policy for this sensitive border, considering India's national security interest. On the other hand, Odhikar (2006), a human rights organisation

in Bangladesh, sheds light on trespass into Bangladesh territory by the Indian Border Security Force (BSF), killing, kidnapping, mugging and extortion of Bangladeshi people in many of the border areas. This report, which was prepared on the basis of a compilation of reports from national daily newspapers, says that Indian criminals and members of the BSF violated human rights in a total of 1838 incidents from 1 January, 2000 to 12 March, 2005. It claims that on average one Bangladeshi was killed every five days, and it further identifies that most of the incidents took place in the north and the south-western border areas of Bangladesh, and that the victims were local peasants, farmers and agricultural workers. However, the report did not trace casualties of India citizens caused by the Bangladesh Rifles (BDR).

In India, many research works have been conducted on insurgencies in North East India that implicate Bangladesh, and some studies have focused on cross border movements. Verghese (1996) deals with North East India, highlighting the problems of ethnicity, governance, insurgency, and development. Bhaumik (1996), in his book *Insurgent Cross Fire*, seeks to unravel the pattern behind the network of cross border insurgencies in post-colonial South Asia and provided a detailed case study of the ethnic insurgencies in the 'triangle' formed by the North East provinces of Mizoram and Tripura, and the Chittagong Hill Tracts of Bangladesh. On the other hand, Akbar (2004) focuses on the insurgency in the seven North-Eastern states of India and on the western region of Myanmar, and their impact on social degradation, drug trafficking, illegal arms supply and cross border terrorism with grave security implications for Bangladesh.

Pohit and Taeja (2000) provide an in-depth analysis of India's informal trade with Bangladesh. The analysis carried out on the basis of extensive survey conducted in India and Bangladesh reveals that informal traders from India and Bangladesh have developed efficient mechanisms for contract enforcement, information flow, risk sharing, and risk mitigation. Rahman (2002) analyses illegal trade through legal and illegal entry points with various cases. He also studied factors that fuel smuggling through Bangladesh-India border.

The literature review concludes that the Bengal border is a neglected part in border research. None of the above mentioned literatures made a detailed account of border security practices of Bangladesh-India border. This study focuses on Bangladesh-India border security practices with specific consideration of border security measures and

threats in pre and post 9/11 period. Thus, it explains the changes in surveillance system in Bangladesh-India border and makes a clear discussion of historical continuity of security threats and disputes. Therefore, this thesis is also expected to fill in the gap of border security research of this long land border. Besides, most of the western literatures on border security are limited within the rhetoric of the NAFTA and the EU. Thus, this study will also contribute on global border security research.

### **Methodology: Insights and Limitations**

The aforementioned objectives have four major focuses: firstly, why the border disputes emerged and how they were attended over time; secondly, an assessment of the border maintenance practice and its problems in encountering threats in the pre-9/11 period; and finally, an evaluation of the current surveillance practices in response to the post-9/11 period in order to identify what changes have occurred in terms of security measures. All the above-mentioned focuses have apparent attention to the political history, boundary making, border security discourses and practices. Such scholarship, of course, demands documentary research along with some grounded data from the everyday geography of borderland. Here obstructions are two folds: first, a one-year MA by Research course will not allow me to spend substantial amount of time in the field; and second, the topic itself is highly politically sensitive, and therefore I assume, I would not be able to obtain a researcher visa from India to work at the Indian side and would end up with partial data from Bangladeshi. Even if someone gets the visa, state-bureaucratic systems in both the countries are very slow and it takes huge amount of time to get access to government archives and permission for interviews. Whyte (2002), who was not been able to obtain a researcher visa from India and finally entered into India by a tourist visa, informs that he was in a preferable position during he field visit at India for not being a local researcher (neither Bangladeshi nor Indian). Therefore, considering time constraint, topic's sensitivity and politico-historical attention of the research, I preferred a documentary research based on existing literature, newspaper cuttings, and unpublished documents.

It is worth mentioning, I have contacted a number of border-officials of Bangladesh and India over phone and email and none of them have responded except two Bangladeshi Army Officer who have served in BDR headquarter and border outposts. These two officers agreed to talk over phone with restriction on recording their voice and refused to

discuss anything other than the BDR's limitations on border surveillance. Later on, they have been provided with the transcript of their interview to confirm precision of their statements. Though these two interviews do not have any direct significance in the methodology, however, they are very useful reference to understand the BDR's limitations in border surveillances and, eventually, endeavour to focus on pitfalls of not having a more grounded approach in such scholarship.

Bangladesh Institute of International and Strategic Studies (BIISS) collect major national dailies published in Bangladesh and India and sort them according to different subject heading and the institute has an interest on Bangladesh-India border issues. This provided an opportunity to collect data on the major border issues. I explored their news archives as well as the online version of leading Bangladeshi and Indian newspapers published from 1998 (online version of newspapers are available since 1998). Besides, I accessed immense amount of government documents including every border-oriented joint declarations, agreements, press briefings and discussions in Indian parliament since 1971 by virtue of Bhasin (2003). On top of that, I strived to get into published literatures, on different border issues in general and Bangladesh India border in specific, to gain theoretical and empirical knowledge on my research area. This knowledge built a foundation on coding and decoding process through this research. This helped to make a thoroughly historically situated case study. This documentary research would have an issue of translation from Hindi and Bengali to English. However, as both the countries use English in any kind of bilateral documents and also the newspapers I accessed were written in English, I did not have any translation issue.

Bangladesh-India border disputes and problems of border policing have their root in the time of decolonisation and subsequently. While the historical part concerning Bengal border focuses on a controversial episode, which reasonable historians describe differently according to their national and political biases, my first research priority was to balance these varied perspectives. Accordingly, I have gathered archival materials that are written from British, Indian and Pakistani perspectives so as to gain a clear and real understanding on how things have been shaped by the political parties. Similarly, most of the literature focused on border management issues is highly rationalised from Bangladesh and Indian perspectives respectively. Thus, intensive analysis of the border demarcation methods, demarcation process and post-colonial states' initiatives to

complete demarcation is required. Therefore, I have tried to cross-check most of the accounts written in both countries.

Existing literature and newspaper cuttings on different occurrences in the border areas have helped to explore the threats for border control. On the other hand, to evaluate current border management practices, existing literature, unpublished and published documents on different border talks between Bangladesh and Indian border security forces has been examined. Both the BDR and BSF declined to provide any of their press briefings which they generally supply to the press. However, Avatar Singh Bhasin (2003) contains all the press briefings of border talks between Bangladesh and India, which substitutes the document asked to the border forces. I also accessed the websites of the Ministry of Foreign Affairs of both the countries, and downloaded documents released after ministerial level meetings, which helped me to identify changes of governmental emphasis at different times. Newspaper cuttings from both countries are another potential source of data by which to analyse border skirmishes, insurgent movements and cross border smuggling. Also, documentary data, reports of border coordination conferences, declarations between BDR and BSF are used to identify the causes of conflict and why this issue has not yet been resolved. These also helped me to obtain an idea of government level steps to present obstacles to cross border movements of insurgents and criminals. Various statistics of deaths and casualties are collected from NGOs such as 'Odhikar', who are working on the border disputes between India and Bangladesh. Leading newspapers of both the states are also sources for news on border incidents. Again, existing literature assisted me in understanding, identifying and theorising routes and trend of cross border movement of criminals and insurgents in border areas.

## **Theoretical Framework**

### **Theoretical Approaches for Border Studies**

The study of boundaries is a long tradition in the geographic research (Newman and Paasi, 1998). Besides, the study of boundaries and their associated regions played a prominent role in political geography. Early studies of the borders were predominantly based on the explanation of border features, demarcation and concepts of border and frontier. Some of the border studies were based on the disputes and conflicts for some particular borders, such as Douglas Johnson (1917: 208) mentions 'boundary disputes



have ever been potent causes of war, therefore political boundary demands careful study'. Similarly, Boggs (1940: 21) considers, the interest on boundary lies on the aspiration to determine 'good' or 'bad' boundaries. In this regard, Julian Minghi's (1963) categorisation of border studies, based on geography literature, provides an inclusive overview of his contemporary boundary research. He lists eight types of case studies such as studies of disputed areas, studies of the effect of boundary change, studies of the evolution of boundaries, studies of delimitation and demarcation, studies of exclave and tiny states, studies of offshore boundaries, studies of boundaries in disputes over natural resources and studies of internal boundaries (Minghi 1963: 414).

In the post world war-II period, most notably J. R. V. Prescott advanced the study of border. Prescott (1987) provides synopsis of the terminology of boundary, border and frontier. However, he advocates for empirical studies of actual border questions and border landscapes. As he says, 'Attempts to produce a set of reliable theories about international boundaries have failed rather attempts to devise a set of procedures by which boundaries can be studied have been successful' (Prescott, 1987:08). While Prescott's work ignores human experiences of living in the border zone, Paasi (1996) argues for a significant attention to the meanings of boundaries in the construction, organisation and reproduction of social life. Paasi (1996: 24-25) mentions, the idea of boundary cannot be comprehended by traditional sense of political geography, rather it is a part of wider context of cultural geography. It is recognised that borders are a complicated social phenomenon related to the fundamental basis of the organisation of society and human psychology (Kolossoff, 2005). Geography is the earliest discipline to study borders, but now this has been transformed into an interdisciplinary field developed by political scientists, sociologists, psychologists, anthropologists, lawyers and economists. Thus, the study of borders has undergone a renaissance during the past decade (Newman, 2006; Newman and Paasi, 1998).

This growth in border studies runs contrary to much of the globalisation discourse, which was prevalent during the late 1980s and early 1990s, positing a new 'borderless' world, in which the barrier impact of borders became insignificant (quoted in Newman, 2006: 172). During the early 1950s the functional approach developed. In this theory, special attention was paid to the functions of boundaries and to the territorial factors that determine them. The main practical application of the functional approach was cross-boundary

cooperation and the management of social processes in border areas. On the other hand, political science approaches focus mainly on the role of state borders in international conflicts. Since the 1980s, different geopolitical approaches have been found in the study of borders. For instance, works focusing on impact of globalisation and integration on political borders. The perception of security of a concrete boundary depends on its symbolic role, historical traditions, image and contemporary discourse (Kolossoff, 2005).

Different theories have developed at different times in considering border disputes. The power politics tradition dominates thinking about boundary controversies (Blanchard, 2005). He says that there are actually three currents within the power politics approach: the proximity (which focuses on the closeness of states), the 'utilitarian' (which contends that boundary controversies are part of the game of power politics rather than a genuine source of disagreement), and the realist (which focuses on relative capabilities). In international relations, the 'issue-based approach' challenges the power-politics approach. This approach has determined that some territories have 'higher salience' than others because of their intrinsic characteristics (e.g. economic endowments), and that there are reduced prospects for negotiation, increased chances of conflict, and a higher probability of escalation in 'high-salience territories' (Goertz and Dieh, 1992). An institutional approach to boundary focuses on military-strategic, economic, constitutive, national identity, ethno-national unity, state building and preservation, and domestic-political functions of border. Therefore, one can use the institutional approach to assess the entire gamut of incentives because it is attuned to the national identity and constitutive functions of boundaries and their internal political functions (Blanchard, 2005).

The post-modern trend in border studies emerged during the late 1980s. This approach to border reveals new dimensions of globalisation (Kolossoff, 2005:629). Post-modern approach stresses that the whole state territory is involved in intensive economic exchanges with other countries and it must take into account the interests of local and international organisations and actors. Hence, it argues the function of border is not merely tied with security and sovereignty rather a place of economic activities and social interactions. Therefore, it advocates for the symbolic role of border rather than as a barrier. On the other hand, post-modern trend rejects the traditional methods of border security such as border guards, border fence and so on rather prefers an integrated security measures with the aid of modern technology such as 'remote control'.

## **Recent Theoretical Works on Security**

Many of the recent theoretical works on security emphasise how security has been perceived following the 11 September, 2001 attacks and how novel are the new discourses. For example, Jason Ackleson (2005) argues that security can be a relative issue, open to debate, interpretation and to being contested. He claims that when an issue is securitised it becomes raised to a new category of importance on the political agenda, thereby justifying extraordinary policy responses. Giving a detailed account of the US measures to stop migration since the 1970s, he argues that in the pre-9/11 period official state discourses in particular constructed migration as a 'societal security' problem. Since the 9/11 terrorist attacks, the US has moved to linking them with post-9/11 security concerns. Therefore, he argues, there is a gradual merging of societal and state security in response to transnational threats. Similarly the realities of the post-September 11th era now mean that weapons of mass destruction, terrorists, and trans-national criminal networks are increasingly defined as border security problems as well. He concludes that the prevailing constructions of security today track in some ways the format of the pre-9/11 discourse on the US–Mexico border and uncontrolled undocumented migration, even if the specific threat is somewhat different.

Similarly, Walter (2005) argues that in the post-9/11 period de-bordering is being accompanied in many places by a partial re-bordering in the form of enhanced policing by the disaggregation of border functions away from the border. Referring to the enhanced Border Security and Visa Reform Act of 2002, he argues that delocalisation has become evident in the case of the US as part of that government's ongoing campaign against global terrorism. It is probably fair to say that remote control has become an intrinsic feature of the way in which states and other international agencies imagine and pursue border control. Referring to the UK's carrier liability laws and road haulage, he explains that the carriers now implement systematic measures to police migrants, and so the entire road transportation system becomes a kind of networked border. He argues that today the border governs us as individuals, with all that that implies in terms of techniques, identities, practices and power relations. He argues that remote control is not a new tool for border control, but rather that its history dated back to 1928. However, he considers how border control has moved closer and more fully towards functions of policing in recent years; and that it is discourses about organised crime, global terrorism,

undocumented migration and other dangerous mobilities legitimate and organise this shift.

On the other hand, David Lyon (2003) considers that the 9/11 events may also be read as an opportunity to some that gave some already existing ideas, policies and technologies their opportunity. Responses to 9/11 are serving to speed up and extend of surveillance, and 9/11 is viewed as a prism for understanding social and political changes within surveillance societies. Existing surveillance practices are being intensified, and previous limits are being lifted. Anti terror initiatives pick up where the Cold-War rhetoric and attitudes left off, replacing the old Communist bugbears with terrorist ones, and so the suspension of normal conditions is justified with reference to the war on terror. The surveillance aftermath of 9/11 also highlights two key trends: the convergence and the integration of different surveillance systems and their globalisation. After 9/11, the surveillance state shows itself to be stronger than ever. Surveillance was already moving steadily in the direction of systematic social sorting, long before surveillance attention was focused on profiling Arabs and Muslims. It is just that now another set of criteria configure part of the grid.

This study provides a detailed account border management scenario since the inception of this border as well as the emergence of border disputes through the border demarcation processes. Hence this study finds its connection with the broader border research in the early and the middle of nineteenth century while historical geographical approaches provided different accounts of the evolution of the borders. Studies in this period reveal how a border can create peace or conflict on the basis of contesting claim of border and faulty demarcation processes. In addition, scholars such as Boggs (1940) and Jones (1945) made significant contribution to specify the on ground problems of border demarcation and their possible solutions as guideline for the Boundary Commissions. These studies account how careful task it is to delimit and demarcate a border, which is just reversibly observed on ground process of the Bengal border making. Since the end of the Cold War, there is a huge popularity of the globalisation thesis hence the prescriptions were for debordering or borderless world. However, such approaches do not fit in to Bangladesh-India border as neither state took any initiatives for an open border. On the contrary, 9/11 events brought reordering approaches to border security. In this regard, two opposite directions of research are prominent; one is in the favour of rebordering thesis,

while other scholars are sceptical about the recent discourses on security measures and questions on their novelty and practicality. Recent border security discourses and practices in Bangladesh and India are also trying to pursue this new trend of securitised measures while it is also question whether these are more discursive than practical.

Since the 9/11 attack the US is taking the lead in global security measures and its response to terrorism has been directed to its immigration policy and its border. Similar actions of shutting down of borders are evident in the EU and some other developed and developing countries. As Lyon (2003) mentions, the US has taken the lead in surveillance and security measures and their lead has been followed to different degrees elsewhere. Bangladesh and India are also trying to follow their footsteps. The hardening of Bangladesh-India border, from physical and ideological ground, is also linked to the same trend of enhanced security measures in response to 9/11 attack. Therefore, many of the recent policy initiatives on the US-Mexico border matches with those of Bangladesh-India border. Similarly, internal surveillance is also now much stronger than ever before in both Bangladesh and India. Therefore, I am using the theoretical ideas of the post-9/11 US surveillance measures on the US-Mexico border. These literatures can help towards a better understanding of the contemporary border security measures in Bangladesh-India border.

There is no agreed distinction between the terms border and boundary and both are synonymously used in most of the academic literatures. However, some writers consider the term boundary for the precise boundary line and border as a bordering zone or line. Boggs (1940: 22) defines, 'Boundary denotes a line, such as may be defined from point to point in treaty, arbitral award, or boundary commission report'. However, he did not mention border rather made a distinction between boundary and frontier. Echoing Ratzel, Prescott (1987: 12) considers boundary refers to a line but border is the nearby area, which fringe the boundary. In this study I wanted to stick on one term rather than using both alternatively. I used 'border' rather than 'boundary' because this study does not only focus on the international dividing line that separates Bangladesh and India but also considers the adjacent areas and people around the boundary line. Besides this study discusses different aspects border security considering the border crossings, control posts, customs checks and airports; hence the term border is more appropriate in this case rather than boundary.

## **Organisation of the Thesis**

This chapter has outlined the background, rationale, objectives and methodology of the thesis. The next chapter provides a detailed historical political background of the Bangladesh-India border and explains how an international border has been created through Bengal. The third chapter is devoted to the analysis of the Bangladesh-India border management practices, border disputes, threats and economic cooperation in the pre-9/11 period. The fourth chapter covers the post-9/11 border security threats and trade cooperation along this border. The fifth chapter elucidates how the respective states try to secure their territory from terrorism and organised crime by employing new policy initiatives since the September 11 attacks. Finally, the sixth chapter concludes with an analysis on the changes in border management practices in different periods, together with potential recommendations for a fruitful management of this border.

## CHAPTER 2

*Making International Border through Bengal:  
Evolution, Politics and Dilemmas*

## **Introduction**

In 1947, the end of British-Indian rule led to a division of India into two states, India and Pakistan, first and foremost, on the basis of religion. Boundaries of the two newly born states were a combination of three different kinds: 'i) border had an international status, ii) previously provincial boundaries that appeared international, and iii) newly drawn borders due to the partition of Punjab, Bengal and Assam' (Tayeeb, 1966:72). Therefore, the history of the Bangladesh-India border started with the partition of British India in 1947. As a result, Pakistan had no territorial contiguity between its units, East and West Pakistan, because of the interposition of India. Thus, the then East Pakistan's entire land boundary already had an international status. Bangladesh, on the whole, inherited the India-East Pakistan border following its independence on 16 December, 1971. Consequently, when Bangladesh emerged onto the scene in 1971, a large portion of her boundary with India had already been demarcated. Bangladesh also inherited many of the disputes and unresolved issues between India and Pakistan on the Bengal border. This present discussion suggests that a pragmatic historical analysis of this border is essential for a clear and precise understanding of Bangladesh-India border issues.

The historical event of partition has cast a powerful shadow over reconstruction or reorganisation of the subcontinent since 1947. However, the ramifications of partition have continued to leave their mark on sub continental politics, even six decades after the event. Notably, the Bengal border was the longest international border to come into existence during the worldwide decolonisation process in the middle of the twentieth century (Schendel, 2005). Under British rule, Bengal was a single province, which has been divided into two parts since 1947, i.e. West Bengal and East Bengal/East Pakistan (now Bangladesh). Therefore, almost half of the Bangladesh-India border is basically the West Bengal-East Bengal Border and the other half is the East Bengal-North East India border. Accordingly, the history of the Bengal border represents the history of the India-East Pakistan and later India-Bangladesh border. This chapter has two major focuses, firstly to make an effort to describe the history of decolonisation, partition and the creation of the international border through Bengal. It elucidates what led to the British disengagement in 1947, and why partition was an inevitable outcome at the time of decolonisation. It also makes an effort to describe the ambiguity of the border demarcation guidelines and the resulting sufferings involved in implementing the



international border through Bengal. Thus, I argue that the process which involved demarcating the largest international border to have appeared in the middle of twentieth century was faulty, and an absolute failure of the elite discourse at the time of partition. The second of the chapter focuses on the implementation of and disputes concerning the India – East Pakistan (later Bangladesh) border. It also focuses on the paradox between on the one hand establishing and securing the border, and on the other hand the maintenance of livelihoods in the borderland. Such explanations concerning the Bangladesh-India border will help to identify some impediments to the proper management of this border.

### **Background of Decolonisation and Partition in 1947**

Though the study is specific to Bengal partition, it is imperative to consider the background of the partition of British India, which predominantly guided the Bengal partition. Ample work has been done on the transfer of power and on the highly contested nature of partition and its impact on the post-colonial state formation. However, most of the writings are driven by analytical dichotomy and ensuing interpretative divergence (Brasted and Bridge, 1994). Therefore, different versions of narratives (i.e. British, Hindu and Muslim) hold opposing views in order to pinpoint what brought British disengagement in 1947, and why partition was the inevitable fate for India. I will use H. V. Brasted and Carl Bridge's (1994) outstanding study, which critically examines the transfer of power by evaluating the existing literature in all its versions. Their work provides a cogent insight about the determinants of decolonisation in India.

The British version of the decolonisation process recognises that independence for the subcontinent was shaped through a series of progressive, graduated, constitutional stages. Therefore, the settlement of 1947 was a long standing rather than a last-minute destination. Rejecting the transfer of power as a 'positive statesmanship', Brasted and Bridge argue that the decolonisation process involved an element of escapology. They echo J. A. Gallagher (1982), P. G. Robb (1976), B. R. Tomilson (1976) and Carl Bridge's (1986) arguments, who examined the high ground of British policy-making between 1917 and 1947 and revealed short term and self-serving constitutionalism. Therefore, all of the policies in place were geared towards the propping up of British rule rather than to proceed to a pre-determined end. Brasted and Bridge also argue that, prior to World War

If the usual speculation was that a full transfer of power was unlikely to be affected within the foreseeable future, let alone the next decade. They, however, agreed with R. F. Holland's (1984) argument that the British sought to end it for financial and manpower reasons as Britain's economic and military power was seriously weakened after World War II. However, Brasted and Bridge also strongly argue that, whatever the reason, either a shift of interest or financial cost, decolonisation was an option of dire rather than preferred resort for the British.

On the other hand, Indian versions consider that independence was the direct result of widening administrative breakdown brought on by mounting and eventually unremitting nationalist pressure. However, Brasted and Bridge consider that the nationalist pressure definitely made the British rulers worried, but that such pressure was inadequate in persuading the British to decolonise. A nationwide non-cooperation movement had been insufficient in 1942 to bring the Raj to its knees. On the other hand, Nehru and Jinnah moved in the orbit of imperialism, and therefore there was no ideologically-committed force of do-or-die patriots bent on overturning the colonial regime. They believe that it was rather an adjusting, working, relationship between nationalism and imperialism. With consideration of all the factors, they conclude that none of the above determinants was a single reason for British departure from India, but rather that the circumstantial forces entailed a transfer of power to India which was out of Britain's control.

Why the notion of Pakistan developed is also not beyond debate. Some historians consider that communalism derived considerable impetus from the British requirement to rule by collusion where they could not rule by consent. Brasted and Bridge explain that these historians consider the rise of the Muslim league as Congress's counterpart, and recognition as sole spokesman for Muslims as a symptom of Britain dividing and ruling. For example, B. N. Pandey (1994), in *The Break-up of British India*, portrays Pakistan as the culmination of British-Muslim intrigue. However, communalism can be a reason for tempting the people to call up communal violence; it was not the root of the territorial demand for Muslims in India. As David Gilmartin (1998) argues, to find the roots of the demand for territory, we must look into the facts not primarily concerning communalism, but to the increasing engagement of Indian nationalists and Jinnah alike in the 1930s with the modern, internationalist discourse of territorial nationalism. Similarly, O. H. K. Spate (1948) argues that the demand for Pakistan was not the merely a result of religious feuds,

to a larger extent it was the expression of a new economic nationalism that has inevitably taken into its hands the immensely powerful weapon of immemorial religious and social differentiation. Colonial power replaced the Mughal Empire of India, thus, the mutiny left deep and long-lasting mistrust between Muslims and British. Spate argues that non-Muslims preponderantly had thus a considerable head-start in the ways of the West, in modern education, the professions, administration, commerce and industry. He considers that the uneven economic development also provided some real basis for fears of 'Hindu imperialism'. For historical reason, Spate believes, Indian nationalism was on the whole markedly Hindu in temper and many Muslims felt that they would have no place in a new India under such auspices. Above all, Mohammad Ali Jinnah, the sole spokesman of the Muslim league since 1937, played a significant role in the rise of such consciousness.

Rahmat Ali, the Cambridge student, first coined the name Pakistan in 1933 and proposed the separation from India of a Muslim state embracing the four provinces and Kashmir (Chakrabarty, 2002; Moore, 1983). However, the notion of Pakistan did not come onto the Muslim League's political horizon before 1937. Jinnah always raised his voice for equal rights of Muslims and Hindu-Muslim unity within India. For instance, in the 1936 elections, Jinnah wanted an all India Hindu-Muslim settlement under the Congress-League *rapprochement*, but this was denied by the Congress (Brasted and Bridge, 1994). Furthermore, Moore (1983: 534) explains, in 1937 when Nehru remarked that Congress and the Raj were the only two parties in India, 'Jinnah replied to the rebuff by claiming the Muslim League as a third, a rightful equal partner of the Congress'. Therefore, Jinnah's personality and experience disposed him to feel bitterly about the Congress denial of Muslims' political identity. However, in 1940, for the first time Jinnah articulated a separate nation for Muslims at the Lahore Round Table Meeting, which was precisely the reverse of his previous philosophy of unity. He called for a Muslim state comprising Bengal, Assam in the north-east zone and the Punjab, North-West Frontier Province, Sind and Beluchistan in the north-west zone.

Historical narratives by Moore concerning the Pakistan movement, suggest that it was the culmination of several schemes (either separation or federation within India) suggested by poets, philosopher, scholars of Aligohr and politicians during 1937-1940. Thus, Moore claims that the Pakistan demand was no pet scheme of which Jinnah dreamed alone but an ideal to which he was converted by others, colleagues of long-standing like Haroon,

and thinkers in the line of Iqbal, scholars of the Aligar School. However, Jinnah's next conversion is a puzzle for conventional historiography, which is that Jinnah refused the 1946 Cripps Mission's proposals either for a sovereign Pakistan within only the north-western provinces or his claimed six provinces within India besides Hindustan. On the other hand, Jinnah agreed with the Mission's ultimate draft for a powerful sub-national Pakistan enjoying parity with Hindustan in an all-India government. Jinnah's further conversion from separation to parity suggests that the Lahore resolution was not meant to be a Pakistan demand, but rather it was a bargaining counter. As revisionist analysis claims, this was no ideological or religious metamorphosis of Jinnah, no basic changes in his political aims, but a significant shift in his strategies and tactics (Roy, 1990). However, this time also the Congress refused to contemplate parity in the Interim government. Thus, Jinnah moved to his final struggle for a sovereign Pakistan.

Neither British rulers nor Congress initially agreed for partition. British Viceroys since 1942 had failed to make any resolution between the Muslim League and the Congress. On top of that, the Muslim League had won a majority of the Muslim seats in the election of 1945-1946 so its demands could not be ignored by either the Congress or the British. Conversely, the Congress's policy was unity and freedom for India, but it was not ready to share power with the Muslim League. As Roy (1990) explains, the Congress could hardly overlook the supreme importance of a strong centre to ensure its dominance in India independence, as has been the case with what has been characterised as India's one party dominance system. The Congress did not want to compromise its dominance with unity. Therefore, the Congress rejected all the initiatives of unity which were based on equal sharing of power. Moreover, week-long communal riots in Bengal in August 1946 killed over 4,000 and injured another 100,000 people. This acted as a catalyst for all the three parties, i.e. the British, the Congress, and the Muslim League, to consider religion-based partition as the best option for the British in India (Rashid, 1987). When the British decision was made to quit India by June 1948, partition was the only acceptable way to withdraw peacefully. Therefore, pervasive mistrust between these two political parties, above all, the 'zero sum game' whereby any gains by any of them were equalled by another's losses played a key role in the division of British-India into two parts on the basis of Muslim and Hindu majorities. In the next section there follows an explanation of the formula and process of partition, with specific attention paid to the Bengal border partition.

## Bengal Border Partition: Formula and Process

Deciding to leave India by June 1948, the British Government appointed Lord Mountbatten as the new Viceroy to conduct the final handing over of power. Accordingly, on 03 June, 1947, it was agreed that the United Kingdom would hand over power to two separate states on August 14 and 15, 1947, and initiatives had been taken to determine their boundaries before signing over the power to the state elites of the then India and Pakistan.

The announcement is commonly known as the 3<sup>rd</sup> June Plan, on which the partition of



Map 2.1: The British possessions (coloured pink) of the Indian sub continent. (Source: Munshi, 2006).

India and the transfer of power to the dominions of India and Pakistan were based. This Plan provided an option for Bengal and Punjab concerning whether they wanted partition of their provinces. To decide their future, the members of the two parts (the representatives of Muslim majority districts and the others representing the rest of province) of the Provincial Legislative Assembly were sitting separately to vote on whether or not the province should be partitioned. In addition, two options were in place for some territories to consider about amalgamation with either independent nation. For example, the accession of princely states (the states which did not have direct British rule, but rather were autonomous like Kashmir, Cooch Behar, etc), was based on the consent of the rulers to amicably settle the issue concerning which country they would like to join. The third method of determining the future for a partitioned India was referendum. The

3<sup>rd</sup> June Plan decided if the Bengal wanted partition, then a referendum would be made in Sylhet, a district of Assam, which was predominantly Muslim and contiguous to Bengal. A referendum was also applicable to the North-West Frontier Province if the Punjab agreed for partition.

According to the 3<sup>rd</sup> June Plan, the Bengal Legislative Assembly had divided itself into two parts, i.e. the representatives of both the Hindu and the Muslim majority districts had separately conducted votes among members of each community to determine whether a majority of their members had wished to divide their province. The majority representatives of the 'Hindu majority districts' had voted in favour of religion-based segregation, while representatives of the 'Muslim majority districts' voted to remain undivided. Throughout Bengal, the Hindus dominated this province's power, economy and business. However, the Muslim League won in the 1946 election and Muslims started seizing all powers from the Hindus. Above all, the Muslim League's handling of the severe communal riot in the same year scared the Hindu leaders. Therefore, almost all Hindus of the Bengal believed that the only way to ensure the Hindu interest, culture, economy and glory was for the creation of a separate homeland for the Bengal Hindus (Chatterji, 1999; Tayeeb, 1966).

As the majority of the West Bengal Assembly voted for partition and wanted to join the Indian Union, a Boundary Commission was set up to determine the final border to divide Bengal. Soon after Bengal decided for partition, a referendum was held in the Sylhet district to decide whether they would join the East Bengal or to remain within Assam, a province of India. A majority population voted to be annexed with East Bengal. Therefore, Sylhet provided a completely different model for considering the whole partition formula, where the decision was final only after it had been endorsed by a majority of the population. However, Sylhet was the only portion of Indian territory where the people themselves had the chance to decide their future by votes. A referendum was also held in the North West Frontier Province, as per the 3<sup>rd</sup> June Plan, but the Congress boycotted that referendum. Therefore, it was obvious that the province would go to Pakistan.

Taking the determination to adopt partition into account, initiatives had been taken to set up a Boundary Commission. Both Jinnah and Nehru offered two different proposals in this regard, but Mountbatten agreed with Nehru's proposal, which suggested 'each

Commission (Punjab and Bengal) should consist of an independent Chairman and four other persons, of whom two would be nominated by the Muslim League and two by the Congress' (Chatterji, 1999:191). The Secretary of State recommended to Lord Mountbatten the name of Sir Cyril Radcliffe as Chairman of both of the Commissions because of his high integrity, legal reputation and wide experience. Mountbatten was decisive enough to appoint Radcliff despite Nehru's suspicion, to some extent, concerning the neutrality of his neutral stance.<sup>1</sup> Although Radcliffe was widely respected for his intellectual abilities, he had never been to India. But finally, this fact made him a more attractive candidate, on the theory that ignorance of India would equal impartiality (Chester, 2002). There was also suspicion about the freedom of the Commissions in creating the border, despite Mountbatten's assurance that Radcliffe would be free from official influence. However, although Mountbatten did not influence the fine print of the award, he undoubtedly inspired some of its broader features. For example, Mountbatten advised Radcliffe to compensate each party's gains on one border with losses on the other (Hodson, 1985).

The Bengal Boundary Commission was set up on 30 June, 1947, and Radcliffe arrived in India on 08 July, 1947. Lucy Chester (2002) argues that Radcliffe learned in his first day's meeting, apparently for the first time, that the boundary decisions must be completed by August 15. She also claims that Radcliffe protested, and warned that time restriction could wreck the final result; but Mountbatten, Nehru, and Jinnah stood firm. Similarly, Jalil (2006b: 07) explains, '... before Sir Cyril Radcliffe could express his astonishment and dismay, Nehru interrupted: "If a decision could be reached in advance of five weeks, it would be better for the situation." Both Nehru and Jinnah strongly wanted transfer of power within the declared date, and therefore agreed to accept the result of the Boundary Commission whatever decision it made. However, it is still obscure why they were in so much of a hurry to conclude everything before 15 August. As Chatterji (1999) argues, fifty years on it is still impossible for the historian to comprehend the mad haste with which these decisions were taken, but she hints that they were all probably eager to avert a communal holocaust. Conversely, we can also consider either that the leaders wanted to take over power as early as possible, or that the Congress

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<sup>1</sup> Chatterji (1999) mentions that Congress had initially objected to Radcliffe, apparently under the impression that he were a conservative and therefore likely to favour the Muslim League.

in particular, was anxious to conclude everything while a friendly Viceroy, Mountbatten, was in command.

However, I prefer to argue that a delay in the transfer of power might have caused loss of territory, which alarmed the leaders so that they pushed the whole process to be accomplished before the declared date. Delay in the transfer of power could raise public opinion from different communities about their annexation to their desired parts, which could be avoidable through early withdrawal. Chatterji (1999:193) quotes Nehru, 'When the two states have been formed, those states will mutually consider modifications and variations of their frontiers so that a satisfactory arrangement is reached. This was likely to be a fairly lengthy process involving the ascertainment of the wishes of the people concerned in those areas. If this was left to the Boundary Commission, its work would be heavy and prolonged.'

Thus, Nehru's argument not to include 'peoples wish in the concerned areas' before taking the partition decision supports the notion that they were in fear of territorial loss. In this way both the representatives of millions of Muslims and Hindus ignored or refused to consider their people's wish to choose their own homeland. While the British rulers considered people's wishes in the 3<sup>rd</sup> June Plan, the two popular leaders who declare themselves the voice of the people arbitrarily ignored the peoples' rights. Accordingly, Nehru and Jinnah actively contributed to creating a flawed demarcation of the border. Therefore, it was not only colonial power that contributed to the chaos immediate following partition, but also Nehru and Jinnah themselves.

After the setting up of the Bengal Boundary Commission, the Commission tried to fix the methods by which the partition would be carried out. The first method to demarcate the border was to define an area on the basis of religion and other factors. It established that the demarcation of the Bengal border would be held on the basis of ascertaining contiguous majority areas of the Muslims and non-Muslims; also taking 'other factors' into account. Secondly, it defined the administrative unit on which the partition could be held. Muslim members of the Boundary Commission insisted that the unit of partition should be either a Union (lowest administrative unit) or, more appropriately, a subdivision which was a self-contained administrative unit rather than a *Thana* (second lowest administrative unit), which were the smallest units defining criminal jurisdictions. On the other hand, non-Muslim members pointed out that the census population figures



were only available at the Thana level and not at the Union level, thus making it difficult to accede to the Muslim League definition. However, Mountbatten favoured the non-Muslim members' argument. The third and final method entailed that the whole Bengal border demarcation would be accomplished only on the basis of maps, surprisingly, without any verification on the ground. Regrettably, none of the actively participating parties asked for any physical validation.

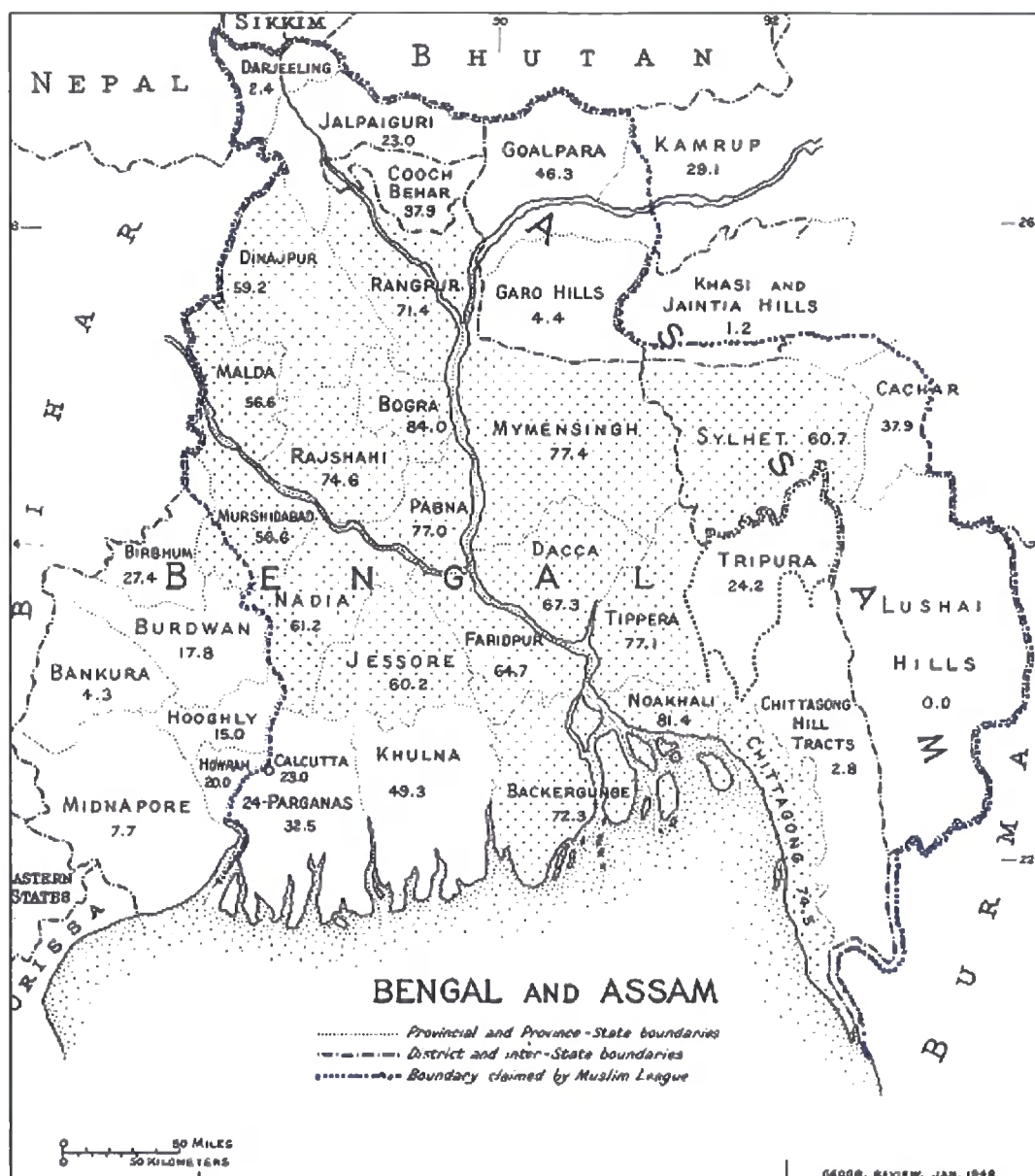
The above discussion suggests that three individuals - Mountbatten, formulated the whole partition process with their full consent. Nehru and Jinnah were so eager to capture power that they agreed to an arbitrary line on the map. As well as the exclusion of the people's wishes, this gave them liberty to prepare their argument to claim as much territory as they wanted without any hindrance, which is elucidated in the following section.

### **Claim, Counter Claim and the Radcliffe Award for the Bengal Boundary**

Following the constitution of the Boundary Commission, both the Congress and the Muslim League presented their arguments for their demanded territory. The Muslim League was the sole representative for Muslims. Both the leading parties, especially the Muslim League, tried to achieve as much territory as possible with their reasoning based either on 'communal' or 'geographic contiguity' or on the 'other factors' ground. The Muslim League demanded 75 percent of the area and 83 percent of the population (Spate, 1948). They used the term 'contiguity' to claim Hindu-majority areas which were not contiguous to other Hindu-majority areas in Bengal to go with East Bengal. Following those criteria, the Muslim League claimed Chittagong Hill Tracts, Darjeeling and Jalpaiguri, Gopalpara and Garo hills where Muslim majorities were comparatively lower (Map 2.2). However, the Muslim League claimed some other territories on the basis of a variety of other factors. For example, the Muslim League demanded that East Bengal must be given a share of the provincial revenue proportionate to its share of Bengal's population, and this could only be achieved if Calcutta port was assigned to East Bengal (Reports of the Members and Awards of the Boundary Commission, 1950). Similarly, it claimed the industrial part of Calcutta which contains only 23 percent Muslims in the local population. The League argued that the non-inclusion of this part would jeopardise its economy because its economy depended on East Bengal's jute, and its food supplies

also came from the same area (Tayeeb, 1966). Therefore, the Muslim League tried to utilise all available grounds to achieve as much territory as possible, it claimed all the Muslim majority districts and overstretched the communal criteria.

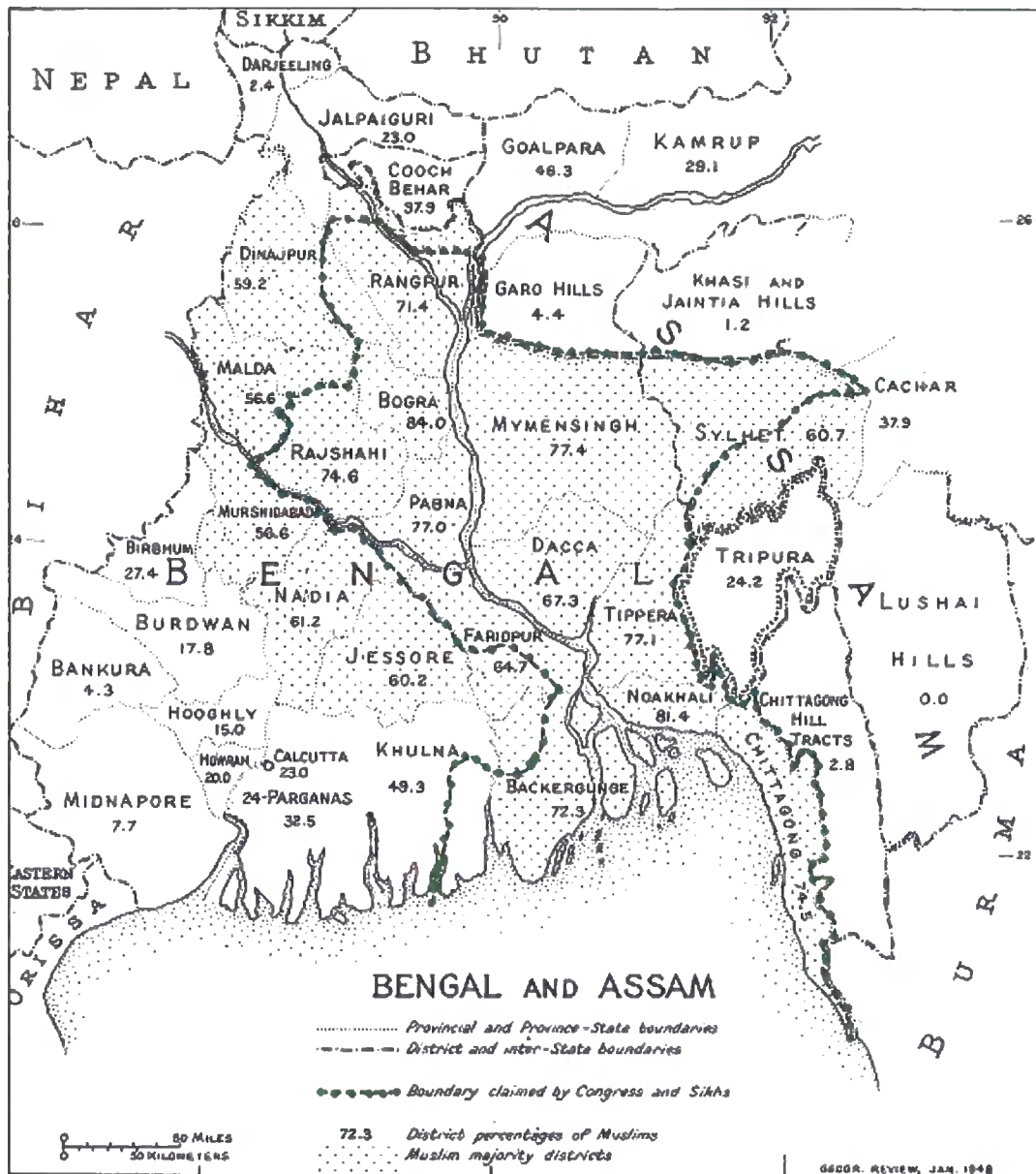
Differences existed among the spokesmen for the Hindu interests, and four parties,



**Map 2.2: Bengal and Assam Boundary Claimed by the Muslim League (blue dotted line).** Source: Spate (1948), map modified by eliminating the Congress's claimed boundary and the Radcliffe award and highlighting the Muslim League's claimed boundary.

including the Congress, jointly presented the Hindu case before the Boundary Commission. The Congress claimed 50 percent of the area and 47 percent of the population, which was relatively modest considering the Muslim League's demand. It claimed all of the Hindu majority areas including the western part of Faridpur, Jessor,

Nadia, Murshidabad and the greater part of Dinajpur districts, abjuring the Muslim



Map 2.3: Bengal and Assam Boundary Claimed by the congress (green dotted line). Source: Spate (1948), map modified by eliminating the Muslim League’s claimed boundary and the Radcliffe award and highlighting the Congress’s claimed boundary.

majority there, to secure a broad protecting belt for the Calcutta-Burdwan industrial districts of West Bengal (Chatterji, 1999; Tayyeb, 1966). Again, Murshidabad was strategically quite important since the Ganges River flows through it, and its distributaries, the Hooghly River, originates from there. Thus, not only for the retention of the Hooghly River and its adjacent industrial areas and Calcutta port, but also to have greater access and control over the Ganges water, the Congress wanted this district to merge with India ( Map 2.3). Likewise, both the Muslim League and the Congress

claimed the Chittagong Hill Tracts (CHT) which are inhabited by indigenous people and had neither a Muslim nor Hindu majority.

During the time of partition the whole Bengal was economically very integrated. West Bengal was the industrial centre, while East Bengal was its hinterland. It possessed nearly a third of all of India's major industry, concentrated in Hooghlyside (Spate, 1947). On the other hand, there was no industry in East Bengal and no significant resources for industrial development except raw jute. With such economic consideration, both the Congress and the League were desperate to obtain Calcutta port and the Hooghly industrial area. Similarly, the Muslim League claimed the northern part of Bengal because of its rich tea gardens. However, the Muslim league's demand in Bengal undoubtedly signals that its goal was to achieve as much territory as possible. Similarly, the Muslim league's demand for communal territorial sovereignty was replaced with the demand for economically strong territory and strategic benefit. Likewise, Chatteji (1999) argues that internal politics within the Congress shaped its territorial demand for West Bengal. She explains that at least some Congress members seem to have been keenly conscious of the part which the border line would play in determining who would capture power. Therefore, the Hindu and Muslim cases presented before the Boundary Commission reflected concerns and aspirations that had little to do with a communal vision of the welfare of the 'communities'. However, such preferences or economic aspirations of the Congress and the Muslim League could result in a partition demand, if there was any priority given to expressing the wishes of the people.

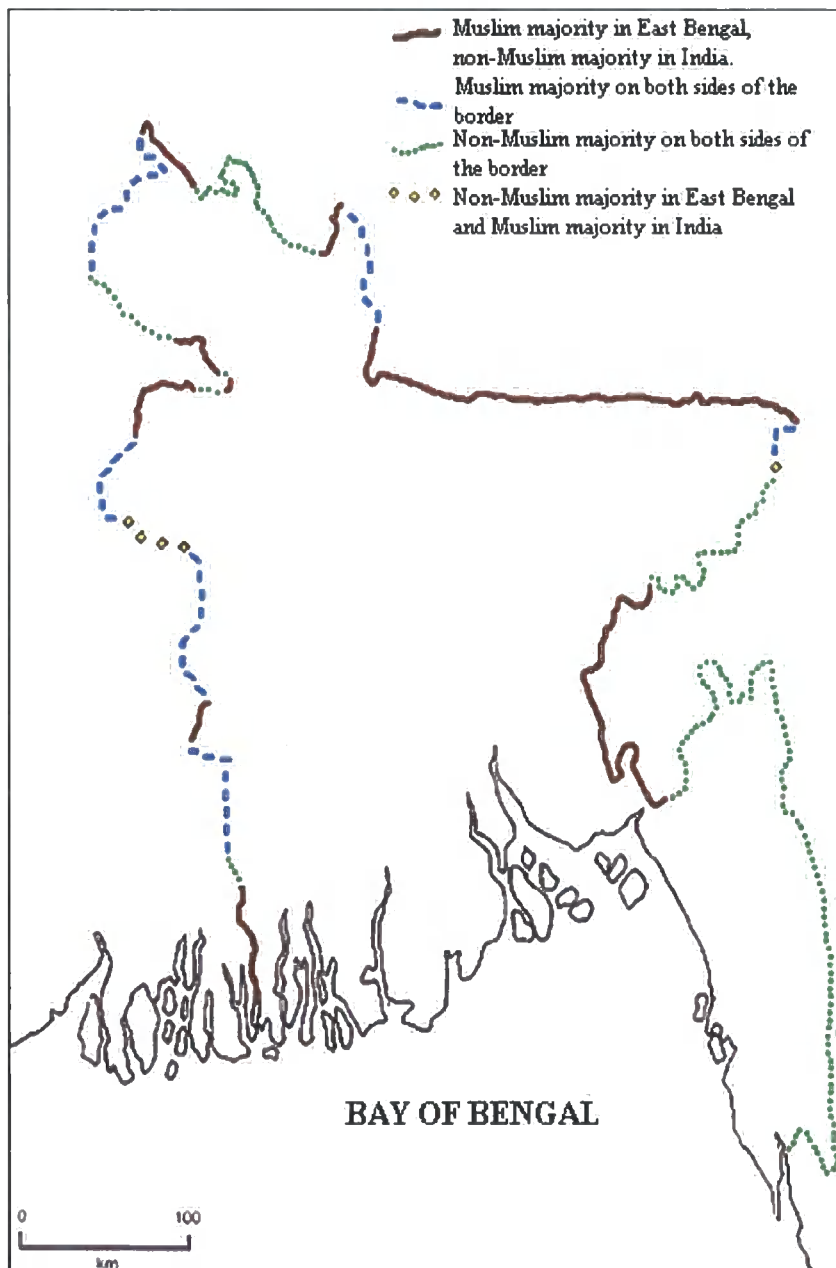
Throughout, the Boundary Commission's members tried to establish the claims of the respective political parties, as two of each were nominated by the Congress and the Muslim League. Ultimately, the Commission failed to agree upon the best way to divide the united Bengal which, eventually, led Radcliffe, the Chairman of the Commission, to take the responsibility of bisecting Bengal (Partition Proceedings, 1950). Astonishingly, Radcliffe drew almost 4000 km of international border within six weeks which did not contain any particularly natural border and had never been an international border. Although the award was prepared on August 12, it was not announced until the August 17, after the independence of India and Pakistan.

According to East Bengal Land Records and Survey (1951), out of the total 257478 sq km land of the old province of Bengal, the newly created province of East Bengal received a 130383.19 sq km area, which is almost 50 percent of the undivided Bengal and, in addition, 12393.15 sq km from Assam (a major portion of the then Sylhet district). East Bengal contained a population of 39.11 million, of which 11.4 million (29 percent) were Hindus. On the other hand, West Bengal received an area of nearly 72520 sq km with 21.19 million people, of which nearly 5.3 million, or 25 percent of the total population, were Muslims. Therefore, the ratio of the majority to minority population in both parts was not similar, and Muslim to non-Muslim ratio was higher in East Bengal. However, Radcliffe tried to create a sense of balance based on land-population ratio in both parts (Map 2.4).



**Map 2.4: Radcliffe Award for the Bengal Boundary (green line) and the claims of the Congress (brown line) and the Muslim League (purple line). Source: Modified from Spate (1948) by highlighting in three different colours.**

Beginning from the south west, Radcliffe allotted non-Muslim Calcutta, Hooghly and 24 Pargona (name of a district) to India. However, Muslim majority areas like Murshidabad, part of Nadia, and Jessore were also added to India, thus, more than a million Muslims were segregated from Pakistan. In contrast, non-Muslim majority Khulna and part of Malda were included with East Bengal. In the North-West, Dinajpur district was divided into two parts where the non-Muslim part was left to India. However, giving a portion of Dinajpur to East Bengal, Radcliffe disrupted West Bengal's continuity



**Map 2.5: Majority populations on either side of Bengal. Source: Modified from Schendel (2005) by highlighting in different colours and sheds.**

with Darjeeling, Jalpaiguri and other North-Eastern parts of India.

In the extreme North, Rangpur was a Muslim majority area and Jalpaiguri a Hindu majority district, even though five southern Thanas of Jalpaiguri were included with East Bengal. In this region, the boundary did not follow any 'communal criteria' and some Hindu majority areas were included to East Bengal, hence creating three meanders in the border without significant importance (Map 2.5). However, the eastern border followed quite logically although at the eastern edge the boundary excluded a small Muslim majority portion of Sylhet to India without any rationale. The southward boundary from Sylhet logically followed the communal ground. At the southeast, the CHT was awarded to East Bengal, even though its inhabitants are indigenous people.

Map 2.5 shows that Radcliffe did not follow any criteria of communal majority and geographical contiguity in a noticeable portion of the bordering areas. Only 26 percent of the borderline separated a Muslim majority area in East Pakistan from a Hindu majority one in India, and an additional 15 percent separated a Muslim majority area in East Pakistan from a Christian or Buddhist majority area in India (Schendel, 2005). Again, Hindu majority areas in East Bengal and Muslim majority areas in West Bengal are examples of imprecise use of the guidelines for partition and of neglect of the socio-spatial milieus of those areas (Map 2.5). Similarly, Muslim majority areas in both sides of the border or Hindu majority in both sides of the border are also noticeable in sections of this border. The arbitrary boundary line mostly disrupted road and railway systems that existed in the northern part of the undivided Bengal and Assam. Besides, this line not only fragmented Bengal, especially the border in north Bengal, it not only disrupted Assam's economy but also made it almost remote from the mainland of India. If we consider the map, Assam became almost totally foreign country locked after partition, and received only a very narrow strip to reach mainland India through the Shiliguri corridor. This could have been easily broadened by keeping East Bengal's territory south of the communication lines. This could have been compensated by inclusion of some other Muslim dominated parts which had been placed in West Bengal. Thus, Radcliffe line not only affected both sides of Bengal, it created grave ramifications for Assam.

Hence, the tactical term 'other factors' was vague, which not only helped the Congress and the Muslim League to generate litigious territorial claims, but also allowed the Chairman to have enormous leeway. Nevertheless, the reaction to Partition was furious.

Not only political parties were angry with the award, the mass people were also frustrated, especially in both Punjab and Bengal. The people of Murshidabad and CHT raised Pakistan and Indian flags respectively during 14/15 August but they found themselves coupled with the wrong country following the after declaration of the Radcliffe award. As a result, there was a feeling of betrayal among the people of the Muslim and Hindu majority districts, as they were excluded from majorities and included with minorities. People were leaving due to uncertainty, a large number of killings took place and the minority communities of both sides were uprooted and forced to seek refuge elsewhere. It is probable that Mountbatten knew how unpopular the award would be, and therefore did not immediately declare it when it was completed on 13 August. He decided to delay it for two days to allow the transfer of power ceremonies to proceed smoothly on 14 August for Pakistan and 15 August for India. Similarly, Radcliffe knew what he had done and started to pack his bags and leave with equal haste. Jalil (2006b: 07) quotes Radcliffe's letter to his stepson on 14 August, 'There will be roughly 80 million people with grievance who will begin looking for me. I don't want them to find me.' He was so worried about being assassinated that a complete search of the airplane had to be conducted before it took off on August 15, hours after India achieved its independence.

Thus, I argue the partition process was not a systematic procedure according to concrete principle, but rather developed haphazardly through makeshift procedures. Above all, creation of the Bengal border was a collective error by Mountbatten, Radcliffe, Jinnah and Nehru. Although partition had been considered as the solution of communal crisis, ultimately it aggravated the communal clash by creating a border unacceptable to all. In the end, about 12 million people fled the borders as the partition became a reality, a migration dominated by terror and violence (Jalil, 2006b). Approximately one million people died in the initial weeks of independence. I also argue that the Radcliffe award was old fashioned, unscientific and full of flaws, which is explained in the next section.

## **Technical Problems in the Execution of the Radcliffe Award**

### **Errors and Confusions**

There were number of general and fundamental problems with the award, which emerged gradually with the first efforts to implement and administer it (Chatterji, 1999). Indeed, it is not too much to say that technically the new boundary appears both curious and



impracticable (Spate, 1948). Certain disputes arose out of the interpretation of the award (Ahmed, 1953), while in contrast, some disputes arose as a result of misinformation and mapping error (Chatterji, 1999; Schendel 2005). Besides, the border followed both land and water courses, and the borderline drafted by Radcliffe lacked proper instructions to demarcate the border physically. In a broad category, two problems occurred in establishing the border on the ground: firstly term of defining the border and then secondly in implementing the border. Following the errors, cooperation was required to implement the huge border properly.

A large portion of the Bengal border runs through water. In this context, it is worth to cite some of the points from Jones's (1945) handbook on boundary making where he strongly recommended for very careful considerations on different aspects of rivers before adopting them as boundary. Jones (1945: 108) stresses that neither two rivers are alike nor two parts of the same river are similar. Therefore, no single formula can fit all rivers, or all parts of river. He also argues that a largest scale map may not show a river with complete accuracy; hence only recent maps should be used in this regard (Jones, 1945:111). However, his strong emphasis is on fieldwork to avoid errors. As he says, 'A river should be examined in the field, by competent observer, before it is defined irrevocably in a treaty' (Jones 1945: 108). On the contrary, the Bengal Boundary Commission had omitted to specify their definition of a river border, which created uncertainty in the minds of the state officials who were required to establish the border (Chatterji, 1999; Ahmed, 1953). It created different types of problems. Firstly, it defined river channels as boundaries without defining whether the political boundary would follow any particular bank of the river, or its mid-stream, or the deepest line (*thalweg*) of the channels. Secondly, rivers of this deltaic plain follow a wandering nature of excessive zigzagging and meandering, in addition the commission worked on a decade's old map. Almost all the rivers of this region flow over the flat alluvial plains and are subject to seasonal flooding, excessive meandering and shifting of courses. Because of frequent river course change, it is almost impossible to identify the exact location of a water course on the ground with a decade old map. Therefore, it created a situation where location of some channels in the map differed from the ground.

Thirdly, Radcliffe did not elucidate the fate of *chars*, which are a common feature of all large rivers of Bengal. The River Padma, which divided Murshidabad and Rajshahi, was

dotted with silt banks and islands that are inherently unstable and which are known as *chars*. One day a small char may appear in the middle of a river and grow rapidly, surprisingly, next year it may be washed away. Some *chars* in this river were so large that they had whole villages built upon them, and the people who inhabited these little islands became victims of a protracted tug of war. Both the countries were very much concerned to establish control over the undemarcated *chars*. For example, *Taradhar char* in the *Ichamati* River became a flash-point as each side forcibly tried to claim it. Finally, there was difficulty in defining the main channel in *char*-filled rivers. These problems created antagonism between India and Pakistan, until finally both agreed to set up a boundary disputes tribunal. Even now, river borders are a major source of multiple problems, confusions and border skirmishes in different parts of the whole Bengal border either at local or state level.

Radcliffe neither visited the border areas nor used any accurate and updated maps. The border ran along the local administrative boundaries, through rivers, across fields and along railway lines which had never before had much political and/or social significance (Schendel, 2001). Moreover, the frontiers between *Thanas* and even districts were not physically marked out. There is nothing to demarcate the boundary line except an imaginary one supported by settlement map showing the borders of villages, complained one intelligence branch officer of the Nadia border (Chatterji, 1999). Besides, in some places, settlement map differed from crime maps used by local police stations to establish their jurisdiction. Radcliffe had settled on the *Thana* as the smallest unit of partition, but used settlement maps (rather than crime maps) to distinguish the border (Chatterji, 1999). The written description of the Radcliffe award on the boundary at Berubari Union was found to be defective. The line drawn by Radcliffe on the map did not correspond to the description, and even the description was not clear. The border also cut through numerous ancient geographical entities. For instance, the ancient capital of the *Gour*, one of Bengal's most important archaeological sites was fragmented through the implementation of border. Some famous forts and mosques ended up in India and some in East Bengal (Schendel, 2005).

The above discussion suggests that the 4000 km long Bengal border was created with only consideration of a boundary needed to be made within one and half months. Different studies of the partition show that Radcliffe did not have even any technical

assistant who could help him in technical issues, for example the technical issues required to create a border in an active delta where the river system is a vital factor. Therefore, mapping errors were not the primary reason for the problems, rather it was ignorance, lack of sincerity and above all a failure to conduct physical surveys. Furthermore, Radcliffe did not opt for an aerial or a hydrographic survey; hence, a decision only based on outdated land taxation maps must contain with huge flaws. The presence of political nominees came at the expense of the use of the necessary geographical experts, but satisfied the demands of the Congress, the Muslim League, and of course the British Government to have their own men on the commission.

### **Disputes and Mediation Tribunal**

As I discussed earlier, Radcliffe's award satisfied neither Nehru nor Jinnah, and certain disputes arose out of the interpretation of the award. However, being unable to resolve disputes mutually, India and Pakistan agreed to set up a tribunal, widely known as the Bagge Tribunal, for the adjudication and final settlement of the disputes and thereafter for demarcating the boundary. Algot Bagge, former member of the Supreme Court of Sweden, was appointed as chairman and two high-court judges, C. Aiyar and M. Shahabuddin, were nominated by India and Pakistan respectively. Among many of the conflicting interpretations, only four of them came before the tribunal where two were on the western and two on the north-eastern part of the boundary of East Pakistan.

The first dispute arose with a contradictory argument on fixing the boundary between Murshidabad district of West Bengal and Rajshahi district of East Pakistan, which runs along the Ganges. Considering the meandering nature of the river and to hold sovereignty over newly formed *chars*, Pakistan argued for a flexible border and India for a fixed border. According to various notifications from 1875 to 1940, the chairman of the tribunal had decided, the boundary will follow the mid stream of the main channel of the river Ganges as it was at the time of the award given by Radcliffe in his report (Ahmed, 1953).

The second dispute arose from the *Mathabhanga* River, a tributary of the Ganges River. However, this dispute arose out of Radcliffe's mapping error; although the map showed the river, the river had shifted slightly to the west. Ignoring the reality of river migration, India wanted the border to follow the Radcliffe line, whereas Pakistan wanted a flexible

border following river even if it had shifted. In 1950 the mediation tribunal established 'that the aerial map of 1948 and Pakistan's document proved that the *Mathabhanga* as drawn by Radcliffe did not exist in reality' (Ahmed, 1953). He awarded that the boundary should not follow the rigid line; consequently, he made a partial adjustment so that the new boundary lies half-way between the line claimed by Pakistan and the line awarded by Radcliffe (Tayeeb, 1966). Thereby, Pakistan gained about five square miles of char land as a result of this adjustment.

The third dispute lay in the south-eastern corner of the Sylhet, which previously belonged to the province of Assam. The dispute was in regard to the ownership of a hilly forest, named *Patharia*, a strip about eighteen miles long and three miles wide, also known to contain some oil reserves (Tayeeb, 1966). However, according to the award the border had been formed between two *Thanas* that had never been surveyed. Pakistan claimed that Radcliffe placed the border here following the Creed Map which did not properly show the boundary between *Baralekha* (Pakistan) and *Patharkandi* (India), and Pakistan claimed that the forest actually lay under *Baralekha* Thana. India argued for the zigzag line awarded by Radcliffe. The Tribunal decided that the boundary commission's zigzag line through the forest was the correct border.

Rivers in this region sometimes change name when they cross international border, so that different sections of a river may have different names. Furthermore, different rivers placed in different locations also have the same name. Similar problems emerged in defining the border along Radcliffe's boundary line on the *Kushiara* River. The border river they identified as Kushiara did not bear the same name, and the question was which branch of the *Barak-Bogli-Kushiara* River should be accepted as the border. India preferred the northern branch (*Bogli*) as the border and Pakistan argued for the southern branch (*Sonia* or old *Kushiara*). In this decision, Bagge admitted the confusion regarding the name and course of the *Kushiara* River.

The above discussed disputes over fixing the Radcliffe line on the ground led to occasional border skirmishes, resulting in arrests, casualties and deaths along those areas. For example, contested claims over control of chars in the river Ganges led to several border clashes in the months following partition. In these cases local people became the primary victims as they were under fire from both sides. When a *char* emerged, many displaced people, due to river bank erosion, would move there to settle down. While, the

claim over a *char* is contested, the loyalty of those settlers to both the states would also be doubtful. Therefore, the *char* settlers frequently converted themselves from Pakistani to Indian and vice versa for the sake of survival. Such movements also raised problems for border security, as it was difficult to control unauthorised movement through the border. Similarly, disputes over forests in Sylhet created border clashes and abduction of forest guards, and contested territorial claims were emphasised by constructing and destroying forestry outposts (Schendel, 2005). Although both India and Pakistan agreed that they would accept Bagge's decision, they were reluctant to proceed further where they apparently lost, so that it could take many years to implement the decision. As a result, incidents of border shooting continued, which did not leave the border peaceful. Such errors of border implementation, failures of state negotiation, and reluctance for immediate implementation of the decision of the tribunal also remind us of Nehru's remark immediately before the partition. He said that both the states would resolve problems through amicable bilateral negotiations, which proved however to be just the reverse in practice.

## **Bengal Border Demarcation: 1947-2006**

### **Demarcation in the Pre-Independence Period of Bangladesh**

Demarcation of the border required the performance of two tasks, firstly, defining or fixing the exact location of borders between the neighbouring states. Secondly, the most complicated task comprises the physical constructions of boundary markers. Immediately after the partition, both India and Pakistan decided to work on the first task but in some places difficulties arose in agreeing on the actual location of the border. Some of these cases turned into persistent trouble spots, but in many others the states were able to resolve their differences (Schendel, 2005). Notwithstanding the unfriendly relations and mistrust, both the countries positively employed initiatives demarcating the border on the ground and the construction of boundary markers. Conversely, disputes on fixing the border still exist in some parts.

Following the will to demarcate the border, the Home Ministries of East Pakistan and West Bengal issued joint instructions to their border officials in May 1948 to write a joint report on the factional position as it stood after partition. Soon after this, in December 1948, the Prime Ministers of India and Pakistan gave the formal go-ahead for

demarcation.<sup>2</sup> For the purpose of demarcation, the border was divided into provincial segments and their procedures and arrangements differed (Schendel, 2005). To determine the West Bengal-East Pakistan border, they completed an aerial survey border and prepared a map on that basis. It was decided to demarcate on the ground using the survey staff of the two provinces, and to jointly mark the border by permanent pillars erected jointly by them. Parallel procedures were worked out for other provincial segments of the border; however, progress in the demarcation process was disappointing due to different factors. Uneasy and hostile relations between the two states were the foremost obstruction to a smooth demarcation process. Moreover, quarrels between the survey teams of both countries on contradictory territorial claims interrupted the demarcation process. For example, Schendel (2005) explains, during demarcation operations on the Assam border in 1951, while the representatives of the Assam Survey were leaving Sunamganj sector, after a joint survey with the Pak Survey team, they obliterated 14 boundary marks and demolished 5 out of 14 pillars in the northern border of Sunamganj.

**Table 2.1: Demarcation of the East Pakistan/Bangladesh–India Border<sup>3</sup>**

Segment of the Border	Total Length in Each Segment	Demarcated			
		1953	1965	1968	2003
Assam-East Pakistan	1023 km (later disaggregated into Assam 262 km, Meghalaya 443 km and Mizoram 318 km)	None	681km=67%	685km= 67%	Almost all*
Tripura-East Pakistan	856 km	None	296km=35%	367 km=42%	Almost all*
West Bengal East Pakistan	2216 km ( including Cooch Behar 422 km and Bihar 214 km)	827km= 37%	1736km=78%	2017km=91%	Almost all)*
Total	4,095 km	827km= 37%	2713km=66%	3070km=74%	4088km = 99.82%

\* A tiny portion, altogether 6.5km scattered in all sectors, is yet to be demarcated, which is described below.

<sup>2</sup> The Directors of Land Records and Surveys of the Provinces (Assam and West Bengal in India, East Bengal in Pakistan) and States (Cooch Behar and Tripura, both in India) were to demarcate the border without further delay. They were given the freedom to do so, assisted by such staff and in such manner as they might mutually agree upon, areas where disputes have arisen or may arise being taken up first. Only the four cases put up for mediation by the Bogge tribunal were to be left out at this stage. Curiously, no mention was made in this document of the demarcation of the Bihar (India)-East Pakistan border.

For example, Schendel (2005) explains, during demarcation operations on the Assam border in 1951, while the representatives of the Assam Survey were leaving Sunamganj sector, after a joint survey with the Pak Survey team, they obliterated 14 boundary marks and demolished 5 out of 14 pillars in the northern border of Sunamganj. Eventually, this escalated tensions between the states, resulting in suspension of border demarcation in the Assam-East Pakistan segment for a year. Besides, in many areas the survey teams were attacked by the local inhabitants. Also, lack of information about the border area complicated the demarcation process. Whenever the survey teams went to the borderland, they felt the full weight of local public opinion and they could not work without the protection of armed guards. On the other hand, when a group of West Bengal surveyors, escorted by the East Pakistan police, were proceeding along the Rajshahi border, villagers assaulted them and refused to let them take the goods they were carrying back to India (Schendel, 2005). Therefore, only 20 percent and 66 percent of the total borders were demarcated, respectively, within 6 and 18 years of independence (See Table 2.1).

### **Demarcation in the Post-Independence Period of Bangladesh**

Bangladesh inherited the erstwhile East Pakistan border with India, which had been fixed by the two awards of Radcliffe in the Province of Bengal and Sylhet district of Assam. When Bangladesh emerged onto the scene in 1971, almost one-third of the border was yet to be demarcated (Table 2.1). Undeniably, as I said before, the preceding delay of border demarcation was a result of thorny bilateral relations between India and Pakistan, which many times was reflected by local officials in the borderland areas. Therefore, it was considered that the ‘friendly governments’ of Bangladesh and India would sincerely resolve all the differences and disputes in implementing the Radcliffe award and demarcating the border. Indira Gandhi and Shekh Mujibur Rahman, the then leaders of India and Bangladesh, also signed an agreement concerning the demarcation of the land boundary and related matters which is widely known as the 1974 Land Boundary Agreement (LBA). Furthermore, a Joint India-Bangladesh Guidelines for Border Authorities was prepared by the two governments in 1975, which is widely known as the Boundary Guideline.

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<sup>3</sup> In this table I have counted only the length of the Bangladesh-India border. As this the study is based on only this border I excluded the Bangladesh-Myanmar border. This table is compiled from Bhasin, 2003a; Schendel, 2005).

The Boundary Guideline took different ongoing border incidents and pending final settlement of the borders into account. The Guideline referred to routine joint inspections by the respective Directors of the Land Records and Surveys and the Border Security Force Officials of either country of any portion of the boundary. According to the border Guideline, wherever the boundary pillars are missing and misplaced, they should be replaced as early as possible. It also suggests an annual inspection of the pillars (February-March) jointly by the Border Security Force (BSF) and the Bangladesh Rifles (BDR). Besides, Satyasadhan Chakraborty in a discussion in the Indian Lok Sabha (the lower house in the Parliament of India) identifies that the LBA provides particular and clear instructions for accurate demarcation of the remainder of the border in all segments, and a framework for the resolution of all disputes related to demarcation (Bhasin, 2003, vol. 1).

It is noteworthy that despite the high priority set on accomplishing border demarcation, only 3315 km border had been demarcated from 1972 to 1981 i.e. just 245 km of border had been demarcated within 10 years of Bangladesh's independence (Bhasin, 2003a). Finally, it has taken three decades to demarcate all of the borders; however, 6.5 km remain to be demarcated (Bhasin, 2003a). The un-demarcated border is spread over three sectors:

- |  |        |
|--|--------|
| 1. Daikhata in West Bengal-Bangladesh sector           | 1.5 km |
| 2. Muhuri River (Belonia) in Tripura-Bangladesh Sector | 2.5 km |
| 3. Lathitilla-Dumabari area in Assam-Bangladesh Sector | 2.5 km |

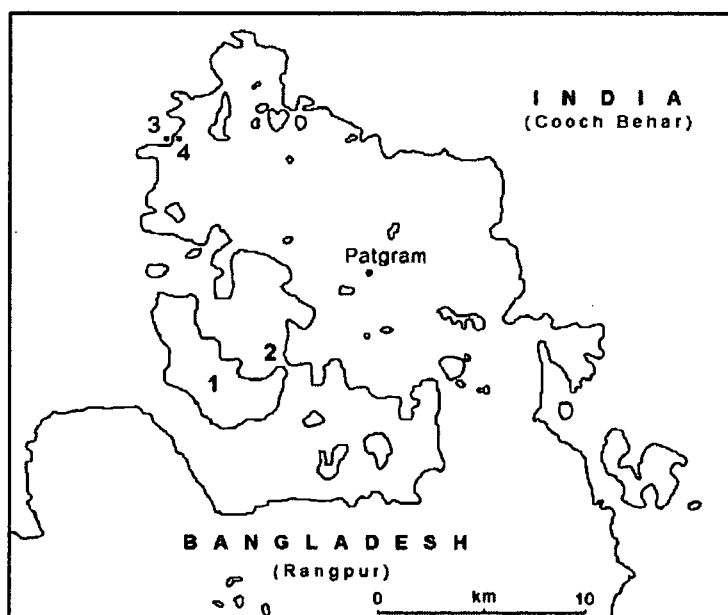
The Agreement itself clearly explains the probable solution regarding the aforesaid case of 2 and 3. In spite of this, contradictory technical positions between India and Bangladesh have affected demarcation of these stretches.

### **Enclaves: An Unattended and Unresolved Puzzle**

Isolated territories of one state completely surrounded by another, known as enclaves, constitute an unusual feature in political geography, create conflict in bilateral relations, and create a miserable fate for the people living in the place as stateless persons. Today about 250 enclaves survive in the world, and they are found mainly in three areas: Western Europe, the fringes of the former Soviet empire, and South Asia (Schendel,



2002). South Asian enclaves are located in the northern Bangladesh-India border area, where a total of 123 Indian enclaves are situated in Bangladesh and 74 Bangladeshi enclaves are in India. These almost two hundred small territories have been outside of the state system for over half a century (Schendel, 2002). Unquestionably, delay in exchange of enclaves, administrative problems, and the movement of enclaves' people's across the borders provokes border incidents. Alternatively, such dilemmas are also visible due to hostile relations between the state elites. The history of enclaves in this region began in the late seventeenth century, when the Mughal Empire failed to occupy the Cooch Behar kingdom. Powerful landlords from that kingdom retained possession of their lands in the area dominated by the Mughal state, either by holding out against the invading troops or by entering into alliances with them. Similarly, landlords from the Mughal area were able



**Map 2.6:** The India- Bangladesh border at Patgram (1) Dohogram-Angorpota enclave (Bangladesh); (2) Tin Bigha corridor (India); (3) Chengrabandha (Indian border check post); (4) Burimari (Bangladeshi checkpost). (Source: Schendel, 2002).

to retain landed estates within Cooch Behar. Like most estates in Bengal, these were fragmented into many scattered plots. Such holdings, detached from the parent estate, were then known as *chhit mohol* in Bengali and as enclaves in English (Schendel, 2002). At the time of the Boundary Commission's deliberation, Cooch Behar and Tripura, adjoining to East Bengal, were princely states and were not a part of British India.<sup>4</sup>

<sup>4</sup> In the mid-eighteenth century, the border with Cooch Behar marked the northernmost limit of British territory. In 1772, however, a British expedition invaded and conquered Cooch Behar. The kingdom was incorporated into the province of Bengal, but the British decided to rule indirectly. The Maharaja and his

Following the 1947 partition, Cooch Behar merged with India and all the enclaves of Cooch Behar became Indian enclaves, and the enclaves that belonged to Bengal became into East Pakistan's enclaves. The Radcliffe award left 130 Indian enclaves in East Pakistan and 93 Pakistani enclaves in India (Karan, 1953). Indian enclaves had an area of 21,000 acres with a population of nearly 13,000, whereas, Pakistani enclaves in India comprised 12,000 acres with a population of about 11,000 (Karan, 1966).

After independence, India and Pakistan never made any serious attempt to try to extend their administration to the enclaves locked in one another's territory (Karan, 1966). In August 1950, both the countries agreed upon some procedures to maintain communication between mainland and enclaves which, surprisingly, was limited to state officials visit in the enclaves and transfer of some goods within a month.<sup>5</sup> Unfortunately,



**Figure 2.1:** *Left:* The chairman of an Indian enclave in Bangladesh poses in front of his house. His left foot is in India, his right foot in Bangladesh. He has extended his house into Bangladesh in order to acquire electricity and a postal address in that country. *Right:* Pillar marking the boundary between India and the Bangladeshi enclave of Nolgram. The villagers are standing on a road in Indian territory, looking towards the photographer who is standing in Bangladesh's territory. (Source: Schendel, 2002)

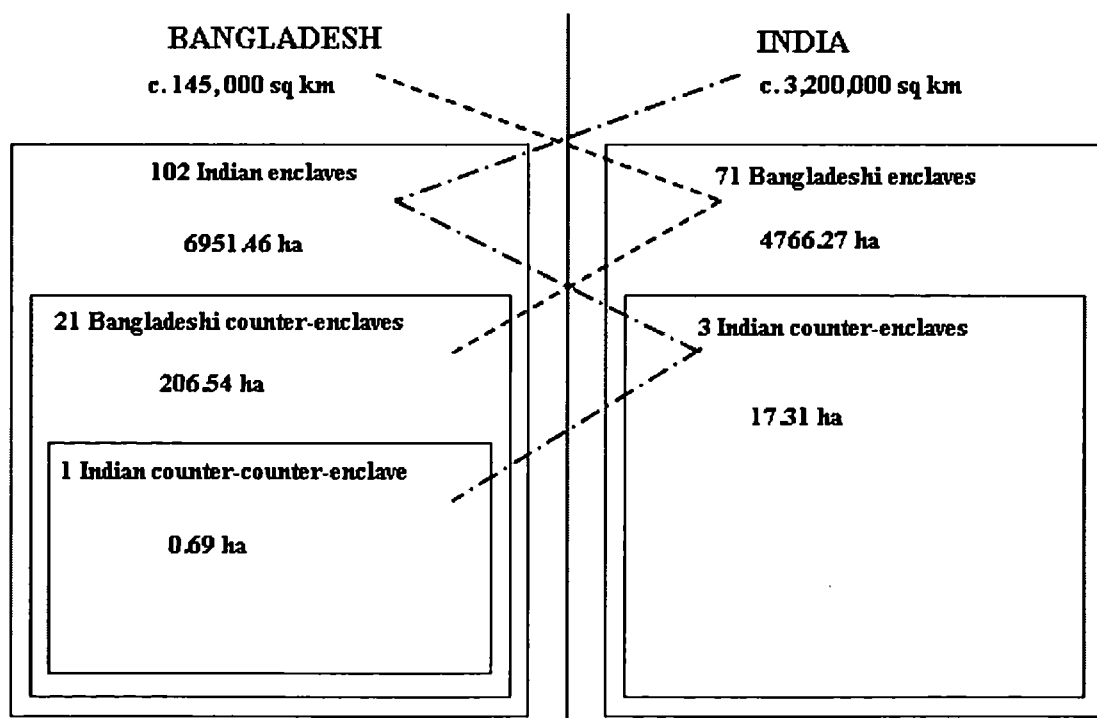
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administration were retained under the control of a British political agent. In this way, Cooch Behar survived as a Princely State, surrounded by directly ruled districts (Karan, 1966; schendel, 2005).

<sup>5</sup> William Van schendel (2002) explains that under this agreement, district officials were allowed to visit enclaves if they had a photograph identity card and if their visit was announced by telegram no less than fifteen days in advance. They would then be escorted back and forth across foreign soil. Police officials also could visit the enclaves, provided they wore uniforms and went unarmed. Certain goods could be transferred into the enclaves once a month and tax revenues could be collected once every six months.

it ignored economic activities, medical and education facilities, security of enclave people and restricted their movement off the enclaves. Therefore, enclaves' people are surviving isolated as inhabitants of islands in the ocean of another state's territory. However, until October 15, 1952, there were no restrictions on their movements, but a passport-cum-visa system of travel was introduced later (Karan 1966; Chatterji, 2001).

However, real sufferings and state contentions arose after closing of the border when enclave inhabitants crossed the border illegally. These people live in extreme poverty and most of them are not at all aware about their illegal border crossing. Again, if they want to obtain a passport they have to cross the border illegally twice, firstly to obtain to passport and secondly to obtain a visa. Although both India and Pakistan realised the complexity involved in implementing implement the 1950 agreement, yet it took more than 10 years to reach further agreement to transfer the enclaves between them. However, that agreement has was never been implemented and has become a sensitive political issue in India. As a result of boundary agreements, the number of enclaves was reduced to 123 Indian enclaves in Pakistan and 74 Pakistani enclaves in India by 1965 (Karan, 1966). However, India and Pakistan could not finally resolve enclave issues prior to the independence of Bangladesh.



**Figure 2.2: Diagrammatic representations of the topology, number and area of the Indo-Bengal enclaves along the Cooch Behar border. (Source: Whyte, 2002).**

With the birth of Bangladesh in 1971, life became easier for the enclave-dwellers as they then re-established some connections with the surrounding society. Schendel (2002) explains that some even took on two identities, one in the enclave and one outside. Residents of an Indian enclave would use a Bangladeshi address, and thus it became possible for them to send their children to school in Bangladesh, to receive mail, to get treatment in a hospital, and to register marriages. A few enclave people with land both inside and outside the enclave built their houses across the boundary line in order to obtain access to state services, e.g., electricity (Figure 2.1). Additionally, enclaves' people have built up their own social institutions while they have been deprived of state facilities.

Once again, a very unusual and complicated pattern is apparent. Some Indian enclaves in Bangladesh contain counter-enclaves, which belong to Bangladesh. Similarly, those counter-enclaves can contain another counter-counter-enclave which belongs to India. Therefore, four sovereignties can exist in a small area (Figure 2.2). If we also consider Bangladeshi counter-enclaves, these people are Bangladeshi citizens but cannot licitly avail the services of their state as they are completely surrounded and cut off by an Indian enclave. Economically and socially, the enclaves remained integrated with the surrounding state. However, they are linked with their own country only for land registration.

However, the 1974 Land Boundary Agreement says, 'The Indian enclaves in Bangladesh and Bangladeshi enclaves in India should be exchanged expeditiously' (Article 1(12) LBA, 1974). As mentioned earlier, the Nehru-Noon Agreement of 1958 tried to resolve the confusion of the Radcliffe line over the *Berubari Union*. It decided to divide the *Berubari Union* horizontally into two equal parts, and they were assigned to the adjacent countries. Astonishingly, none of the state elites considered that the Pakistan adjoining part was a Hindu majority area. Thereafter, India wanted to exchange the southern Berubari with Pakistan in exchange for 'an equal or about an equal quantum of territory' just following the Nehru-Noon agreement, but Pakistan did not agree (Bhasin, 2003a). After Bangladesh's independence, Indira Gandhi made a similar approach to Bangladesh and Sheikh Mujib agreed to exchange Southern Berubari with Muslim majority enclaves of Dahogram and Angarpota in return. Since the two enclaves were not contiguous to the Bangladeshi mainland, India made the offer attractive and acceptable by proposing to

lease a 187×85 sq metre corridor in perpetuity to access those enclaves, known as the '*Tin Bigha Corridor*' (Article 1(14) LBA, 1974). Therefore, article 1 (12) & (14) of Agreement 1974 has endorsed this exchange. However, other enclaves have had no change in their fate as yet, as bilateral irritation has continued over the Dahogram-Angorpota issue.

India took two decades to lease the *Tin Bigha* to Bangladesh, which created distrust and antagonism between the countries. It came into effect on 26 June, 1992. Bangladeshis have access to Angorpota and Dahogram through the corridor on alternate hours during the daylight period, subject to mutually agreed modalities, but its sovereignty remains with India.<sup>6</sup> India has fenced all along this area and a gate exists to enter *Dahogram*, where the gates are operated by the Indian side on its terms and thus Bangladesh's access through the '*Tin Bigha Corridor*' basically remained under Indian control (Press Briefings, Ministry of External Affairs, Government of India, 26 June, 1992; Schendel, 2002). Although the agreement provided the impression that all the enclaves would be transferred within a few years, as both India and Bangladesh had friendly relations at that time, regrettably, this did not happen as expected and took almost 20 years to resolve only one case of an enclave.

While, 'expeditious' exchange of enclaves was expected in the LBA, only an agreed list of enclaves was prepared and signed within two decades. This list, signed in April 1997, refers to 51 Bangladeshi enclaves in India and 111 Indian enclaves inside Bangladesh (Report of JBWG, 2001). Surprisingly, the number reduced after 1965 without any further exchanges taking place. However, the JBWG report claims that the transfers of enclaves are being delayed because of India's legislation, where the problem is two fold: firstly, the exchange of enclaves could take place immediately after ratification of the LBA and secondly, this ratification requires completion of demarcation of the boundary. In contrast, the Indian Parliament adopted the necessary constitutional amendment in 1960 to ratify the Nehru-Noon Agreement, 1958, on the same border as prior to completion of the demarcation. Though the Nehru-Noon Agreement took only two years to be ratified by the constitutional amendment, unfortunately, the 1974 agreement has not yet seen the light of day. Of course, the 1960 constitutional amendment confirms that any 'legal

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<sup>6</sup> According to press briefings by Indian Ministry of External affairs in 26 June, 1992, the *Tin Bigha* corridor remains an integral part of India, where India's sovereignty and the acceptance of its laws and the reach of its administration remain unchanged.

problems' can be solved constitutionally. Therefore, either the 1960 and 1974 scenario was different, or India does not have an earnest aspiration to retain the agreement.

## **Partition and Borderland People**

Partition fragmented Bengal, where people were living in the same climate, soil, language, religion, customs and food. Ecological variation in the two regions was very slight: East Bengal received higher rainfall and was criss-crossed by canals and rivers which played an important part in people's lives (Kudaisya, 1996). Therefore, socially and geographically the Bengal peoples were almost integrated. In addition, both were also highly dependent on each other economically, such as in the case of Hooghly-Calcutta which was the heart of Bengal as it was the only industrial zone of undivided Bengal where East Bengal produced raw material. All these issues imply a complicated situation for the new-born Pakistan and India in imposing a border as a barrier.

Now, if we consider the paradox of the Radcliffe Award and livelihoods in the borderland, a tragic history of the reshaping of social and economic life in the borderland becomes be apparent. First of all, people living in the border land had no sense of international borders as they had never experienced this phenomenon before. As, William Van Schendel (2005: 118) enlightens, 'It was a fine day for soccer, and the boys of Lamazuar crossed the river to play a friendly match in the next village. They had done so many times before. Only this time it was early 1948, and Partition had turned the village river into an international border between India and Pakistan. The entire soccer team was arrested and thrown in jail'.

Such incidents were very frequent in the fringe areas after partition. It was very strange to these people that friends, neighbours and relatives became alien, and that any visit to them was crossing the border. However, these impoverished people learned gradually what the new border often meant measurable suffering. However, such guarding was not in place all through the border, and a large portion of the border was unguarded. Therefore, 'large numbers of refugees crossed the open border in search of safety and better life, notably Hindus fleeing from Pakistan and Muslims from India. Apart from refugees, there were numerous cross-border settlers, for example, women who married a husband across the border or children who went to school or college across the border and then found a job in that country.' (Schendel, 2005: 119).

The people living in the border lands exist below poverty level and the principal economic activities include agriculture, wage labour and trade. In many places, the border separated the peasants' homesteads from the plots which they cultivated; therefore, cross border holdings created a problem both for land holders and state officials. Although both the governments permitted movement across the border for such land holders, yet they also suffered from robbery and sometimes were assaulted by security guards. But the introduction of passports since 1952 has restricted movement and cultivators have lost their hold over lands across the border. The peculiarities of the border in certain places also made things difficult for the agricultural wage labourers. On April 25, 1948, the West Bengal police fired upon some wage labourers of Rajshahi, from East Pakistan, when they crossed the border for harvesting a piece of *char* land which was under the criminal jurisdiction of Murshidabad, but its *khasmahal* (revenue management) was being carried on by the Collector of Rajshahi. Government Press reports outlined the ongoing dispute over territorial jurisdiction, and accused each other of illegal actions. (Roy, 2006)

The border also cut many villagers off from the markets that served them. Thus villagers had to cross the border to purchase goods they needed. Also, a prominent feature all over the densely populated borderland was a system of interlocking village markets (*hat*). Inhabitants from many surrounding villages visited these markets at least two or three times a weeks to sell their products and buy whatever they might need. But, there was uncertainty, robbery and harassment, thus, such cross border markets could not be sustained. As a result, cross border demand for products and food grains introduced smuggling as a lucrative business in the transitional zone. However, the above mentioned sufferings in the border areas have not alleviated even after the independence of Bangladesh. These people remain living under same uncertainty, feel assaulted and are threaten in the continuation of their daily life.

## **Conclusion**

The 'end-game' of the British, Muslim league and Congress, and accordingly the devolutionary settlement of 17 August 1947 was a combination of power thrust, clumsy moves and collective error. Although Mountbatten was given a June 1948 deadline by which to disentangle Britain from India, within a few months he decided to bring the decolonisation deadline forward, to 15 August, 1947. Furthermore, both Jinnah and Nehru wanted to end the boundary commission's task as early as possible and to take

over power. Thereby, apart from the imperial legacy, restive state elites of undivided India were also responsible for an 'incomplete and vague' demarcation procedure. In the end, Mountbatten's boundary-making effort was a failure in terms of boundary-making, but a striking success in terms of providing political cover to all sides. Possibly, it is the unique example of 'map based', more accurately, 'laboratory', partition where only one person divided a huge area within six weeks time despite his ignorance concerning the spatial reality of the region. Staying in Delhi, without any physical survey and only using some outdated maps, Radcliffe decided the fate of voiceless millions.

Therefore, the partition history tells us how the state elites generated many border disputes which are yet to be resolved. On the other hand, Nehru and Zinnah did not end up with a mutual solution over the unresolved issues. The high hope that Nehru and Zinnah expressed during time of partition to resolve border matters through mutual dialogue has been missing since 1947 up until the present. Regrettably, the unreceptive relationship between the Muslim League and the Congress in united India were ultimately transferred to new-born Pakistan and India following their independence. As such, hostile relations between India and Pakistan hindered implementation of the Radcliffe Award even two decades further on. Nonetheless, the emergence of Bangladesh could not resolve the problems. As a result, border demarcation is still incomplete to date. The exchange of enclaves could take place immediately after ratification of the LBA but this ratification requires completion of demarcation of the boundary. Therefore, Bangladesh-India border is a victim of politics.

On the other hand, politically tailored, 'religion based division', forced many borderland people to move out from the state where they would be in a minority, thus forcing them to be refugees. The laboratory style partition has constrained the natural movement of people and the economic activities of borderland communities. Such stress, eventually, is likely to encourage them to adopt alternative measures for survival, which might then be a potential threat to border security. Borderlands of this region are completely impoverished, threatened, and marginalised, and cannot be zones of economic activity. The next chapter will shed light on Bangladesh-India border security practices before 9/11 which will elucidate how these unresolved issues hinder proper border management policies and practices. The next chapter will also provide an insightful discussion by exploring the Bangladesh-India border security threats prior to 9/11.



## CHAPTER 3

*Border Surveillances, Security Threats and  
Economic Cooperation in the Pre-9/11 Period*

## **Introduction**

The creation of an international border through Bengal illustrates how the partition of India coincides with the birth of the Bengal border. On the other hand, contested demand for economically viable territory, the unprecedented rush of Nehru and Jinnah to conclude border making in the least time, and Mountbatten's active role in immediate withdrawal of colonial power constructed a chaos over the map making of the whole Indian subcontinent. Above all, it was Radcliffe, whose inefficiency and ignorance led by a very unscientific method, who constructed a map with numerous errors. Consequently, the Radcliffe award created many confusions, difficulties and disputes in implementing the border on the ground. This not only created problems for the states in implementing the border, but has affected the life and property of the borderland community. In fact, the international border bisecting Bengal not only divided its political map, but also disrupted a thousand years old set of social, cultural and economic linkages and unity. Under the borderland aspect, the partition which shaped the new international borders was unprecedented. As a result, cross border social practices contested the border and this has hampered the border demarcation process and has several times led to border disputes. In addition, previously strained party relations between the Congress and the Muslim league were transferred to relations between India and Pakistan, which then obstructed smooth border delimitation and demarcation processes. Consequently, several disputes that surfaced, either at the time of partition or in its aftermath, are yet to be resolved due to ineffective state will to resolve them.

On the other hand, both India and East Pakistan (Bangladesh, following its independence from Pakistan 1971) realised the intrinsic connection between border, territory and security. Thus, they tried to establish the border as a barrier through border control, although effective border surveillance on the Bengal border materialised only after Bangladesh's independence. Both India and Bangladesh identified their security threats and opportunities for border trade, and thus prepared a policy guideline for guarding the border and checking unauthorised entry. This chapter focuses on state policy and practices of border security. In contrast, non-state actors also found their own ways to maintain illegal activities across the border because of permeable terrain, state incapacity, and ineffective guarding. Considering the above issues, an understanding on Bangladesh-India border management practices demands a narrative on border maintenance, its

problems and challenges to border security. It is also important to consider the permissive and discriminatory function of border, i.e. the contradiction between ensuring security and border trade.

Borders have always been a topic integral to discourses of international security and world politics (Muller 2005). But the events of September 11, 2001 caused a major shift in the course of the security measures for international borders, and the Western world became more concerned to address cross-border problems. This study elucidates the security threats pre and post 9/11 in two different chapters. This chapter portrays border management practices and threats to the Bangladesh-India border security before 9/11. This explains how the six decades old errors became enduring disputes and have a role in shaping states' geo-politics in the twenty first century. This chapter contains six sections and several sub sections. The second and third sections explain the border management practices on both sides of the border and the limitations and problems for proper border surveillance. The fourth section explains the major illegal activities across the border and the threats to security. The fifth section focuses on border trade at different points of the border and how security issues affect economic activities and border trade. Finally, this chapter concludes with a summarisation of major security initiatives taken by the states and potential threats by violent non-state actors and, then, directs attention to the next chapter.

## **Border Maintenance**

Surveillance serves to sustain borders through defining the grounds for exclusion and inclusion, whether to physical places, opportunities or moral categories (Marx, 2005). On the whole, the state's capacity, degree of security threats and inter-state relations at regional level, determine the grounds for inclusion-exclusion and relevance of different border surveillance techniques for different countries. State surveillance capacity is determined by the resources available, including not only the budgetary, material or geographical restraints, but also political will. Distinct from the ability of the state to control its border, we must also examine the degree to which the state polices its citizens and its border (Zureik & Salter, 2005). Therefore, border regulations often rely on old traditional mechanisms of authority, such as employing military forces and signing treaties; but also on new means such as employing police and delegating to private

agencies, to which some regulating functions or product have been assigned (Pellerin, 2005). Different levels of restrictions, based on sophisticated technology and private agencies are mainly evident in the EU and North America. In South Asia, especially in the Indian subcontinent, borders are regulated mostly by traditional mechanisms. In the case of the Bangladesh-India border, boundary line management and access control are handled by the border security forces of these two countries.

### **Administrative Control over Access**

In a state territory, there are two essential features to function to restrict unauthorised entry, a) remote control or administrative control, and b) the boundary line control. Although, some administrative measures exist to restrict movement through this border, border guards of Bangladesh and India play the central role in securing their respective territory from unauthorised entry. Like many other countries, people crossing the international border through Bangladesh airports and seaports are checked in a systematic manner by the national authorities. Consular services of the High Commission issue visas for foreign nationals to enter the country, and the Customs Offices handle the movement of goods. Among the nations with which Bangladesh has diplomatic relations, the movement of individuals and goods are greatest with India since Bangladesh's independence. Bangladesh has links with India by air, road and water. However, Bangladesh has opened border trade with another contiguous neighbour Myanmar, though negligible in compare to Bangladesh-India border trade. Indian security measures at airports and seaports are similar to those in Bangladesh.

In 1972, the governments of Bangladesh and India reached an agreement to regulate movements between these two countries. Following the agreement, a special passport scheme was introduced to encourage movements between Bangladesh and India as a part of efforts to promote overall bilateral relations. Other arrangements within this agreement are: i) the 'Bangladesh Special Passport' and the 'India-Bangladesh Passport' issued by respectively the Bangladeshi and Indian governments to facilitate easy movement only between those two countries; ii) an international passport issued by both the governments to their respective citizens with appropriate endorsement; iii) Bangladeshi and Indian nationals, who are holders of valid travel documents, are eligible to cross the border only through designated border check-posts; and iv) holders of border trade permits issued by

the two governments for their nationals under the 1974 Trade Agreement are exempted from passport and visa requirements. In 2001, a revised arrangement of travel was signed to facilitate the granting of long term multiple entry visas to businessmen, investors, professionals, research scholars, and students, and for people visiting on medical grounds.

There is a system of institutionalised interaction for discussion of border management through the meetings of the respective Home Secretaries, Joint Working Group and Director General (DG) level talks between the Border Security Force (BSF) and the Bangladesh Rifles (BDR) (Ministry of External Affairs, India, 2007). This institutionalised interaction is largely for inter-state border conflict resolution, held in three spheres. As a state engagement on border issues, the Home Secretaries conduct meetings on different border related issues, ranging through security and trade. However, this effort is quite irregular and essentially depends on political relations among the state-governments. Besides the bureaucratic engagement, both the countries have established a technical body, the Joint Boundary Working Group, to find a way to resolve outstanding border disputes. Again, there is a provision to hold a meeting at this level, alternately in India and in Bangladesh, to maintain cooperation between border guarding forces so as to ensure effective surveillance in the border areas.

### **Border Line Management**

On the whole, the BSF and the BDR defend the respective sides of the border to ensure effective border surveillance, which is carried out from the Border Outposts (BOPs). The BOPs are constructed all along the border to promote a sense of security amongst the border population and to prevent trans-border illegal activities. In the BDR, a BOP normally comprises 15-20 soldiers and in BSF the number is a little higher at 20-25 soldiers. There are approximately 45 battalions of the BSF, about 725 BOPs, (Jamwal, 2004) and 41 battalions of the BDR, with about 520 BOPs, (Chowdhury, 2003) deployed to guard the border. On average, the distance between BOPs varies from 10-20 km in Bangladesh, and 5-6 km in India.

Border security forces of both the countries are charged with the responsibility of preventing smuggling to and from their respective territories. Although both border security forces are largely empowered to secure their own lands, they have to create close coordination with each other and associated agencies. On the other hand, the BDR have

some additional power to handle menaces in border region. For example, the Customs Act 1969 has empowered them to search and arrest smugglers and seize their goods within 5 kms in from border (Chowdhury, 2003). Thus, the Government of Bangladesh has deployed the BDR to prohibit unauthorised trade in addition to their normal border duties. Approximately one-fifth of the total force is on patrol in the border areas at any time of the day or night (Chowdhury, 2003). To manage the border there are three concerned agencies – the BDR, Customs, and Police.

A set of guidelines is in place for the two border guarding forces to maintain communication under the Joint India-Bangladesh Guidelines for Border Authorities, which was established in 1975 to avoid border incidents and to properly guard against undesirable trans-border activities under a range of different circumstances. It explains how adequate communication at various levels of border guards is essential for the maintenance of close liaison between them. The guideline suggests telephone communication between two opposite Company and Wing Head Quarters and between important border posts of either side. In addition, a flag meeting is also accepted in the absence of telephone contact. Furthermore, if a BOP is situated far away from the border line and it is impossible for visual contact to be maintained, then a message for meeting through a messenger to the opposite party can be used for communication. Thus, in the crisis moment flag meetings and telephone communication sometimes effectively work to ease tension or prevent casualties.

Both India and Bangladesh have agreed that all border problems should be amicably settled by mutual consultation, as early as possible, between the authorities of border districts. If problems are too severe to resolve at local level, they should be immediately referred to the central governments. In the event of border incidents, there are procedures of joint enquiry to settle the problem immediately. On the other hand, border forces members should not participate in any quarrels between nationals of the two countries living in the border lands. To avoid incidents, border forces should prevent the entry of armed civilians within 300 yards of either side of the border. The Border Guideline 1975 also emphasised the need for cooperation between the two border security and police forces to enable the eradication of trans-border crimes, smuggling etc by the mutual and timely exchange of information and intelligence at the appropriate level. But there was no indication concerning how these state agencies would share their intelligence information

in order to curb border menaces jointly. There are also two provisions to handle criminals; firstly, if one country has crime information relating to the other country's nationals, the country in which the nationals belong will take appropriate action against those criminals according to the law. Secondly, whenever, a person commits a crime in his own country and is apprehended across the border, they should be handed over to the border guard of the criminal's own country, at an officer level, after the matter has been dealt with according to the law of the land (Land Boundary Guideline, 1975). It is also regarded that if nationals of one country transgress the working boundary and enter illegally and commit or attempt to commit an offence, the border security forces would be at liberty to take appropriate action in the exercise of the 'right to private defence' preferably without resorting to the use of firearms (Land Boundary Guideline, 1975).

### **Enduring Disputes on the Bangladesh-India Border**

The outstanding border disputes fall broadly into two categories, such as, local issues which create significant border tensions scattered into different points of whole border, and national issues which are basically dealt by the state elites. In many cases, local disputes or occasional skirmishes between border guards create irritation in bilateral relations and vice versa.

#### **Undemarcated 6.5 km border**

As I mentioned in the last chapter, 6.5 km of the Bangladesh-India border located in three different locations are yet to be demarcated. Neither the Radcliffe award describes the border location clearly, nor could the states achieve a solution concerning these undemarcated portions. Therefore, conclusive demarcation of the whole border is impossible. Both India and Bangladesh claim an area of 91 acres, named Daikhata, on the West Bengal – Bangladesh border and in consequence demarcation of 1.5 km of border there is still awaited. Bangladesh refers to the Cadastral Survey 1910-11 and its Gazette Notification, the *Mouza* map, the *Thana* map and the Boundary Commissions Report 1939 as documentary evidences to establish her claim. On the other hand, India refuses Bangladesh's reference to maps which they claim do not cover that area at all. In contrast, India follows the Pemberton Revenue Survey Map 1858-59, which shows that area to be inside India (Chowdhury, 2002). During the JBWG meetings, the delegations of both sides have been arguing the rationale of their proposed maps as standards for this border

demarcation. The Pemberton Revenue Survey Map shows the territory to be within India and the Cadastral Survey shows Daikhata as being within Bangladesh. Both India and Bangladesh want to hold on to Daikhata, and their respective proposed maps support their respective arguments.

The *Muhuri* River, entering Bangladesh from Tripura, forms a portion of the south east border of Bangladesh. However, a dispute continues in the demarcation of the border in this spot, ‘... because the LBA did not mention anything regarding the two end points of the river between which the mid-stream would form the boundary’ (Report of JBWG, 2001). Consequently, there are contradictory arguments defining ‘the two end points’<sup>1</sup>, thus, this 2.5 km section of the border is still undemarcated. Notably, the water course of the *Muhuri* River has been shifted towards the right bank, the Bangladesh side, due to construction, extension and advancement of spurs and bank protection works along the left bank of the river in Indian territory (Nishat and Faisal, 2000; Faisal 2000; Nazem and Kabir, 1986). If present erosion continues, then certainly delays in demarcation will entail a territorial loss for Bangladesh, as the mid-stream of the river will be defined ‘at the time of demarcation’ as per the LBA. Another dispute positioned in the Tripura-Sylhet border continues due to non availability of maps. In this segment, the problem lies with the sovereignty of a *Mouza*, named Dumabari. Both Bangladesh and India continue to be rigid in their contradictory claims over the *Mouza*. Previously, both India and Pakistan were blaming each other for concealing the original *Mouza* map (Kaur, 2001). The land in this area is under the administrative control of Bangladesh; however, the land revenue is being paid to India (Jamwal, 2004).

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<sup>1</sup> Joint Record of Discussion of Meeting of the Bangladesh-India Joint Boundary Working Groups - I, held 2001 and II held March, 2002 elucidates Bangladesh and India’s position regarding disputed borders. Bangladesh considers that the spirit of the LBA was to demarcate a boundary along the mid-stream as it existed in 1974. At the signing of the LBA, a Joint Field Survey team of the two countries surveyed the course of the river in 1978 and a strip map was also prepared. The course of the river as shown in the map, prepared through the Joint Field Survey in 1978 and the Chakla-Roshnabad Cadastral map of 1892-99 should form the basis to determine the mid-stream of the *Muhuri* River. Bangladesh argues that since the Noakhali/Comilla-Tripura (as per article 1(6) of LBA) sectors were demarcated according to this map, the demarcation of *Muhuri* River, which is geographically located in the Noakhali sector, should be based on the Chakla-Roshnabad Estate CS Map. Whereas, India opposes this, saying that if the *Muhuri* river (Bilonia) set in 1(5) in the LBA and the remaining portion of the Tripura-Noakhali/Comilla set in 1(6) were to follow the same map then there would have been no need to have separate provisions for any reference to the two sectors. India also argues that any reference to the map of 1978 is obviously contrary to the provisions of LBA signed in 1974. The LBA clearly specifies the mid-stream at the time of demarcation.



## Disputes over Fencing

In 1955 Pakistan fenced short stretches of border, especially near customs posts at *Hili* (located in the northern part of Bangladesh-India border) to prevent free movement of smugglers, but which elicited a protest from India (Schendel, 2005). On the other hand, the idea of fencing the border was first proposed in India by the politicians of Assam in 1964. There was a protest in Assam that illegal immigrant from East Pakistan were causing a remarkable change in their local demography (tribal-non tribal ratio). Soon after the suggestion of completely sealing the border, the government of India decided to prevent infiltration by putting a barbed wire fencing in selected areas (Kar, 1997). However, this was primarily a political statement and the work did not proceed until a violent upsurge in Assam arose in 1979. This was an anti-foreigner movement, because the demography of Assam was changing due to the pressure of new settlers, and indigenous groups were becoming minorities. However, the movement was for the deportation of all Bangali and Hindi speaking people settled there from Bangladesh and other parts of India. Similarly, other provinces of India adjacent to Bangladesh, West Bengal and Tripura wanted government action to stop infiltration from Bangladesh. Following the demand the government considered the erection of a fence in West Bengal, Tripura and Assam to cover a 3200 km border (Bhasin, 2003a). Accordingly, in 1986 the Indian government approved the Bangladesh-India Border Roads and Fence Project 'with a view to prevent infiltration of Bangladeshi nationals'. India's fencing project covered construction of single to double wired composite fences fitted with sophisticated electronic devices, especially on the India-Pakistan border. The project included 2,800 km



**Figure 3.1: Left: Keeping vigil: A BSF soldier in the Bangladesh-India border); Right: Indian soldiers patrolling through Agortola (Source: Chattopadhyay & Habib, 2006).**

of border roads and 24 km of bridges along the India-Bangladesh border (Schendel, 2005; Jamwal, 2004).

The fences (Pakistan and Bangladesh border) are constructed with single to double wired composite fences fitted with sophisticated electronic devices, especially in India-Pakistan (Ray, 2006). Bangladesh did not oppose the border fencing project, but disputes arose over the distance of the fence from the 'zero line'. Referring to the India-Bangladesh Border Guideline<sup>2</sup>, Bangladesh argued that the 'barbed wire fence' was a potential defence structure which cannot be constructed within 150 yards of the No Man's Land (NML). In contrast, denying Bangladesh's claim, India explained the fence as a 'physical barrier' intended to stop smuggling and other illegal movements across the border. However, India constructed the fence leaving 150 yards clearance in most places. However, disputes remained in some places where Indian settlements are over the NML, thus, Indian authority wants to take them inside the fence, but Bangladesh opposes this. Consequently, high level disagreements are also reflected at the local level, where both border guards exchanged fire on the erection of fences in the NML.

While Bangladesh is surrounded on three sides by India, undoubtedly fencing the border creates some irritants in the bilateral relations. However, India's threat perception from weaker neighbours and fencing itself off suggest a dichotomy between border protection and economic activities in the borderland. Significantly, fencing gives India potential control over all movements across the border, legal or illegal, as they maintain the border-fence gates. Besides, many agricultural lands in the NML are being fenced off. Thereby, Indian villagers are being searched by Indian border guards before being allowed to cross the fence to cultivate their fields. Additionally, Bangladeshi wage labourers, who work in India during the day and come back home in the evening, also undergo such measures.

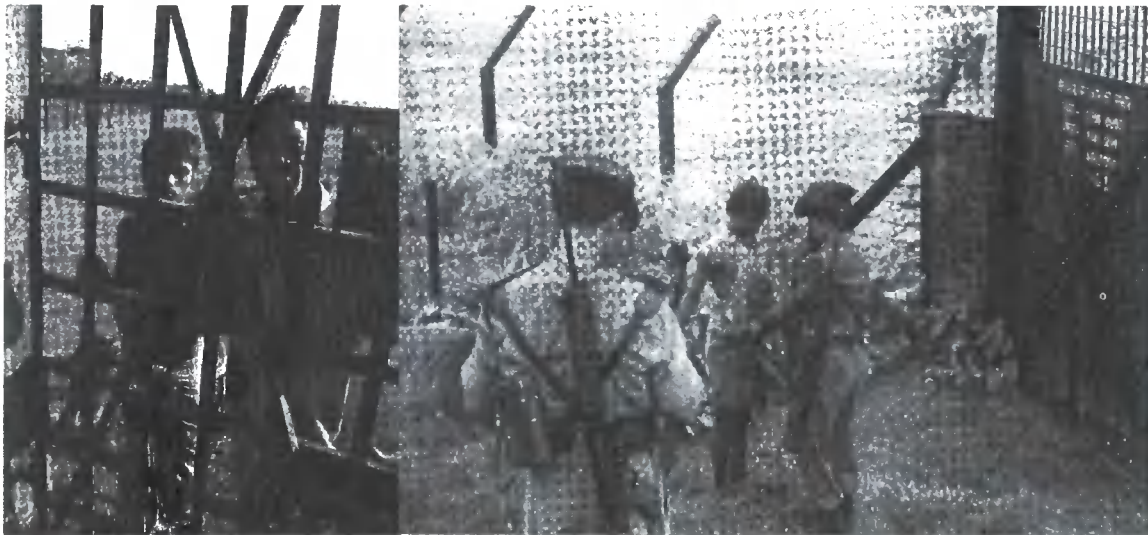
### **Disputes over Territorial Claims and Adversely Possessed Land**

Since 1947, control over the newly formed *chars* has become a source of inter state conflict. For instance, *Taradhar char* in the *Ichamati* River, and *Rajngore char* in the Ganges, became victims of a protracted dispute between India and Pakistan. Similarly,

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<sup>2</sup> Bangladesh refers article 8 (e) of Joint India-Bangladesh Guideline for Border Authorities. According to the guideline, if defensive works of any nature, including trenches, exist in the border stretch of 300 yards (150 yards on each side of the boundary) those must be destroyed or filled up.

India–Bangladesh relations deteriorated downward in November, 1979 when sporadic firing broke out between BDR and BSF over control of the newly formed *Muhuri char* in the *Muhuri River* (Hossain, 1981). Since then, no fewer than 59 inconclusive gunfights have had been fought over it between the Indian and the Bangladesh border guards (Schendel, 2005). Additionally, Indian annexation of a newly emerged island known as *Purbasha* in the Bay of Bengal has not only soured Bangladesh - India relations, but also

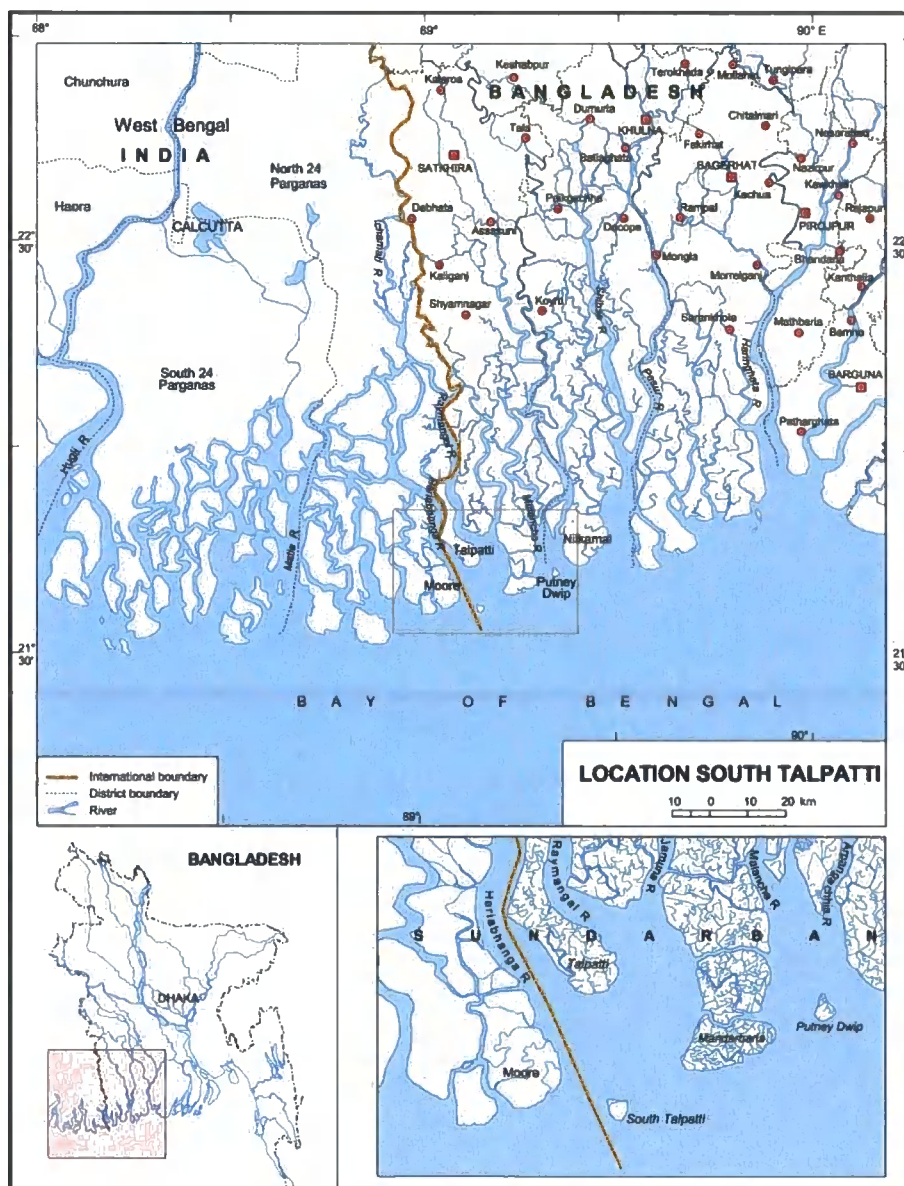


**Figure 3.2:** *Left:* Locked-out Indian cultivators and their cow waiting at the border-fence gate to be allowed to return to their village (near Dhubri, Assam) and *Right:* Indian border villager being frisked by the BSF before being allowed to cross the fence and cultivate his fields (Assam) (Source: Schendel, 2005).

created an anti-Indian public sentiment in Bangladesh (Hossain, 1981). The island is at the mouth of the *Hariya Bhanga River* (Map 3.1), which defines the border between Bangladesh and India. Therefore, it is difficult to define the ownership of the island. Bangladesh lays claim to this island on the assumption that the midstream of the river *Hariya Bhanga* flows to the west of Island, while India claims it on the assumption that the midstream flows to the east of the island (Hossain, 1981; Rahman, 1984).

The issue of Adversely Possessed Land (APL) is another legacy of partition. Adverse possession mostly takes place due to the riverine nature of border at certain places that forms *chars* after the floods. Since 1947, about 3,500 acres of Bangladesh land has moved into Indian possession and about 3000 acres of Indian land has moved into Bangladesh's possession in different sectors of the border (Chowdhury, 2003). According to the LBA, territories in adverse possession are already demarcated, and these territories should be transferred after signing of the strip maps by the Plenipotentiaries. The LBA took almost

one and half years to complete the whole process of transfer, and it was supposed to finish by December 31, 1975 (Article 2, LBA, 1974). However, the signing by Plenipotentiaries could not take place as India argues, 'strip maps can be signed and the adverse possessions exchanged only after ratification of the LBA which requires the demarcation of boundary to be completed' (Report of JBWG 2001, 2002). Therefore, like many other disputes, this issue also remain unresolved because the Indian national parliament has not yet ratifies the LBA. Unresolved APL issues create frequent border incidents, for example, the *Barubari* clash in 2000 left three BDR and sixteen BSF men dead, which is by far the most serious incident since Bangladesh's independence.



Map3. 1: Talpatti at the Course of Haria Bhanga River (Babglapedia 2001)

## **Ambiguities and Flaws to in Managing the Border**

The permissive or discriminatory function of a border varies considerably depending on population mobility and state capacity (Salter, 2005). The existing border surveillance system basically depends on only foot soldiers, which is one of the major limitations in securing a huge and porous border. It is not possible to have a person posted at every few metres to ensure that there are no gaps, and that no individual can intrude into the state's territory. Moreover, there is no special arrangement to secure the border on dark nights and in adverse weather. Besides, a borderland can be quiet, it can be unruly, or it can be rebellious (Baud & Schendel, 1997). Significantly, all the above mentioned criteria are noticeable in different segments of the whole border. However, no parts of the border have any special attention or measures in place to handle problems, either due to state limitations or for lack of proper policy initiatives. Furthermore, the border maintenance lacks technological assistance which can provide border guards with new sets of eyes with which they can monitor the border in any of aforesaid environmental and climatic conditions.

Borders are always contested by social practices and in some sense are arbitrary in their evolution and policing. The borderland economy in this case straddled the border comprehensively. This is very common all through the West Bengal- Bangladesh and North Bengal border, which was previously single unit for the whole region's economy. For example, the presence of border guards in the border town *Hili* failed to prevent everyday economic arrangements there. Schendel (2005:160) quotes a Bangladeshi national, Anisur Mandal, who says, 'We come shopping to Indian Hili often, and we still feel we belong to the same village'. Another person, Sukat Mandal feels, 'I never carry any passport. I am my own passport. I stay in Khulna (Bangladesh), have houses on both sides of the *Hili* border and another one in Mushidabad (India). My brother lives in Calcutta. No border has ever stopped me or will' (Schendel, 2005:173).

Such cross border holdings and kinship on both sides are not surprising, and they cause a serious problem for the control of smuggling and trafficking through this border where smugglers and traffickers easily take shelter in the frontier regions. Not only economic activities, but also religious and cultural ceremonies contribute to movements across the border. Thus, frontier people ignore passport and visa rules to see a doctor, meet friends

and relatives, go to market or cinema across the border. Mr. R. N. Bhattacharya, ex Inspector General (IG) of the BSF comments on this border, ‘It’s the most artificial border of the world. To substantiate his comment he read a report on a group wedding, celebrated in a West Bengal village, where three brides and two grooms were from India and three grooms and two brides are from Bangladesh’ (Rahman, 1997: 43) .

Again, different segments of the border have different topography, i.e. hilly, deep forest and riverine borders, which also creates problem for smooth patrolling. For example, as Jamwal (2004) explains, the riverine border, mostly in Dhubri district of Assam and southern West Bengal, presents peculiar problems because it is difficult to position permanent Border Outposts (BOPs) in the area due to swelling of the Brahmaputra and other rivers that increases the depth of the river by about 9 meters. Almost 250 km length of border is riverine but patrolling is very poor in this segment. As a result, most of trafficking along this border uses the river route, which I will explain later. On the other hand, people of both countries work in close proximity and the boundary passes through



**Figure 3.3:** *Top Left:* A borderland woman is passing by. *Top Right:* A villager in Agartala, Tripura walks past the barbed wire fence constructed on the India-Bangladesh border. *Bottom Left:* A family is communicating with their neighbour through barbed fence. *Bottom Right:* Women cultivate crops behind the fence which marks the India-Bangladesh border at Sunamganj. (Source: Shewly, 2005)

the middle of the villages. In addition, people use the last inch of the land around the border (Figure 3.3). Therefore, settlement patterns and dense population in the borderland facilitates illegal border crossing. The above discussed examples are similar to Marx's (2005) observation who says, given the richness of social and physical reality, that all borders barrier are partial and limited with regard to what they can exclude and include.

The BDR faces many difficulties in guarding the border by comparison with the Indian force. Vast stretches of the Bangladeshi border remain thinly guarded, as the BDR is at least 30 percent deficient in manpower considering the strength of force needed to cover the border lands (Chowdhury, 2003). According to the Home Ministry of Bangladesh, the numbers of the BSF is almost twice that of the BDR. As I discussed earlier, 15-20 people are allocated for each BOP, which covers a 10-15 km length of border, therefore it is difficult to have effective control over unauthorised entries. Communication and distance between BOPs are important factors that affect their operational capability. On average, the distance between one BOP and the next another varies from 10-20 kms on the Bangladesh side. I have interviewed two BDR officers informally, as they refused to attend any formal interview for security reasons. Both of them have served in the border areas as well as in strategic positions at the BDR headquarter. They informed me that there is no good road communication along the Bangladesh border areas, and sometimes there is no road network near border, so that one may have to travel a long distance to get back to a main road. Hence, sometimes the BDR fails to provide additional support and reinforcement to different BOPs at times of crisis. There is hardly any lateral road to connect one BOP with another. Conversely, India has taken initiatives to construct roads in the border areas since the 1990s, and thereby it is easy for them to send vehicles all along the border during urgent situations.

On the other hand, frequent deployment in counterinsurgency and duties against other internal security are reasons for inadequate strength of the BSF in the border area. In addition, the involvement of different agencies in the jurisdiction in the border region also creates problems in many segments of border, which are more complicated on the Indian side. A closer examination of BSF operations by Lakshaman & Jha (2001) reveals that they performs their duties with severe limitations and poorly defined operational procedure, and with a significant overlapping of jurisdictions with other agencies. For example, the BSF and civil police in the border districts are involved in prevention of trans-border crime which creates problems for co-ordination or command and control. In

the absence of formal structures, individual initiatives and discretion often influence the interpretation of respective jurisdictions of various agencies and operational coordination between them.

Similarly, the prevention of smuggling requires a significant level of co-ordination with custom officials and the officials of the Narcotics Control Bureau (Lakshaman & Jha, 2001). Additionally, the jurisdiction of border guarding forces differs from sector to sector, and there is no clear cut demarcation regarding those jurisdictions. In some cases jurisdiction extends for 5 kms and in other cases it is 15 kms, and in some states like Meghalaya it extends through the entire state (Bhardwaj, 2006). Conversely, jurisdiction is not especially critical for the BDR in Bangladesh side. But the BDR has the power to arrest smugglers within 5 kms of border, and operations beyond 5 kms from the border require the presence of a Police Officer or a Magistrate. Smugglers, in turn, exploit the policy.

Although language is not a problem for the BDR to communicate with people on both sides, yet it is an impediment for many BSF soldiers. Due to continuous rotation of BSF battalions, the BSF lack a contiguity of knowledge regarding the terrain, people, language and local sensitivities which, eventually, hampers operational capacities. Hence, Bangladesh has suggested that India should recruit Bengali speaking BSF forces on the Bangladesh-India border to reduce misunderstanding and, therefore, reduce shootings on the border, as the local and enclave people can communicate only in Bengali. Additionally, there is need for the BSF to have specialised knowledge about the border and the people inhabiting the area (Krishan, 2001). Another very crucial aspect of the border management is the frequent shooting of unarmed civilians, which is not legal and is a complete violation of human rights. Van Schendel, who conducted a survey on the killing of civilians for 5 years on the India-Bangladesh border, states that there was not a single mention of border guards being disciplined by their superiors for violence towards border crossers during his survey period. Unfortunately, both politicians and reporters usually glorified border shootings as a necessity for the protection of the national interest (Schendel, 2005). Therefore, borderland people's life security and human rights are at risk.

The problem of inadequacy of border guards is vastly compounded by pervasive corruption among them. Trans-border crimes in the border regions flourish due to



connivance and a close nexus of the criminal-police-administration triumvirate (Jamwal, 2004). Clearly, the border is porous and passage is extremely easy. In the border region, some people conduct an informal business in the handling of illegal cross-border movement by their clients, which is commonly known as *dalal* (broker). Chandal Nandy (2005:81) interviewed one 65-year-old *dalal*, who provided the following statement about his profession:

You want to go to Khulna and meet some of my villagers there? We can leave tomorrow morning at 7, reach Khulna by 1 in the afternoon. We can stay there for a couple of days and return here. No questions will be asked, North East India either any answers need to be given. The only thing that needs to be given on both sides of the border is Rs 400-Rs500 to the BDR and the BSF personnel. Trust me; no one will bother to stop you or me.

This *dalal* told of one of his clients, a 70 year old Bangladeshi Hindu who went to India to meet his married daughter at north 24 *Pargana* of West Bengal, India, and wanted to go across to his village in Khulna district of Bangladesh (Nandy, 2005). However, the above mentioned two examples hint at two potential problems in border maintenance. Firstly, while some members of border guards take such small amounts of bribe for cross-border social movement, then how can they be expected to be honest in the handling of large deals in arms, trafficking or drug trade, which involve very large amounts money? Secondly, social bonds and kinship force people to cross the border illegally, as they do not want to bear the administrative hassles and financial costs to get a visa from the capital, which is far away from their home.

Enclaves are considered to be one of the major outstanding issues for cross border tensions. The enclaves contain the most impoverished people on both sides of the border, without any state facilities and security system, as I discussed in the previous chapter. The state level disagreement and reluctance to resolve disputes on enclaves opens the door for the creation of a safe haven for criminals and smugglers in those areas. Thus, enclaves become convenient points by which to avoid customs and excise duties, border guards and police. The undemarcated land borders, enclaves and adverse possession lands create difficulties in proper management of the border. These enclaves are victims of state political rhetoric which the ultimately exploit the state's security. People living in the border areas trying to cross the border illegally to visit their relatives in other parts create

problems and shooting incidents. Again, people living on both sides are similar in race, language, culture, and food habits, and it is quite impossible to identify someone without an identity card in either country concerning where he really belongs to. On the other hand, most of the illicit activities happen in an organised way with the involvement of border people on both sides where population density is too high. Again, people in the border lands are more impoverished than in any other parts of both Bangladesh and India, and thus cross border smuggling is an easy means to earn money. Further, there are some problems raised over fencing the India-Bangladesh border. For instance, over 60 villages in the NML remain cut off from the mainland because of the border fences (Nandy, 2005). Therefore, these people need to pass through the fence gate to reach their own country. It is very likely that those people will depend on Bangladesh for their required services and that they will cross the border illegally.

The border pillars show the alignment of the border on the ground. Sometimes these pillars are stolen or removed by criminal elements with a view to creating tension on the border (Bhardwai, 2006). Removal of the border pillars is one of the major problems in guarding the border, as well as a source of local level disputes, even though it is clearly stated in the Land Boundary Guideline that an inspection of the pillars will be done annually (February-March), jointly by the BDR and the BSF. In addition, it also agreed that wherever boundary pillars are missing or displaced, they should be replaced as early as possible. Unfortunately, these guidelines have not been followed sensibly; otherwise fact of missing border pillars could not be a source of discord.

## **Threats on the Bangladesh-India Border**

In 1972, both Bangladesh and India identified smuggling, trafficking of illicit arms and ammunition, robbery, cattle lifting, and kidnapping as major threats to national security. However, over time, human trafficking, arms and drugs trafficking, and illegal trading have become the major concerns for both countries.

### **Human Trafficking**

Trafficking of women and children is not only a major concern in Bangladesh; the issue is already considered as a regional problem in South Asia. According to the Centre for Population and Health's (ICDDR) study (2001), the number of trafficked women and

children in Asia, particularly in South Asia, has increased alarmingly over the last two decades. In view of that, trafficking was listed at the top of the agenda for the ninth South Asian Association for Regional Cooperation (SAARC) Summit of the heads of governments of participating countries, held in the Maldives in 1997. However, most of the reports of United States agency for international Development (USAID), Action Against Trafficking and Sexual Exploitation of Children (ATSEC), Bangladesh National Women Lawyers Association (BNWLA), and Integrated Community and Industrial Development Initiatives (INCIDIN) inform of a significant increase in the number of Bangladeshi children and women in recent years who are being trafficked into India and other countries. Estimates cannot easily be tested though, because of the clandestine nature of trafficking, but USAID estimates that 10,000 to 20,000 Bangladeshi women and children are trafficked per year.

Trafficking occurs both within Bangladesh and across its borders into India, Pakistan, and Middle Eastern countries – primarily Dubai and Kuwait. Additionally, research carried out by the BNWLA has shown that the enclaves on both sides have been used as recruitment and collection sites by traffickers (ICDDRDB report, 2001). Geographically, India has boundaries with all the South Asian countries and it is the destination and transit for all trafficked women and children of this region. Therefore, all Bangladeshi and Nepali women and children are trafficked through the Bangladesh-India and India-Nepal border (Table-3.1). Again, Bangladeshi children are also trafficked to Dubai via India.

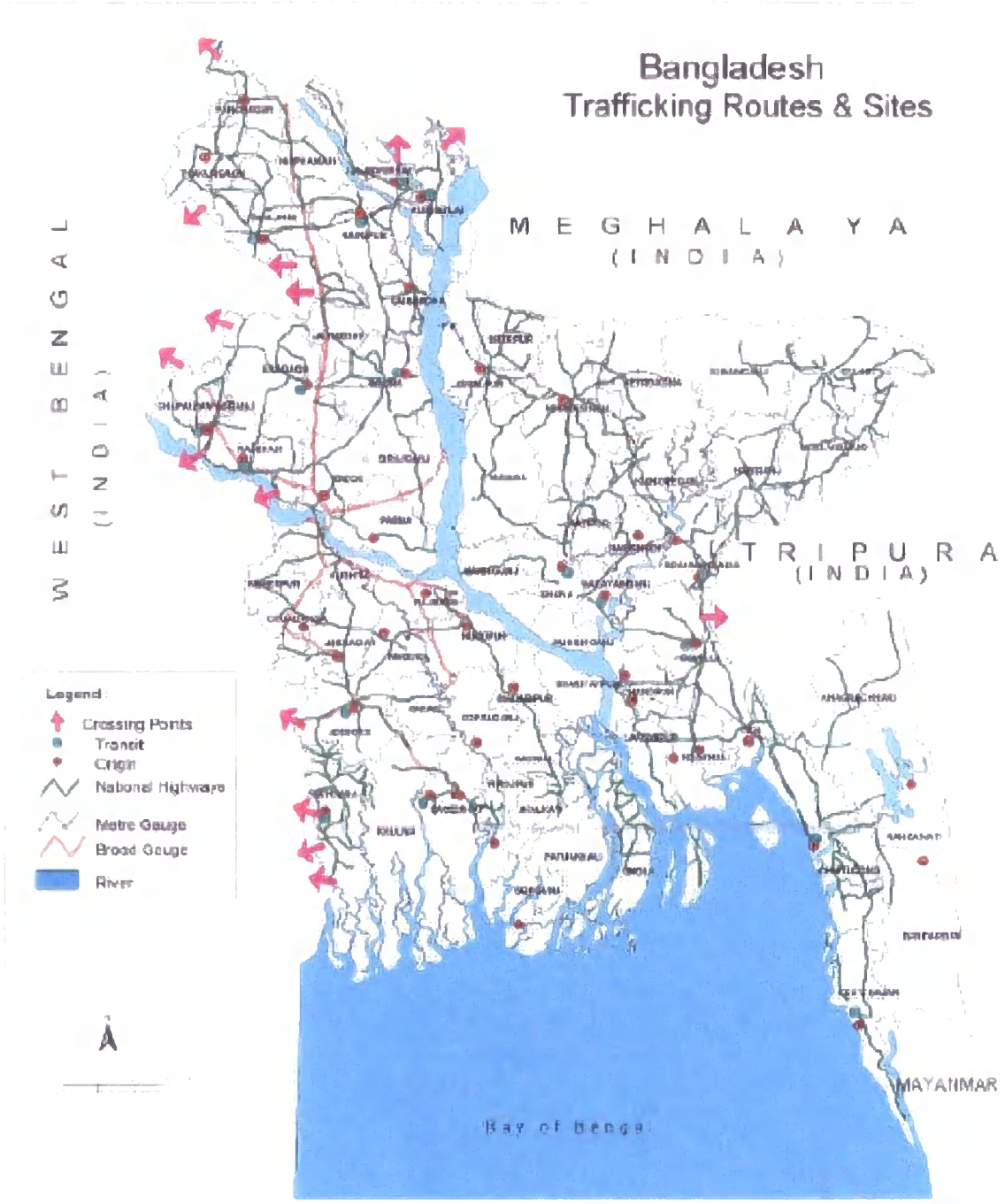
**Table 3.1- Pattern of Trafficking in South Asia**

Source	Intermediate	Destination
Nepal		India
Nepal	India	Middle East
India		Middle East
Bangladesh		India
	India	Pakistan
	India	Middle East
	India	Pakistan
	India	Middle East
Pakistan		Middle East

**Source:** ICDDRDB (2001) has prepared this table with the help of Matt Friedman, USAID, Bangladesh who has extensively researched trafficking in the region.

Table 3.1 explains all the activities of trafficking from Bangladesh to anywhere else using India as a transit point. Again, a large number of Bangladeshi women are involved in the

sex trade in India, mostly in the brothels of Kolkata, Mumbai, and Delhi (ICDDR, 2001). There are large networks of traffickers working at the national level and across borders. Normally, a group of traffickers collects victims from Bangladesh and hands them over to their counterparts in India or Myanmar.



Map 3.2: Trafficking Routes and Sites in Bangladesh. (Source: USAID, 2000)

Bangladesh has more than 4000 km of land border with India, and 28 of the 64 districts of Bangladesh have borders with India. This vast border makes it difficult for authorities to monitor movements, and this allows traffickers to have a variety of routes through the land border (Map 3.2). There are as many as 18 routes in the India-Bangladesh border for the traffickers to continue their activities. Therefore, for entering India through Kolkata, the two most common routes are the Benapol border at Jessore, from whence almost 50 percent of the trafficking takes place (Policy Research for Development Alternatives, 1999).

The findings of the study by Shamim and Kabir (1998) indicate that the Northern region is the most vulnerable area for trafficking, with a large number of upazilas (sub-districts) and districts having common borders with India. Rajshahi and Dinajpur are the most vulnerable among the whole border districts. Since there is no agreement between the countries to tighten the borders, it unfortunately permits traffickers to traffic women effectively and freely (OXFAM, 2000). On the other hand, police also have little power and do not have the authorisation to work with border related issues. In reality, as Wong Robert, US Department of State Chief Political Officer, argues in an interview with Jeniffer Cecilia Emling (2005), it would be more beneficial for the country, and the problem as a whole, if the local police would work with the Bangladeshi people to deal with female-trafficking related issues. During the ninth SAARC Summit, the Heads of State or Government pledged to coordinate their efforts and take effective measures to address this problem, although the BDR and the BSF do not have any joint action programme to prevent trafficking.

### **Illicit Arms and Ammunition**

Like many other regions, South Asia is also experiencing a high degree of low intensity conflict. It is the home of one fifth of the global population in seven developing states with fragile ethnic relationship. South Asian social structure presents a case in point, where proliferation of small arms and spread of internal conflicts with cross border implications go hand in hand (Hussain, 1999). Thus, the largest consumers of small arms are the non-state actors in this region, comprising insurgent groups, separatists, terrorists, drug cartels, extortionists and criminals. The trafficking of small arms in India is fuelling an escalating violent conflict in three distinct regions: Kashmir, the North-East, and

Andhra Pradesh (Small Arms Survey, 2001). More recently, illegal production of arms in the informal sector is now growing in Uttar Pradesh, West Bengal, Andhra Pradesh and Punjab (Small Arms Survey, 2001).

In Bangladesh, small arms were used intensively during the war of independence in 1971 and then by CHT insurgents (until 1997). On the other hand, small arms are used in Bangladesh for political violence. In comparison to most South Asian countries, the small arms problem in Bangladesh remains modest (Small Arms Survey, 2001). In the case of Bangladesh, the use of arms has spread more widely in any disagreement between political parties in power and in the opposition. Insurgencies over the past decades in the Chittagong Hill Tracts, and across borders in the Indian north-east and Myanmar - have also increased the availability of guns. It is difficult to ascertain the number of weapons that come across the border into Bangladesh. However, the Small Arms Survey – 2001, estimates that 600-700 weapons enter into Bangladesh from India and Myanmar each month. Moreover, linkages between different criminal groups in South and South East Asia have increased arms demand and supply in this region. Thus, undoubtedly, the Bangladesh-India border is extensively used for arms trade in both directions, which poses security threats for both Bangladesh and India. Sea ports are also as useful as land borders for arms trading.

We can divide the Bangladesh-India border into two segments to examine arms trading, i.e. the Bangladesh-West Bengal and Bangladesh-North East India borders respectively. If we consider the West Bengal-Bangladesh border, there it is a case of one-way movement of weapons, i.e. West Bengal to Bangladesh. The most frequently used land borders by the underworld network of smugglers are the Bangladesh south-west borders of Shatkira, Bhadiali, Madra, Keragachi, Hijoldi, Borali, Jessor's Shikarpur, Mashila, Jenidah, Mahehpur, Chuadanga (Jibonnagar), Meherpur (Ganguni), Kushtia (Daulutpur) (*Janakantha*, 09 August, 1996; *The Daily Star*, 14 July, 2001). On the other hand, the recovery of 5 tons of Sulphur at the Benapole border indicates the worrying size of such trade which can be used to make explosives (*The Daily Star*, 06 November, 1999). Among the bordering districts, Rajshahi and Chapai Nawabgonj are the major corridors for arms deals (*The Daily Bhorar Kagoj*, 29 January, 2001).

On the other hand, the North East India-Bangladesh border faces mainly two directional movements of arms, intensive networks among the arms traders and users, and the

weapons are sophisticated. AK-47 rifles, mortars and grenade launchers are the mainstay of ethnic conflict in North East India (Neporam, 2004). Moreover, insurgent groups in North East India are not only user of arms; they sell weapons to generate their funds as well. Thus, sixteen north-eastern districts of Bangladesh, especially the frontier districts, are flooded with illicit arms (*The Daily Star*, 19 October, 2000). Conversely, Mizoram province of North East India and Bangladesh's CHT are two important transit points and routes for arms, where Myanmar rebels are also intrinsically involved.

In this region, such trading has reached a two or three-directional arrangement, i.e. Bangladesh-India-Myanmar. Cox's Bazar, the coastal town in Bangladesh profits especially from the small arms trade which in by sea; it is linked with a network of local arms bazaars in the borderland, for example the 'trijunction point' (Map 3.3) where India, Myanmar, and Bangladesh intersect (Schendel, 2006). It is widely acknowledged that there is a significant arms pipeline of sophisticated weapons from islands off Thailand to the north-east of India that travels through Bangladesh's Cox's Bazaar and the CHT (Bhaumik, 2002; Neporam, 2004).

However, the intensity of availability of arms in South Asia is due to the cross-roads there for famous drug trafficking routes. Afghanistan and Myanmar are notable examples of arms and drugs nexuses. Moreover, from the middle of the 1990s, ethnic separatists in India's northeast are taking the shelter of drug mafias as a quick tactic to raise funds. Thus, the geo-strategic location of Bangladesh between two drug zones and ethnic struggles and huge permeable land borders with North East India and Myanmar also make the country a transit route for drug trading

### **Informal Trade**

Ever since Bangladesh's independence, there has been a substantial amount of informal non-narcotics trade between West Bengal-Bangladesh and Bangladesh-North East India in both directions. Much of this trade is quasi legal and is best characterized as 'informal' rather than illegal, because there is wide participation by local people in the border areas; the trade generally bypasses Customs posts, and is enabled because, as S.K. Chaudhuri's classic study noted, 'the field operators generally operate in liaison with the anti-smuggling enforcement agencies' (World Bank Report, 2006).



Map 3.3: Bangladesh, India, Myanmar Trijunction, (Source: Shcendel, 2006)

However, Chaudhari (1995) reports that nearly 95 percent of illegal exports to Bangladesh originate from West Bengal. Commodities exported informally from India to Bangladesh through West Bengal comprise cattle, sugar, kerosene oil, *saree*,<sup>3</sup> bicycle, automobile components and parts, and other consumer goods like plastic items, razor blades, medicines and so on (Taneja, 2004). Items imported from Bangladesh into India through West Bengal consist of synthetic fabrics, spices and *hilsa*<sup>4</sup> fish. Informal exports from the North East Region to Bangladesh comprise fruits, fish, sugar, cattle, raw cotton, spices, medicines, *saree* and coal. Imports on the other hand consist of polythene, palm oil, plastic shoes and a range of miscellaneous consumer items.

Such cross-border trading is carried out due to a close network of agents in both countries. Pohit and Taneja (2003) established that informal traders in India and Bangladesh relied mostly on making personal trips (84 percent) and on their distribution networks (82 percent) to procure relevant information. Furthermore, these traders have developed several mechanisms to alleviate risks. For example, 60 percent of the Bangladeshi traders paid bribes of between 3-6 percent of their turnover, whereas 78 percent of the Indian traders paid between 1-3 percent (Pohit and Taneja, 2003).

<sup>3</sup> The traditional female garment in India, Bangladesh, Nepal and Sri Lanka

<sup>4</sup> The national fish of Bangladesh and also popular in India and Pakistan



Surprisingly, illegal border trade is dominant over the legal form of cross-border trade, where legal procedures and policies of state territoriality and local demand in the bordering region play major roles.

### **Bangladesh-India Border Trade, Transport and Communication**

Geography and the post-colonial partition process made Bangladesh almost landlocked on three sides by India, while India's north-eastern part is also Bangladesh locked. The North-Eastern region of India is connected to the rest of India by a land corridor, named the Shiliguri Corridor, or the 'chicken neck', running between Bangladesh and Nepal, which is only 22 kilometres wide. During the time of British Colonial rule, the whole eastern and north eastern part of the then undivided India were the economic hinterland of two sea ports, Calcutta and Chittagong port (Islam, 2001). Although limited cross-border transport and communication linkages were retained, even after the 1947 Partition, those were fully closed following the 1965 India-Pakistan war. However, following Bangladesh's independence, India and Bangladesh gave utmost importance to the restoration of transport linkages. Many people thought Bangladesh would be an economic bridge for India's northeast to their mainland. The close cooperation between the Indian National Congress and the Awami League cooperated in commencing negotiations on starting road and rail links for the expansion of trade relations.

The Bangladesh-India land border is very important for bilateral trade, either with India or with Bhutan and Nepal. According to a World Bank report, most of Bangladesh's imports from India come via land borders. For exports originating in the Indian states near the land border, land and/or river transport over the land border is frequently the most direct and least expensive route, especially if the market for the goods is in the nearby border areas of Bangladesh; and for trade between the north-east and eastern Indian states and Bangladesh the land border is the only feasible route (World Bank Report, 2006). Land route access can make direct trade between the two countries economical and viable as this region is blessed with direct road and rail links which are usable around the year (Nath, 2004).

The infrastructural links between India and Bangladesh are multi-modal in nature. Four two-way trade routes were introduced in 1972 under the banner of Inland Water Transit and Trade.

These four river routes run through Bangladesh between two parts of India-West Bengal and North East India (Map 3.4). Such an agreement made transport of goods from West Bengal to the north-eastern provinces easy and cheap, due to a saving of almost a week in time. Further, such an arrangement increases employment opportunities and foreign currency for Bangladesh. In addition, Bangladesh also exports its products via these waterways.

Bangladesh and India jointly operate their rail system for five routes, such as rail linkage



Map 3.4: Four two-way water trade routes (Jalil, 2006a)

between two bordering district of Bangladesh and India. However, these rail routes do not cover long distances. There are three broad gauge and two metre gauge rail links, and an agreement for starting a passenger rail service was signed in July 2001. However, all of the routes have been basically opened for goods traffic. Additionally, India and Bangladesh have jointly launched two bus services between Kolkata and Dhaka, which began in June 1999. The bus services had been a long-standing demand of people on both sides of the border. If a person wants to travel through the India-Bangladesh border by their own vehicle, they will be required to have permits from both the of the countries' concerned authorities. There are air connections between several cities of Bangladesh and India. However, there is no arrangement for multi-modal transit of Indian goods through Bangladesh.

Although border trade takes the larger share of total trade between Bangladesh-India, it faces many difficulties. Exporters face problems in obtaining clearance from the check-points and complain of having to pay heavy detention charges by truckers. Thousands of trucks get stranded for several days at the border posts, inflicting heavy damage to the perishable commodities and which in turn escalates the costs of the goods. Conversely, border trade is severely hampered because of frequent border tensions in different segments. In such cases, goods trucks have to wait for one week or more to get clearance.

## **Conclusion**

Border surveillance serves as a gatekeeper, which limits the illegal activities and movement across the border. However, the nature and policy of surveillance depends on a state's capacity to impose it, as well as cooperation among border guards of the neighbouring states. Both are inadequate on the Bangladesh-India border. There are several very good guidelines for the authorities responsible for border guarding, however, failure in implementation of those causes much confusion, border clash and disputes all the time. Unfortunately, mistrust and anxiety among the state elites in both the countries concerned has eventually constrained cooperation among the border forces. Such a hostile mentality among the border guards has led to many shooting incidents in the border areas and the killing of many civilian. On the other hand, gate keeping is a difficult task for this border because of enormous sections all along the border which are yet to be sealed. Considering the directionality and frequency of crossings for different purposes, either

legal or illegal, the border is poorly handled in both sides. Similarly, coordination among the national authorities, like customs and visas, are very essential for effective border security, and these are absent on both sides, sometimes hampering legal border trade and encouraging illegal means. Basic infrastructure, such as border crossing points and border guard stations are in many places far away, and so create problems for communication.

In addition to inadequate capacity to impose proper vigilance, Bangladesh and India's coldness to resolve old disputes is another set back for proper surveillance. Delay in the completion of border demarcation, exchange of enclaves and APL exemplify neither of the state's are very keen to resolve their decades old disputes. These places are intensively used as transit points for all kinds of illegal activities, such as arms and human trafficking, and illegal trade which both the states are aware of. Bilateral politics and continual rigid stand on all disputed issues left them unresolved. Both India and Bangladesh are taking so many actions to provide fewer opportunities for the trespassers to enter into their territory, but they ignore covering these places with their security net. Neither of the bilateral meetings could provide any new steps to resolve these problems. Thus it suggests a forgotten nature of old problems which frequently creates security threats.

Similarly, social practices, topography, settlement patterns and cultural linkages across the border make the task more difficult. Many borderland practices are not spatially confined to the territory of one state. For example, a large number of individuals cross the border unofficially, but there are official restrictions on visits in two countries. These are the social realities which cannot be restricted through boundary imposition. Therefore, this border provides a reality of complex and uneven type of security often contested by the social practices. The whole border has many weak points which provide opportunities for illegal activities such as arms trafficking, human trafficking and illegal trade. While state forces have failed to achieve cooperation, non-state actors have established a well-organised national and international network. On the other hand, the use and trafficking of small arms has increased alarmingly all over world in the post-Cold-War period. Thus, additional care is needed in order to handle such menaces. Therefore, border control is difficult for this border, but an essential task is to control arms trafficking, illegal trade and smuggling. The next chapter will try to explore this paradox in the post 9/11 era.

## CHAPTER 4

*Security Threats and Economic Cooperation in the  
Post-9/11 Period*

## **Introduction**

In the previous chapter I have discussed the border management practices, threats to state security, trade and transport linkages between Bangladesh and India in the pre-9/11 Period. In addition, I have explained the illegal activities and insurgency, which have shown an upward trend since the end of the Cold War. This means that the border controlling mechanisms failed to function properly as a barrier to defend the state from unlawful activities during that time. However, the events on and after the 9/11 attacks on the US have changed global perceptions of security threats, border controls, and terrorism. As a result of those events, the developed countries started focusing their attention on border management strategies in ways which were previously unimaginable. The terrorist attacks of 9/11 have also created a global coalition against terrorism and all other illicit activities, such as arms trafficking and human trafficking. Since the 9/11 terrorist attacks, state elites of Bangladesh and India have attempted to situate existing security concerns in terms of the new US security agenda. In this context, this chapter aims to examine the changes in security scenario in this border since 9/11 attacks. This chapter will portray the threats in Bangladesh and India in the post-9/11 period to identify whether any fundamental change has occurred in terms of threats in this border area. Additionally, the chapter will focus on the major security threats in this period recognised by Bangladesh and India to identify whether there is any impact of 9/11 to be taken into account. It is also indispensable to consider how border security and trade runs hand in hand between these two countries during this period.

The post-9/11 world faces challenges from Al-Qaeda and unilateral policies from the US. In addition, some countries have adopted policies and initiatives in line with the US war on terror in order to gain favour with the US Administration. Therefore, this chapter starts with discussing the impact of post-9/11 US policy and the war on terror on regional security and politics of South Asia. It explains how post-9/11 reality and accommodation with the US war on terror has shaped regional security concerns within South Asian countries. Sections three and four of the chapter emphasise security threats on the Bangladesh-India border in terms of terrorism and organised crime. In the pre-9/11 period, organised crime, such as human trafficking, arms trade and illegal trade were major threats for this border, while terrorism received the highest security concern after the events of 9/11. Therefore, the chapter analyses the old problems as well as the new

threats recognised by Bangladesh and India. Section five explores the changes that have taken place in trade relations between these two countries. Although this chapter deals with security threats on this border in the post-9/11 period, it explains 'what' and 'how' changes happened after 9/11, instead of exploring the links with 9/11. Of course, this chapter concludes with some hints about the relationship of 9/11 with those 'what' and 'how' features, which will be developed in the following chapter.

## **South Asian Security and Regional Politics in the Post-9/11 Period**

When 9/11 dawned, US security ties to South Asian nations ranged from the minuscule to the non-existent (Nayak, 2005). Conversely, in post-9/11 reality, the region became the epicentre of the fight against international terrorism, and the US reordered relations with the region (Anderson, 2004-05; Nayak, 2005). Different factors contributed to such a shift in US-South Asia relations. Firstly, the Post-9/11 policies and practices, especially the war on terror led by the US, provide a sharp focus on the religious extremist's terrorism controlled by Bin Laden and his network. The propinquity with a Taliban-ruled Afghanistan brought the war on terror to the doorstep of South Asia. Secondly, in the current changed atmosphere, states are held responsible for the acts of terrorism carried out by their own non-state actors on their soil or in other countries, which is especially significant for Muslim countries. For instance, the Muslim world, in the eyes of many, appeared to be the breeding ground for all contemporary terrorist activities, and all the South Asian nations are either Muslim or contain a significant population of Muslims. Third and most significantly, President Bush made a tough choice saying '... every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists' (President Bush's address to a joint session of the Congress and the American People, September 20, 2001).

Against this backdrop, the key South Asian players, India and Pakistan, stimulated by the hope of strategic gains, offered their all out support to the US in every possible way (Razia, 2007). Pakistan's President Musharraf's cooperation with Washington has brought some important gains to Pakistan, along with desperately needed international aid from the United States, Japan, Europe and international financial institutions. US humanitarian aid before 9/11 had been viewed partly as a means to keep Pakistan from becoming a 'nuclear basket case'. The theme after 9/11 was terrorism prevention,

including the provision of alternatives to the anti-Western madrassah-based education that has been widely blamed for fueling *jihadism* (Nayak, 2005). On the other hand, with the expansion of US-Indian relations in this period being largely dependent on the respective private sectors' investments, the big growth area in the official relationship has been a military-to-military tie including high level contacts, joint training, joint patrols, and a variety of exercises. Nevertheless, other South Asian countries have also provided their full cooperation to the US. Therefore, the South Asian countries decided to join the US led war against terrorism to seek and secure their political and economic interests (Anderson, 2004; Cohen 2001). On the other hand, they did not want to be a US target, although the governments' positions dissatisfied the mass of the people in the region. Therefore, instead of taking practical steps to eradicate causes which promote terrorism, in most cases the South Asian regimes wanted to oblige the United States and its highly controversial war on terror.

Over the last several decades, almost all of the South Asian states have faced the menace of terrorism, either in the form of ethnic turmoil, political or religious schism. Terrorism in this region is the outcome of large-scale poverty, under-development, and marginalisation of minorities. The rise of intolerance vis-à-vis religious tension and ethnic conflicts in Sri Lanka, Pakistan, India, Nepal and Bangladesh led to acts of violence and terrorism causing instability and insecurity in these countries. In South Asia, terrorism is not a post-September 11 phenomenon, though, while addressing violence, it has been given a new perspective and dimension by the state and non-state actors of the region. The state actors linked the South Asian terrorism with the US led war on terror and re-labelled the rebel groups as terrorists. Therefore, a major implication of the war on terror in South Asia has been severe curbs on various ethnic and religious movements who were suspected of having links with foreign or transnational terrorist organisations. For example, Nepal was put on the world terrorist map, as the Maoists there were assumed to have links with the Al-Qaeda (Khan, 2004). Similarly, the Tamil Tigers and splinter Tamil groups in Sri Lanka, the Kashmiri freedom movements in the Indian controlled parts of Jammu and Kashmir, and various extremist religious parties and groups in Bangladesh and in Pakistan were perceived to have links with a network of international terrorism, and in some cases were dubbed as terrorists by their governments (Ahmar, 2007).



Terrorism and Islamist factional violence in Pakistan of course predated 9/11, but the war on terror has spurred new cooperation between Islamist groups and terrorists in other South Asian countries as well. In contrast, terrorist attacks and capture of Al-Qaeda activists in different parts of Pakistan demonstrates that, the *Al-Qaedaism* is spreading. Again, they are relocating themselves to other countries, especially in Pakistan, because of the massive anti-Taliban drive in Afghanistan. It can also be a painstaking consideration that Al-Qaeda's methods of networking, terror strikes and ideology are attractive and spreading among hard line religious extremist groups in South Asia. For instance, we can consider the rise of religious extremists in Bangladesh like the JMB (*Jamaetool Mujahedeen Bangladesh*), who never themselves claimed to be a part of Al-Qaeda, but followed the same line of terror strikes to accomplish their objectives. Again, the Al-Qaeda's network is not very noticeable in South Asia, yet it needs to be borne bear in mind that it grows quietly and is only visible through dynamic and highly innovative attacks. After early July 2007, the Red Mosque revolution and consequential suicidal attacks all over Pakistan substantiate such cohesive networking. It is also impossible to forecast its future course of movement. On the other hand, the general composition of attacks has changed after 9/11; the terrorists are largely relying on deadly bombings more than ever before in South Asia.

Strategically and politically, the implications of 9/11 on South Asia have made it difficult to cut down defence expenditure. The events of September 11, also expanding arms trade in the whole South Asia. Since 9/11, the US has lifted arms sanctions against Pakistan, India, Azerbaijan and Tajikistan, although the reasons for imposing injunction have remained in being as before (Bauer, 2003). These US sanctions were lifted after 9/11 in order to support Pakistan in the counter-terrorism drive (Sherman, 2004). France is also resuming military ties with Pakistan. However, the assistance was not only provided for direct coalition building, but also for governments in support of their fight against rebelled movements most, of which were re-labelled as counter-terrorism (Khan, 2004). In this connection, the arming of South Asia has also manifested itself as a creeping militarisation beyond the official jurisdiction of the state: the arming of 'non-state actors' such as local warlords, regional resistance groups and worldwide terror networks (Chew, 2006). According to the International Action Network on Small Arms (IANSA), the majority of small arms in the region do not originate in South Asia, but in the West and are transported across the golden crescent and golden triangle. Thus, the real threat of weapons proliferation in the region comes from more than 250 militant and insurgency

movements spawned in South Asia during the last four decades, about 110 of which are currently active (Hariharan, 2007). Accordingly, the global availability and acquisition of illegal small arms and light weapons empowered terrorism in the region since the end of the Cold War.

It is also imperative to analyse the inter-state political relations vis-à-vis foreign policy shifts in the post-9/11 period, which is quite significant for regional security. Yet, an understanding of the regional politics prior to the events of 9/11 is also required. India, because of its size, population and strategic location, has been functioning as a regional hegemony. Almost all of the endemic tensions, mutual distrust and frequent eruption of hostilities are the outcome of the contradictions of India's security perceptions vis-à-vis those of the rest of the smaller neighbours. However, 9/11 intensified mistrust among the states, who blame each other for sponsoring and harbouring the terrorism that affects their neighbours, and which is quite visible in relations between India and its neighbours, especially Pakistan, Bangladesh and Nepal. For instance, India suspects that Bangladesh is becoming a hideout for Al-Qaeda and establishing cross-border networks with Indian extremist groups, while Nepal is alleged to be responsible for a Maoist upsurge in India.

To overcome such frustrating relations, or after realising that joint efforts are very essential to resolve such issues, some bilateral measures have been taken. For example, the joint initiative between India and Bangladesh to curb terror activities in the North East India – Chittagong Hill Tracts border area. However, the long history of mistrust, which has been reinforced following 9/11, often undermines those collaborative efforts. In addition, India and Pakistan always consider each other as an adversary and have been making efforts to establish their strategic superiority by thwarting any gains made by each other. In this connection, India aspired and worked to categorise Pakistan as a 'harbouring state' in light of its known support for groups practicing terrorism in Jammu and Kashmir. Nevertheless, the intensification of India-Pakistan rivalry after 9/11 is an equally important security concern for the whole region as, ultimately, it is obstructing most of the regional initiatives under SAARC activities.

### **Organised Crime in the Bangladesh-India Border area: The Post-9/11 Scenario**

Terrorism has been identified as a regional security threat since the promulgation of SAARC in 1985 and, in subsequent SAARC summits, co-operation among the member

states is acknowledged as a vital to prevent terrorism and eliminate it from the region (Third SAARC Declaration, 1987). Over time, the SAARC member states expressed their concern about growing linkages between drug trafficking, international arms trade and terrorist activities (Fifth SAARC Declaration, 1990). In addition, the SAARC placed significant concern on the alarming rise of women and children trafficking through illicit inter- and intra-regional collaboration. Therefore, terrorism, human trafficking, illegal arms trading, and drug trafficking received attention for maintaining regional security in the pre-9/11 periods. Since the 11<sup>th</sup> SAARC summit, held in 2002, terrorism and human trafficking are receiving the highest priority as a regional security concern. Despite the dramatic shift of their pen and paper based focus to regional security, SAARC have even failed to implement the Convention on Terrorism, which was ratified in 1989.

Other than the integrated regional effort, different security concerns have emerged bilaterally within the neighbouring countries over their contiguous borders. For instance, human trafficking, arms proliferation, informal trade and drug trafficking were considered as major security problems on the Bangladesh-India border, which I have discussed in Chapter 3. However, human trafficking, drug trafficking and informal trade are also considered major security threats in different bilateral discussions, either at ministry level meetings or in the annual discussions concerning border security forces.

### **Human Trafficking**

Although human trafficking has receiving serious concern since the 1990s, regrettably, the number of trafficked persons has been increasing in the whole of South Asia. One study by UNDP estimated that 300,000 to 450,000 people are trafficked within Asia in each year, of which more than half take place in South Asia (UNDP, 2007). Gray Lewis, Representative (South Asia) of UNODC explains, 'Human trafficking is world's third largest profit-making illicit industry and the South Asia has emerged as the home to the second largest numbers of internationally trafficked persons (after Southeast Asia)' (*The New Nation*, 28 October, 2007). Considering the shocking trend of trafficking, SAARC members signed the SAARC Convention on Preventing and Combating the Trafficking in Women and Children for Prostitution in 2002. More recently, in 2004, SAARC members anonymously adopted five points for further action on urgent imperatives (Huda, 2007). However, UNICEF recently warned that the trade in women and children for sex is spiralling out of control in South Asia (Huda, 2007).

In South Asia, Bangladesh is considered as a source and transit country while India is a source, transit and destination in terms of trafficking. A small number of girls and women are also trafficked through Bangladesh from Myanmar to India (Huda, 2007). An estimated 9,000 girls are trafficked annually within South Asia from Nepal to India and from Bangladesh to Pakistan; a little over half of all sex workers in India are from Nepal or Bangladesh (ADB, 2003). UNICEF reports that 40,000 children from Bangladesh are involved in sex work in Pakistan (ADB, 2003). Existing reports suggest that trafficking of children is increasing at an alarming rate (INCIDIN, 2002). Around 10,000 human trafficking victims, mostly women and young girls, are rescued annually from traffickers in India (*The New Nation*, 28 October, 2007). Therefore, the reports suggest that the rate of trafficking is increasing over time.

Conflicts, crises and natural calamities have led to a rise in unsafe mobility and in trafficking. However, there are no relationships with Post-9/11 policies or war on terror in the sharp increase of human trafficking on this border, but the reasons for such increase of trafficking are complex. Poverty, gender based discrimination and violence, forced marriage and unemployment are root causes for trafficking in Bangladesh (UNDP, 2007). According to the government of Bangladesh, more and more women are leaving countries like Nepal and Bangladesh to find a better way of life and many ultimately are abused in the highly lucrative sex industry. Natural calamity, for example, flood is also a vital factor in the increase in trafficking. Although the countries have taken some measures to combat trafficking, they have failed to resolve the root causes. In addition, Asian trafficking routes are fluid in this border. New routes replace old ones as traffickers seek to avoid detention. Their networks are numerous, spanning countries and crossing borders. Such factor makes it difficult to maintain strict vigilance, though border forces are usually knowledgeable about illegal crossing by the traffickers and their victims (UNDP, 2007). Several reports have also appeared in the media that law and order officials/personnel, particularly in the *upazilas* on the border, have been involved directly or indirectly in facilitating trafficking of women and children (Zamir, 2004). Lack of strict action against them has only reflected the absence of political will. We should not blame only the countries of origin for the increase of trafficking, because globalisation and the lucrative business of the sex industry at the receiving end are some basic reasons for such increase. It is also an element of the larger problem of organised crime and the illicit global

economy. Thus, human traffickers are often highly successful because of their links with other transnational groups.

Since 2001, the US State Department has published a Trafficking in Persons Report (TPR), which places the countries into three tiers. In that report, Bangladesh has been classified to Tier 2 from 2001-2007, with the exception of being in Tier 3 for the year 2004. Placement in Tier 2 means that the government of the country does not fully comply with the Trafficking Victims Protection Act at minimum standards, but they are trying to make significant efforts. India is continuously facing significant internal and international trafficking problem. From 2001-2003 India was placed in Tier 2 in the annual TPR, but it has been downgraded to the Tier 2 Watch List since 2004, which means that India has failed to show evidence of increasing efforts to address trafficking in persons. India lacks a national law enforcement response to any form of trafficking, but took some preliminary measures to create a central law enforcement unit to do so. The US has warned India to act swiftly on what it called the 'world's largest human trafficking problem' involving hundreds and thousands of victims of sexual exploitation and millions of bonded labourers, or face sanctions (*Hindustan Times*, 13 June, 2007). Overall, the Indian government's anti-trafficking efforts have stagnated, although there was progress in the area of building public awareness and prevention.

### **Illegal Arms Trade**

The illegal arms trade is becoming a foremost security threat in both of the countries according to security experts. Both the governments are also very much concerned about the wide influx of illegal firearms. In addition, it is one of the main agenda points during all Bangladesh-India talks either, in Ministry or at BDR-BSF level. As per the previous section, the arms trade and use of sophisticated arms in violence has greatly increased in Bangladesh. For India, violence and the use of Small Arms and Light Weapons (SALW) by different separatist groups in North East India, Kashmir, Maoists in West Bengal and Bihar present escalating grave security threats predominantly because of their linkages with groups elsewhere in South Asia, and with drugs dealers. Accordingly, it has already been recognised that West Bengal, Bangladesh and Bangladesh-North East India are extensively used for arms trading. However, the amount of the arms in each transfer was not very great. The actors involved in the movement of illegal arms are believed to

include international and trans-border smugglers, criminal syndicates and separatist groups (Safer World, 2006). In addition, the growing instability and conflict in the North East India, West Bengal and North East India, generate the demand for the influx of SALW in the region. It is explained in India's national report 2003 that in Jammu and Kashmir and the North East India, the security forces had, since 1990, seized approximately 39,000 weapons of all types, whose markings clearly indicated that these were brought into India through illicit channels from outside the country (Control Arms India Update, 2005).

In recent years, the traditional pattern in the composition of arms trade through Bangladesh has been transformed. A series of arms seizures from 2003 onwards, saw an increasing sophistication in the lethality of weapons. These began to include AK-47's, anti-tank rifles, sub-machine guns, rocket launchers, grenades etc (Table 4.1). The single largest arms haul, in April 2004, saw the seizure of ten truckloads of modern and sophisticated weapons from a jetty in Chittagong port. These had been transported to Bangladesh by a cargo ship and a trawler, reportedly from South Thailand. This haul followed the discovery of arms in Bogra (2003), in Dhaka (Kuril) and in the Hill districts of Chittagong (Table 4.1). These trends continued in 2005 and 2006, with large caches of

**Table 4.1: Major Arms Seizure in Recent Years**

<b>Year and place</b>	<b>Captured arms and ammunitions</b>
April, 2004, Chittagong	4,930 different types of sophisticated firearms, 27,020 hand grenades, 840 rockets, 300 accessories of rocket launchers, 2,000 grenade launching tubes, 6,392 magazines and 1,140,520 rounds of ammunition
September 03, 2005, Bandarban	20 sophisticated AK-47 rifles, 7,716 rounds of ammunition for AK-47s, 50 magazines for AK-47s, including six drum magazines.
January 01-June 30, 2005, Bandarban	31 sophisticated AK-47, 8 SMG, 7 Mortars, 8 Rocket Launchers, 8 LMG and more than 15,000 rounds of ammunition
August 09, 2005, Bandarban	Five AK47 rifles, one SMG, 35 bullets, eight 12-bore rifles, a very large amount of explosives, empty magazines.
June 27, 2003, Bogra	62,112 rounds of Chinese rifle ammunition and 120kg explosives.
December 30, 2003, Bandarban	32 anti-tank mines, seven anti-personal mines, six 40mm rocket launchers, 10 charged rocket launcher cells, one GF bomb, 18 charges for GF bombs and 14 components for rocket launchers.
November 23, 2004, Bandarban	7 AK47 rifles with 1,275 bullets, two M16 rifles with 90 bullets, one point 22-bore rifle, two 12-bore shotguns, two automatic rifles, 146 bullets of air rifle, 160 pistol bullets and one rocket launcher

Source: Shewly, 2005.

weapons being discovered. Speculation has been rife as to the origin and destination of the arms. The separatists in North East India, the Maoists in Nepal and the tribal insurgents in Myanmar (Karens, Kachins, Rohingyas) have all been identified as possible recipients. Concrete evidence is yet to surface, though the experts from both Bangladesh and India are pointing to the separatist groups in the Northeast as probable end user of these deadly weapons. The size and sophistication of the arsenal and the huge costs involved seems to rule out local militants and insurgent groups. Following the seizures, there are presently some major security concerns: (a) Bangladesh is emerging as a key transit route for sophisticated arms; (b) the probability of Bangladesh becoming an end user; (c) easy access to explosives for domestic violence in both India and Bangladesh; (d) that Indian separatist groups have the finance and force capability to arrange and use such sophisticated weapons; (e) that the cross border networks of non state actors are better-established and organised than the inter-state cooperation and border patrols in the region. The table once again identifies CHTs, especially the Bandarban's, vulnerability for both Bangladesh and India's security. It is identified that there are as many 13 identified gun-running routes in and around the northeastern border and Chittagong Hill Tracts (*Daily Times*, 02 April, 2006).

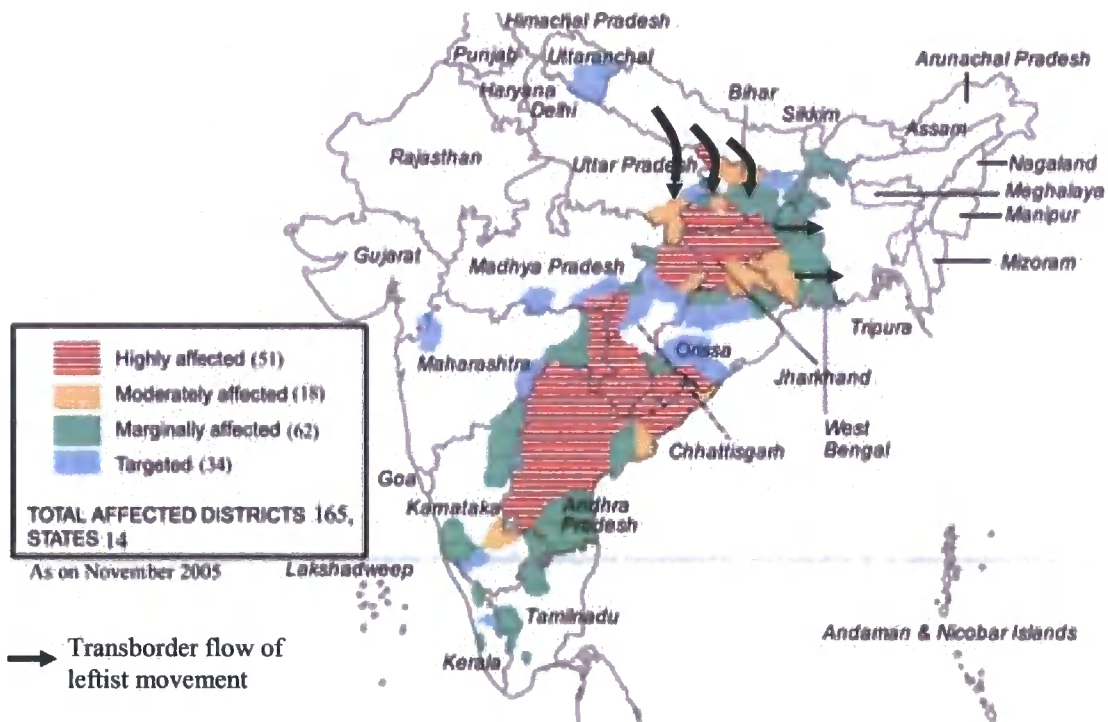
### **Emergence of Terrorism as a Security Threat**

Before the events of 9/11, terrorism had never been a topic in the bilateral discussions between Bangladesh and India as a serious threat for this border, though arms trafficking received much concern from the 1990s. Interestingly, since 2002, terrorism has been receiving the highest security concern in both Bangladesh and India at different bilateral meetings. It is not so much that the 9/11 events brought the terrorism issue to the forefront, rather that it continues vigorously to sweep the world toward an Americanised war on terror. Thus, it has become more fashionable to link 9/11 in understanding state, regional and global security. However, although terrorism has been a threat to Indian security for a long time, it is modest in Bangladesh. As I mentioned earlier, terrorism by nexalities or leftist movements in West Bengal and by North East Indian separatist groups poses a security threat for Bangladesh-India border. However, the two governments perceive it differently, such as; Bangladesh considers North East India insurgency as a threat to its security, while India considers that Bangladesh is providing logistic support to its terrorist groups. Terrorist attacks by leftist groups created terror from the year 2000.

Over time, it has become the single largest internal security problem for India, according to Indian Prime Minister Monmahan Singh. Conversely, religious militancy, which has never been observed before, has been on the rise in Bangladesh in recent years.

### Leftist Terrorism

Different parts of West Bengal and Bangladesh have been affected by the rise of some leftist forces in recent years. Maoism, as a part of leftist movements, was initiated in West Bengal, Bangladesh (the then East Bengal) and Nepal during the 1960s out of mass anger against the ruling bourgeois. However, Maoists have been associated with violent acts, and a Maoist belt of insurgency has drawn a broad line from the Himalayan Nepal right through India to the Andhra Pradesh ‘People War’ territory. Vibrations of the wave of



Map 4.1: Leftist Movement in Nepal, India and Bangladesh (Source: Khan, 2000)

defiance from that belt have sent shivers through West Bengal in recent years (Bishwas 2005; Khan S, 2002). After being dormant for many years, the outlawed *Purba Bangla Communist Party* commenced terrorist activities in 2002 in Bangladesh. Another group, named the *New Biplobi Communist Party* (NBCP) formed in 1999. In Bangladesh, the northwestern and southwestern parts of the international border are at spill over impact of Maoism (Khan, 2002).



Khan (2004) hints at well-knit links among the Maoists in Bangladesh, India and Nepal. A remarkable point is that these Maoists are making their mark in the poverty belts of India, Nepal and Bangladesh (Khan, 2002). According to the Indian Home Ministry, 76 districts in Andhra Pradesh, Chhattisgarh, Jharkhand, Bihar, Maharashtra, Orissa, Madhya Pradesh, Uttar Pradesh and West Bengal are affected by Maoist violence (Map 4.1). As a part of cross border linkage, these militant groups supply firearms and provide shelter on either side of the India-Bangladesh border. For example, the founder of the NBCP and one of most wanted terrorists in Bangladesh was shot in Nadia district of West Bengal (*BBC News*, 22 September, 2004; *The Daily Star*, September 22, 2004). It was suspected that the rival Maoist group killed him. In Bangladesh, Khulna and the Sundarbans (the mangrove forest distributed in West Bengal and Khulna) are considered as key sources for the proliferation of small arms through the border.

### **Rise of Religious Militancy in Bangladesh**

On 30 April 1992, Harakat ul-Jihad-i-Islami-Bangladesh (Huji-B) appeared in Bangladesh through a news conference where they boldly explained how they fought in the Afghan war and their demand to turn Bangladesh into an Islamic state (*The Daily Star*, March 07, 2008). Their emergence, almost ten years before 9/11, did not create any security concern in the national and international arena. They first targeted poet Shamsur Rahman in 1998. On the other hand, a devastating grenade attack held in a cultural function in Jessore on 6 March 1999. This was the first sign of fundamentalist terrorism in Bangladesh. Another contemporary extremist group, Jama'atul Mujahideen Bangladesh (JMB), attacked a communist party meeting in Dhaka on 20 January 2001). In a short span of time they further attacked a popular public event at Ramna Park on April 14, 2001, the first day of the Bengali New Year, and in a Christian church at Gopalganj on 03 June, 2001. Lack of proper investigation of the attacks created anger in the mass of the people. The extremists' main targets were events which in their understanding are 'non-Islamic' and, as stated before, they emerged with the objective of establishing Bangladesh as an Islamic state.

As a counter to leftist terrorists, *Bangla Bhai* instigated its own organisation, JMB, in the north western part of Bangladesh. This tactical decision initially received little public support, as it killed many leftist cadres and tried to provide some social welfare. Initially,

government and police also ignored their activities, as their targets were leftist organisations. Given that opportunity, the JMB expanded rapidly, developed its own armed activists and suicide bombers and initiated terrorism, including the indiscriminate use of explosives, grenade attacks and assassination. It also targeted the British High Commissioner to Bangladesh, Anwar Chowdhury in 2004. The most devastating incident occurred on 17 August 2005, when over 400 bombs exploded simultaneously across Bangladesh, which demonstrated the strength of the groups in terms of members, networks and explosives. There are allegations against several members of parliament, political leaders and ministers of the then government for patronising the JMB. The then Home Minister was highly criticised for his ignorance and regarding JMB and *Bangla Bhai* as creations of the media. Unfortunately, the government took strong action only after the deadly attack of 17 August.

The above descriptions suggest that these terrorist groups were in being long before 9/11, perpetrating small scale attacks, but none branded them as Al-Qaeda members at that time. Immediate after 9/11, some foreign media, especially Indian government media and scholars, claimed that Al-Qaeda elements had fled to Bangladesh, and they referred to the above mentioned terrorist groups in that connection, while some others consider Bangladesh as likely to be the 'next Afghanistan' (Karlekar, 2005). India thinks that Islamist extremist groups are moving towards India and will carry out terrorist attacks on Indian soil. Yet, there is no concrete evidence of their link with Al-Qaeda, and none of the captured leaders have claimed themselves to be Al-Qaeda members. There is a current global trend to link all Muslim terrorist groups with Al-Qaeda. For example, Gunaratna (2002) argues that Al-Qaeda is established in most countries with Muslim communities, and that Al-Qaeda exists in some shape or form 'wherever Muslims live or work' (quoted in Atia, 2007: 457). Accordingly, the Muslim terrorist groups are being categorised as an ally of Al-Qaeda.

In recent years, different studies have revealed the connection of these militant groups with Indian rebels and criminals. For example, Dr. Asadullah Al Galib's (the Chief of one extremist group- Ahle Hadith Andolon Bangladesh) adviser is an Indian who supported him with huge funds (Karlekar, 2005). On the other hand, investigations revealed that most of the chemicals used in making the 17 August 2005 bombs are not available in Bangladesh's local market. Based on the statement of the militants and on intelligence

reports, the government identified that those chemicals came from India through different points on the Bangladesh-India border (*The Daily Star*, 24 January, 2006). The gunpowder and explosive gels, used for making bombs and grenades, were commercially made in India for use in mining and road building activities and usually sold to licence holders for specific purposes. Since the explosive regulatory control mechanisms in India are still of a third world standard, it is possible that criminal gangs have access to them and sell them to eager customers in Bangladesh. Investigators are still in the dark about the sources of funding of the militants, and have yet to identify their political godfathers. The government suspects some Middle East organisations for terror financing, such as the Kuwait-based *Revival of Islamic Heritage Society*, Mecca-based *Rabeta Alme Islami*, *Jamia Toras Islami*, *Kuwait Joint Relief Committee*, and Abu Dhabi-based *Nahian Trust*.

### **Economic Activities vs. Security Measures on the Bangladesh-India Border**

Despite, increased security concerns in both Bangladesh and India following the 9/11 attacks, yet economic cooperation and transport linkage plans have increased extensively



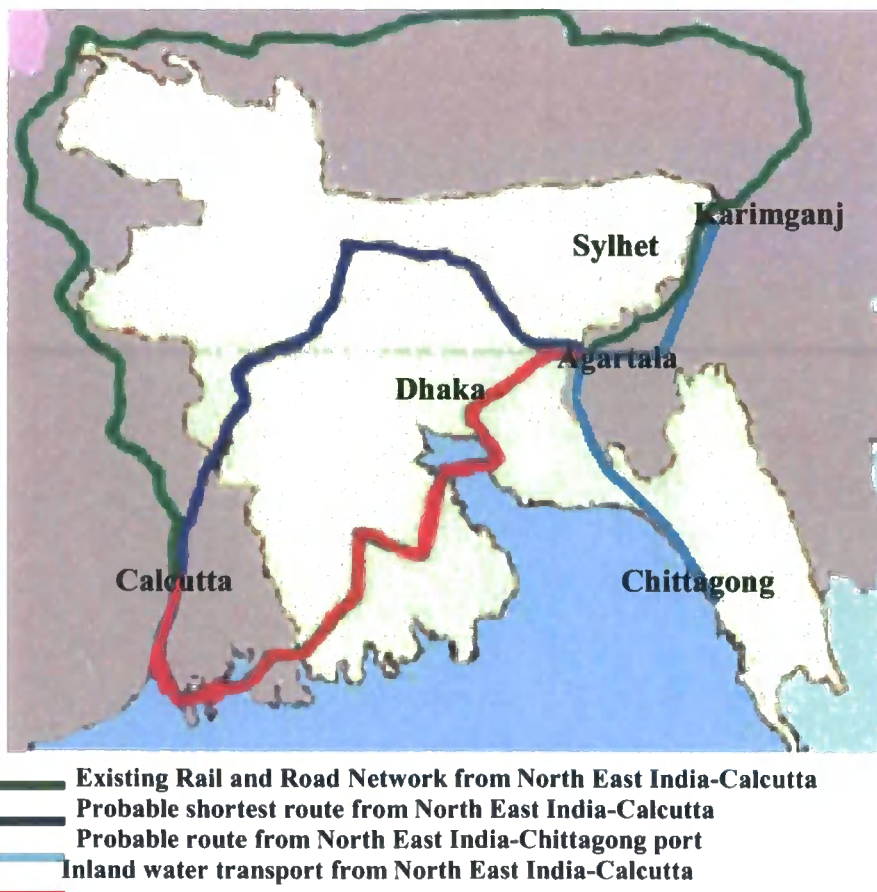
**Map 4.2: Geo-strategic Location of Bangladesh. (Source: Khan, 2000)**

in recent years. In fact, the geo-strategic location of Bangladesh and the landlocked nature of Nepal, Bhutan and North East India provide opportunities for sub regional free trade area, which has been explored since 1990s (Map-4.2). Extensive studies from 2002 on the

region, especially by Indian experts, are considering the region as an enormous potential market if a free trade policy is adopted. In addition, since 2003, India has been interested in bilateral free trade to boost North East India's economy, as that part of India is almost cut off from India by Bangladesh and other natural barriers. Hence, both the countries are paying great attention to facilitating trade, investment and multimode transport sectors in recent years. Fascinatingly, India is erecting barbed wire fences along the Bangladesh-India border to ensure its security by stopping all the illegal movements from Bangladesh. Conversely, it desires direct road and rail route access and multimode transport linkages connecting West Bengal, Bangladesh and North East India (Nath, 2004).

Since the trade liberalisation stemming from the 1990s, Bangladesh-India trade has been greatly increased. However, in the context of Bangladesh and India's global trade, each others' share is not convincingly high. Nevertheless, the influence of India on Bangladesh's trade has been increasing over the years. Since 1996-97, India's exports to Bangladesh have been growing at 9.1 percent annually (World Bank: Bangladesh Development Series Paper 13, 2006). India's share in Bangladesh's global trade is almost 10 percent, while Bangladesh's share in India's trade is 1.13 percent (Rahman, 2005). If we consider the overall trade relationship, India's export share is much higher and ever increasing than its import share in Bangladesh-India trade. For example, India's share in Bangladesh's global imports increased to 15.5 percent in 2003 from 4.7 percent in 1990. India's position is at the top of Bangladesh's imports from the world, which is over 15 percent of total Bangladesh's import (IMF: Direction of Trade Statistics, 2005; World Bank: Bangladesh Development Series Paper 13, 2006). On the other hand, with regard to exports from Bangladesh to India, this share has decreased to 0.7 percent from 1.3 percent during the same period (Rahman, 2005). For India, exports to Bangladesh are currently about 3 percent of its total exports and a miniscule share (0.01%) of its total imports (World Bank: Bangladesh Development Series Paper 13, 2006).

Despite the fact that Bangladesh's share is negligible in the overall trade of India, Bangladeshi people contribute much in India's service sector. If we add to this India's foreign exchange earning from the thousands of Bangladeshis who visit India for medical treatment, tourism, shopping, and education, this would add up to a further one billion US dollars (Sobhan, 2006). There are approximately 100,000 or more Indians working in Bangladesh in various positions, and it is estimated that there are more than 300 training establishments, many in the IT sector, which have Indian collaboration in one form or another. The total foreign exchange earnings of India in 2006 may have been in excess of 10 billion US dollar, making Bangladesh one of the most important business partners for India worldwide (Sobhan, 2006). Hence, cross border movement has increased tremendously in recent years, as Indian High Commissioner to Bangladesh, M. S. Veena Sikri, explained in December, 2005 that, ' we issue nearly five *lakhs* or half million visa annually through the High Commission of India in Dhaka and two assistant High Commission of India in Rajshashi and Chittagong.' However, such movement demands more transport networks through different points along the whole border.



**Map 4.3: Existing and Potential Transport Linkages between Bangladesh and India (Source: modified from Jalil, 2006a, by highlighting the route networks)**

As I discussed in the third chapter, multimodal transport networks exist between Bangladesh and India for trade in goods. However, bus services between Dhaka and Calcutta were introduced only in 1999, which was the first transport link for passenger service since the independence of Bangladesh. Another agreement and a protocol regarding operation of the bus service between Agartala and Dhaka were signed in Dhaka in July 2001, and the bus service started in September, 2003. With the Government of Bangladesh's recent decision to issue double-entry visas, the Dhaka-Agartala bus service is also becoming increasingly popular. There are demands for many more such bus service between Agartala through Sylhet to Shillong, and between Dhaka through Changrabandha to Siliguri. On the other hand, the officials from India and Bangladesh have succeeded in reaching an agreement on operating two passenger trains on the Kolkata-Dhaka route, each making two trips a week. The train service between India and Bangladesh was suspended during the 1965 Indo-Pakistan War, and therefore this is indeed a long awaited breakthrough as far as development of a regional communications network is concerned. The passenger rail service, most likely to be named 'Moitree Express' (friendship train), will cover a distance of 416 km between Kolkata and Dhaka. On the other hand, under the India-Bangladesh Air Services agreement, the two countries are permitted to operate 30 flights per week.

Other than the wide-ranging increase of trade and transport networks, India wants free trade and transit facilities with Bangladesh. The fundamental grounds for such Indian proposals are to reduce the distance from North East India to other parts of India and to develop the economy of that region. The northeast region of India is at distances varying from 1,080 km to 1,680 km from the nearest Indian port city of Kolkata (Map 4.3). Nonetheless, the distances of these cities from Dhaka and Chittagong are much shorter than from Kolkata. As a result, transportation cost of goods to and from this region to the rest of India and within the region is substantially higher than that of Bangladesh. ADB's Bangladesh Country Strategy and Program for 2006 to 2010 observes Bangladesh has the potential to become a transport and trans-shipment centre for the sub-region because it borders India and Myanmar and is in close proximity to the land-locked countries of Bhutan and Nepal. The communication between Calcutta and the North East Indian provinces of Assam, Meghalaya, and Arunachal Pradesh could be significantly facilitated if the road and rail connections through Bangladesh could be opened up. It is also of interest to India to have access to Chittagong port for export/import of goods from/to

North East India and Agartala both by road and rail. Because of its strategic location, this corridor can play a significant role in the sub regional transportation system by providing alternatives through direct and shorter transport links by rail, water, and road (Map 4.3).

## **Conclusion**

The events of 9/11 presented a unique set of circumstances and challenges, due to the resulting new constellations of world and regional powers. In the post-9/11 period, South Asia is at the cross roads of the war on terror, religious militancy and a huge arms trade. The 9/11 attacks added new security concerns, and the US policies in the existing intra-state conflict dynamics also created pressure on the countries of the region to control all kinds of terrorism. As a response, Bangladesh and India have identified arms, human and drug trafficking and terrorism as major threats in the post-9/11 period. Although, organised crime, such as human trafficking and arms trade, were also major security threats before the September 11 terrorist attacks. But the discussion on post-9/11 border security threats explores the gradual increase of these crimes since the 1990s till to date. Thus, the trend does not show any remarkable rise or fall of these crimes after the 9/11 events. Thus, the state security concerns do not make any sense while larger quantities of arms and more sophisticated weapons pass through this border than before. It also raises questions: How could these arms find their way while the border is becoming fenced off and the fence gates open from the Indian side? What is the change in terms of threat with the rise of religious militancy in Bangladesh and leftist movement in India. No link has so far been established between 9/11 and the mentioned religious and leftist extremism. There has been a sharp increase in Islamist extremism in Bangladesh since 2004; however, its reason could be traced to a lack of proper investigation and police action against them after their initial attacks. However, these trends have not originated after 9/11, but what has changed since 9/11 is the 'perception on terrorism'. Therefore, the question is, what changes did 9/11 bring to South Asian security issues? Firstly, the 9/11 attack and subsequent US policies popularised the Al-Qaeda movement and religious extremism among Muslims in the region. Muslim states are experiencing suspicion from the rest of the world, and this provides India with the opportunity to accuse its two neighbouring Muslim states, Pakistan and Bangladesh, of patronising and promoting Al-Qaeda and at the same time Islamic fundamentalist parties in both those countries are holding substantial political power.

Secondly, the first US anti-terrorism effort following 9/11 was the attack on Taliban-led Afghan government that, eventually, intensified the US's involvement in South Asia. Since then, the US State Department has been vigilant on a range of issues, like human trafficking, terrorism and so on, and has been publishing annual reports on them. Therefore, states are more concerned to satisfy the US and, accordingly, are shaping their counter-terror drives to accord with the US war on terror. This is ultimately suppressing the root causes of protracted conflicts in Kashmir, Sri Lanka and North East India and so on, and it has several multiplier effects. On the one hand, conflicts are becoming more complex and violent, which has an adverse effect in terms of increasing the influx of arms to the separatists. For example, intelligence information and arms seizures confirm Bangladesh-India border as a transit route from the Golden Triangle to different conflict prone areas of South Asia, especially to North East India. On the other hand, under the banner of anti-terrorism, the state actors prefer to execute drastic and suppressive attacks against the separatist, which causes mass and extra-judicial killing and human rights violation. As a state actor, it is more pragmatic to label someone or some group as 'terrorist' and then to carry out such aggression, because, killing 'terrorists' is then no longer a crime, and it is legitimated by the US.

Thirdly, due to the contested nature of security concerns and lack of political will, border threats in Bangladesh and India are not decreasing. However, in regard to economic initiatives, both these countries have a progressive view. Therefore, 9/11 did not hamper Bangladesh-India connectivity and trade initiatives; rather, transport linkages are becoming broader in recent years. Both of these countries are examining opportunities for trade liberalisation and improved transport linkages between Bangladesh and India.

Finally, 9/11 instigated a new paradigm where any terrorist effort is interpreted in terms of fitting into the Americanised Al-Qaeda and terrorism model. For example, I have already mentioned some terrorist bomb blasts in different parts of Bangladesh in 1999 and their aftermath where no attempt was made to find any link with Al-Qaeda. However, those attacking groups were re-labelled as Al-Qaeda networks immediate after 9/11. Similarly, India had also been experiencing bomb blasts for more than a decade, but nevertheless they tried to label the post-9/11 bomb blasts in their country as the work of Al-Qaeda and other Islamic extremist groups and, without any recognised investigation or evidence, they accused Pakistan and Bangladesh of supporting those attacks. Here, I wish



to argue that the rise of religious extremism and, consequently, militancy may not have a realistic or sufficient link with Al-Qaeda and post-9/11 realities. In Pakistan, for instance, the rise of militant Islamic groups is the result of long-term undemocratic governmental practice. Again, in Bangladesh militant groups were recruiting their activists from the people who were experiencing extreme poverty and illiteracy, as it is much easier to motivate these young groups of people by taking illegitimate advantage of their religious emotion. Of course, 9/11 has shown them a new way of conducting terrorism, but there is a necessity to conduct more research on the different bases and realities of religious extremism in South Asia.

In response to the threats in post-9/11 period, South Asian nations took some security measures on the way to reach regional cooperative security under the SAARC, bilateral and independent initiatives. These state initiatives are illustrated in the following chapter.

## CHAPTER 5

*State Initiatives in Response to Threats in Post-  
9/11 Period*

## **Introduction**

The September 11, 2001 attacks on New York and Washington promoted a series of immediate, enduring, and varied responses from nations to secure their sovereign territory from terrorist attacks or terrorism. Visibly, the US has taken the lead in defining terrorism as the utmost threat and shaping security measures in response to the attacks. However, their lead has been followed to different degrees elsewhere. As Alan Dupont, Director of the Asia-Pacific Security programme in Australia says, 'Where the US goes, others will follow' (quoted in Lyon, 2003:06). Among the responses, one of the most prominent ongoing reactions is to enhance surveillance operations through better means of identifying, classifying, profiling, assessing and tracking the population. As Lyon (2003) indicates, the security sought following 9/11 builds on post-World War II notions of security, in which guarantees of inviolability and protection are understood in terms of technical and military means as political goals. He claims that in a time of crisis guaranteed security becomes the top priority to bring the situation under control. Surveillance, and particularly surveillance technologies, are evident as key means towards achieving maximum security.

Similarly, Ackleson (2005) explains that security technologies are emerging as the chief policy response to border security needs in post-9/11 era. He mentions that no evidence exists that the Al-Qaeda terrorists entered the US through its land borders; however, US frontiers have been considered since September 11 attack as gateways for terrorists and weapons of mass destructions. Ackleson (2005) quotes an inspector's remark, 'Since 9/11 ... the biggest change in our mission is to defend our border from terrorism and weapons of mass destructions'. Accordingly, they formulated and deployed new systems, including screening, biometric identifiers, and information technology. Ackleson argues that the US border has never been considered as a conduit of terrorist movement prior to the events of 9/11, while it had long been a conduit for illegal flow of drugs and people. Such application of increased security at boundaries against the threats of terrorism, weapons of mass destruction and transnational criminal activity is also part of measures for achieving maximum security. These are not only individual actions by single states; rather, initiatives have been taken regionally through agreements such as the Smart Border Accord on the US-Mexico and US-Canada borders. Similar actions of shutting down of borders are evident in the EU and some other developed and developing countries.

Ackleson argues that these new systems and initiatives are being deployed in the wake of a 'focusing event' - 9/11 - that altered the normal policymaking process. However, Lyon argues that high technology surveillance is not a post-9/11 invention, rather the attacks brought to the surface a number of surveillance trends that had been developing quietly and unnoticed for the previous decade and earlier. He thinks that 9/11 shaped a 'new era' of political control that superseded previous legal restrictions on monitoring citizens. Therefore, he states, 'At times, the need for greater vigilance becomes apparent and, in that sense, the events of 11 September acted as a wake-up call' (Lyon, 2003:16). Although, these literatures are based on the new surveillance measures in the US or US-Mexico border, however, their insights can help towards a better understanding of the contemporary border security measures in Bangladesh-India border.

All over the world, irrespectively, in developed, developing or least developed countries, surveillance or security measures are now stronger than ever. In this context, this chapter will portray the surveillance process and practices in Bangladesh and India in the post-9/11 period in order to identify whether there is any significant change in security measures in response to potential threats. The South Asian Association for Regional Cooperation (SAARC) has taken a range of security measures since its inception, wherein Bangladesh and India agreed upon those measures under the regional umbrella. Therefore, this chapter starts with a discussion about the SAARC initiatives to secure South Asia in this period, and also focuses on the implementation process of these schemes. Being contiguous neighbours, Bangladesh and India have a long and porous land border, Bangladesh and India share many common issues, ranging from demarcation, enclaves, illegal movement of people, weapons, and drugs, which have been the subject of bilateral concern since the independence of Bangladesh. Hence, section three of this chapter explains bilateral agreements and measures between Bangladesh and India in terms of border and security issues at or after 2001. Section four explains individual initiatives taken by Bangladesh and India to combat terrorism and other illegal activities in their territories. Finally, the conclusion will sum up the whole chapter.

### **SAARC Initiatives to Control Threats in the Post-9/11 Period**

As discussed in the previous chapter, the changed perception of terrorism and global movement concerning non-state actors and the US attitude towards South Asia has

demanded various accommodative strategies for the countries in this region. Individually, all the states of the region immediately took initiatives in tackling terrorism and all kinds of illegal activities in their territories. Regionally, SAARC is the only organisation for all the states of this region that pays attention to curbing illegal activities in the region through various regional schemes. SAARC has categorised terrorism as the most terrible security threat since the founding of that organisation, while drug trafficking, arms trade and growing linkages between arms-drug-terrorist activities had been recognised since the 1990s. Because of the sluggish decision making process and frequent postponement of SAARC summits, the ratification and implementation of almost all initiatives and measures takes place, by and large, after a decade or even longer period of time. Therefore, many of the on-going SAARC initiatives are overlapping with post-9/11 concerns and measures.

As mentioned earlier, terrorism has been at the top of the list among the SAARC security agendas both in the pre- and post-9/11 period. The SAARC approved the Regional Convention on Suppression of Terrorism in 1987, which came into force in 1988. The key objective of this convention is to take effective measures to ensure that perpetrators of terrorist acts do not escape prosecution and punishment within the region. The convention has three important components which, in effect, can be very useful measures to tackle terrorism by mutual collaboration. Firstly, any contracting state may try an offender (citizen of any other contracting State) regardless of where the crime (in the case of offences enumerated in the Convention) was committed. For instance, if a person commits a crime in Nepal and is arrested in Bangladesh, then the Bangladesh government will have the power to try that person. Secondly, a contracting state in whose territory an alleged offender is found, shall, upon receiving a request for extradition from another contracting state, take appropriate measures, subject to its national laws, so as to ensure their presence for purposes of extradition or prosecution (Article VI, SAARC Regional Convention on Suppression of Terrorism 1987). Therefore, the convention facilitates extradition or prosecution where necessary, so providing the least opportunity for offenders to escape. The third important section of the convention is the identification of certain serious offences as 'terroristic offences', and which, for the purposes of extradition, would not be treated as being of a political nature (Article I and II, SAARC Regional Convention on Suppression of Terrorism 1987). This was essential to prevent offenders from taking recourse to the plea of political activity. It is fascinating that in

1987 SAARC took some strong and concrete measures to fight against regional terrorism, while terrorism did not receive such concern in other parts of the globe.

William Allen (2003) explains that, prior to 9/11, policing the international financial systems focused mainly on the criminal enterprise of corporate fraudsters, drug traffickers, stock swindlers, and all those seeking to segregate their criminal money from their crimes. Immediately after the 9/11 attacks, the US launched a 'war on terror' financing, and Mona Atia (2007) mentions that more than 100 countries followed the US lead by introducing new legislation to combat terrorist financing. Interestingly, international law was changed within two weeks of the attacks, and UN Resolution 1373 criminalised all activities falling within the ambit of terrorist financing. To comply with UN Security Council Resolution 1373, SAARC adopted an Additional Protocol to suppress terrorist financing during the 11<sup>th</sup> SAARC Summit in January, 2002. The Additional Protocol on Terrorism was adopted to combat terrorist acts by criminalising the provision, acquisition and collection of funds for such acts.

The measures to prevent terrorist financing cover the establishment and maintenance of a financial intelligence unit, for each member, to serve as a national centre for the collection, analysis and dissemination of pertinent money laundering and terrorist financing information. The financial intelligence unit would work for: (i.) the identification of suspicious customers, and unusually large or suspicious transactions in banks or other financial institutions; (ii.) detecting and monitoring movements of cash, bearer negotiable instruments, and other appropriate movements of value across national borders; (iii.) establishing and monitoring channels of communication between agencies and services to facilitate and secure rapid exchange of information relating to terrorist financing. Previously, the 1987 convention lacked a mechanism for tackling terrorist financing, and the new convention is intended to put in place formulas similar to the 'follow the money' paradigm. Therefore, South Asian leaders are also trying to view terrorism and terror financing through the lens of the US led 'war on terror'. It suggests, what have long been considered 'old' problems are, in a sense, 'forgotten' in the drive to formulate a particular response to US led 'war on terror'.

Currently, the concept of cooperative security mechanisms is becoming widespread, as observed in NAFTA, EU or ASEAN. Cooperative security is not the consequence of 9/11, rather that event strengthened or provided more concern for the establishment of



such mechanisms. SAARC is also trying to pursue this track, for example its member states are committed to exchange information, intelligence and cooperation among Liaison Officers (Anti Terrorist Law Enforcement Officers) for cooperation. Cooperative security recommends a mechanism for resolution of conflicts through dialogue and negotiations, together with a heavy and long-term reliance on confidence building measures (Bhardwaj, 2004). On the other hand, police chiefs of the member countries are meeting from time to time and have agreed to share information related to trans-border crimes among police organisations. Further, SAARC is taking initiatives to establish SAARC Police. In addition, the SAARC Terrorist Offences Monitoring Desk (STOMD) has been established in Colombo to collect, analyse and disseminate information about terrorist incidents, tactics, strategies and methods. Such initiatives are derived from the concept that many problems lie beyond the capacity of any one country to resolve. All such measures embody and give a regional focus to many of the well-established principles of international law in combating terrorism (Islam, 2005).

As a part of the 'war on terror', measures to combat terrorism financing have blocked significant amounts of money as suspect terrorist 'sources of money'. Furthermore, a 'war on drugs' and 'war on crime' have been launched as supporting actions of financial surveillance to constrict terrorist groups' quest for alternative funds. As Thomas M. Sanderson (2004) reveals, while charities and other forms of funding sources have increasingly been shut down, terrorist groups are relying on trafficking and other forms of crime as obvious and easy alternatives. With this in view, the US also pressures countries of different regions of the world to take actions against organised crime. Therefore, strict US vigilance is visible in South Asia in terms of the above mentioned nexus. SAARC is also taking several initiatives to stop human trafficking and combat the nexus between drug and arms trading within the region. For example, the SAARC Convention on Preventing and Combating Trafficking in Women and Children was signed in 2002, and entered into force on 15 November 2005.

The scope of the convention is to promote cooperation amongst member states in order to effectively deal with various aspects of the prevention, interdiction and suppression of trafficking in women and children, the repatriation and rehabilitation of victims of trafficking, and preventing the use of women and children in international prostitution networks, particularly where the SAARC member countries are the countries of origin,

transit and destination (11<sup>th</sup> SAARC Declaration, 2002). The vision of the convention indicates that it is not formulated as a strategy to stop terrorism financing, rather it frames trafficking as serious violation of basic human rights. Rather, it can be considered as an 'indirect' impact of the US war on terrorism finance. For example, since 2001 the US government has produced annual reports on trafficking by countries that receive US foreign assistance. In the annual report, countries are ranked in tiers, based on government efforts to combat trafficking. Countries in tier 3 are potentially subject to non-humanitarian and non trade sanctions (Keefer, 2006). Interestingly, all the SAARC members receive foreign assistance, and are thereby directly subject to US pressure to control trafficking.

According to the convention, a Regional Task Force has been constituted by the SAARC member states to implement the Convention. The first meeting of this Task Force was held in New Delhi on 26 July 2007, which decided to: (i) exchange ideas of best practices by the respective governments, NGOs and members of civil society to combat trafficking, (ii) develop a standard operating procedure to implement the various provisions of the Convention, (iii) accept an offer of the Government of India to conduct relevant training programmes in capacity building for stakeholders of SAARC Member States (Ministry of External Affairs India, 2007). It is generally accepted that trafficking is a serious problem for the region and which cannot be eradicated by any single state, therefore the SAARC convention is seen as a milestone on the path to coordinated interventions against trafficking at the regional level. However, as the definition of trafficking provided in the Convention does not address trafficking from a general perspective, but only focuses on prostitution, the text of the convention needs to be reviewed in order to broaden its scope. Furthermore, the main problem is that the issue has been discussed in all the SAARC Summits, but no joint step has been taken yet. A national action plan and a road map have been developed in all of the SAARC countries, but implementation has never been undertaken (*The New Nation*, 28 July, 2006).

Undeniably, all the conventions on terrorism and human trafficking have some very noteworthy procedures to check such activities within the spirit of regionalism. However, none of the conventions is a complete code by itself, and any specific request invoking provisions is to be implemented by the state parties. For that reason, all the contracting parties need to adopt some domestic legislation to implement all these conventions, which



has not been done yet. The heads of the states have reiterated their firm commitment to combat these activities in the region since 1985, but this has not yet been accomplished, and this certainly raises questions about their political will. For instance, security measures which were ratified in 1988 could not be implemented even two decades later because of the lack of domestic legislation in all member countries. The position is similar for the SAARC Terrorist Offences Monitoring Desk (STOMD) and the SAARC Drug Offences Monitoring Desk (SDOMD) in Colombo, because both have failed to maintain a regular flow of relevant information so as to function the desks effectively. These are interesting examples of how a security 'vision' is incomplete, contested and always subject to politics. It tells us that the member states fall short in achieving mutual trust to move towards a common security vision. Each state wants to get back their own terrorists while refusing to do same for the others. Thus, the regional security recipe which was drafted about one and half decades before 9/11, and was boosted in the aftermath of those attacks, has not been a very successful effort in terms of implementation.

### **Bilateral Initiatives to secure Bangladesh-India Border**

Since January, 2002 Bangladesh-India relations have again deteriorated over Indian allegations of the Bangladesh government's support for Al-Qaeda. While many states adopted immediate counter-terrorism initiatives on a mutual basis, these two states took three years to consider any bilateral cooperation in the post-9/11 period. A careful look at the evolution of the foreign policies of Bangladesh and India can better explain why their bilateral relations fluctuate. Predominantly, the way in which each has figured in the changing foreign policy framework of the other is the fundamental element in this regard. Since Independence, India's aspiration to be regionally dominant has shaped its foreign and defence policy. To accomplish its desire, India has followed both neo-realist and liberal institutional approaches during different regimes. Waltz (1979) defines *hard power* as a power that enables regional powers to influence their neighbours and to protect themselves from unexpected outside interference. It focuses on military intervention and coercive diplomacy, with the aim of implementing national interests through ensuing confrontational policies vis-à-vis neighbouring countries. In contrast to this, the liberal institutional approach, or *soft power* strategies, emphasise common political values,

peaceful means for conflict management, and economic co-operation in order to achieve common solutions (Wagner, 2005).

The Nehruvian policy of India, designed by India's first Prime Minister Nehru, denotes the differential approach which was defined by India's own interest, and neighbours received less attention. As I. P. Khosla (2005) quotes, 'good neighbourliness as such is not an Indian foreign policy goal ... the tendency is to take things for granted with the neighbours so that it can pursue the broader foreign policy goals'. Wagner (2005) details that Nehru's South Asia policy was a mix of *hard* and *soft* power strategies. During the 1970s India modified its regional policy under Prime Minister Indira Gandhi, and that new policy is widely known as the Indira doctrine, or South Asia doctrine. It claims that the neighbours have to accept the reality of the power differential: that they will not and cannot be equal in their dealings with India (Munshi, 2006; Khosla, 2005).

The Indira doctrine followed the realist, or hard power strategy, which emphasises the capacity of states to influence others to act as it wants them to do. For example, the Indira doctrine considered the neighbouring countries as being a part of India's security. Therefore, any domestic conflict between the neighbours should only be solved by India, while interference an outside power is considered as hostile to India's security interests (Hagerty 1991). These ideas laid the foundations for India's military interventions, for instance in Sri Lanka in 1971 and 1987 to 1990, and in the Maldives in 1988. However, India's hard power strategies of the 1970s and 1980s created a deep-seated mistrust towards India's intentions among the smaller neighbours. The doctrine of Prime Minister Gujral reflected domestic changes, especially the economic liberalisation after 1991. He introduced the principle of unilateral accommodation, emphasising that India not only had a bigger responsibility but also should give more to the smaller neighbours than she would receive (Gujral, 1998). It seems obvious that the idea of the Gujral doctrine echoes the liberal-institutional arguments that economic co-operation produces absolute gains for all players. However, India's recent aspiration to become a world power forced it to make such a liberal approach. The shift of regional policy during the time of I.K. Gujral could not however lead to a resolution of any of the bilateral disputes with its neighbours.

Immediately after Bangladesh's independence, Bangladesh and India commenced friendly relations through a with friendship treaty concerning peace and security, and two trade agreements, which are mentioned in Chapter two. The friendship treaty gave India a

say in Bangladesh's foreign and security policy, further strengthening India's dominant role in the region. At international level, Bangladesh expanded its relations with the Soviet Union, a close ally of India during that time. On 15 August 1975, the assassination of the then President of Bangladesh and the protagonist of the Awami League (AL), Shekh Mujibur Rahman, in a military coup created almost antagonistic Bangladesh-India relations. Bilateral relations were shaped by various contentious issues like illegal immigration into India, supporting India's terrorists, or the question of the Farraka dam in West Bengal that threatened the industrial and agricultural development of Bangladesh. Immediate after the coup, there were some significant changes in Bangladesh's foreign policy. For example, successive governments replaced friendly relations from the India-Russia block with the US-Pakistan and Islamic world (Lifschultz, 1979).

Basically, the transfer of power from the political left wing to a right wing party, and the divergent shift of Bangladesh's foreign policy, has created mistrust and suspicions in India. On the other hand, to balance India's influence and hegemonic role, time and again Bangladesh's policymakers have sought to develop ties with powerful countries outside the region, such as the defense tie with China. Consequently, bilateral negotiations between India and Bangladesh on different issues have suffered repeated setbacks. Another vital factor for bilateral irritants is India's political party preferences. It is widely acknowledged in Bangladesh that India is sensitive about the right wing party, the Bangladesh Nationalist Party (BNP), and relations become cool if this party forms the government in Bangladesh. Conversely, the signing of the Ganges Water Treaty and withdrawal of India's support for the insurgents at the CHT, and the signing of a peace accord could only happen while the AL was back in power during 1996-2001 (Yasmin, 2004). Interestingly, Bangladesh-India had disputes to reach to an agreement on those issues since Bangladesh's independence.

The relationship between the two countries again became unfriendly following the beginning of the BNP's term in power in October, 2001 while the Bharatiya Janata Party (BJP) was in power in India. Coincidentally, both of these parties have respectively had anti-Bangladeshi and anti-Indian agendas during their general elections. Therefore, bilateral relations were again marred by border disputes and clashes between border security forces, illegal immigration and heated debate over sheltering militant groups and Al-Qaeda in Bangladesh. As a consequence, both the countries failed to continue a

minimum level of diplomatic correspondence, and relations have improved only since the Congress-led government took power in India in 2004. Veena Sikri (2006), the then Indian High Commissioner to Bangladesh, explains: ‘... the resumption of the Foreign Office Consultations in June 2005 after a break of more than two years was an important step forward in our dialogue process with Bangladesh’. Since then, several joint security measures either have been approved or have been under consideration. Additionally, different ministerial level meetings in recent years have provided joint statements referring to terrorism, insurgency, smuggling and trafficking as common threats to security.

In order to curb terrorism and organised crime, both states agreed upon joint security operations along their common borders and undertook the exchange of information on terrorists' and criminals' movements across the borders (*The Daily Star*, 18 September 2004). Hence, the Bangladesh Rifles (BDR) and the Border Security Force (BSF) of India would coordinate their operations on both sides of the 4,126 km border by exchanging information and modalities of any movement by either border patrols in advance. Since 2005, several joint operations have successfully rooted out criminal hideouts in the dark forest of CHT. In recent Indo-Bangladesh negotiations, both the states also agreed on sharing intelligence pertaining to security, but no details on the nature of the information were released. In addition, both sides agreed to examine ways to institute mechanisms for jointly fighting against terrorism and organised crime. However, it is not clear what would be the ‘joint mechanism’. On the other hand, the drafts of an ‘Extradition Treaty’, an ‘Agreement on Mutual Legal Assistance in Criminal Matters’ and a ‘Bilateral Agreement on Combating International Terrorism, Organised Crime and Illicit Drug Trafficking’ are still suspended up because of Bangladesh’s reluctance to approve them. During the last such bilateral meeting in New Delhi in 2005, they also agreed on coordinated efforts to prevent the smuggling of narcotics, illegal arms and explosives, and on providing consular access to detainees (*The New Age*, 27 August, 2006). The above mentioned negotiations on security issues suggest that the two states are trying to establish a collective strategy to secure this border through joint operations, intelligence information sharing, and an extradition treaty. The significant rise of terrorism in both the states in recent years and its cross-border networking has probably forced them to pursue such a strategy.

Although the state elites have tried to resolve their year's long differences over border issues, technical committees are still struggling to find any technical solutions for 6.5 kms of un-demarcated borders. They could neither meet regularly nor could they reach any solution to define the border in those locations. For example, the Joint Boundary Working Group (JBWG), which was set up to resolve all the boundary related issues, met for the second time in 2002 but failed to provide any resolution to the outstanding problems. After a four years gap, the JBWG met again in 2006. This time the Indian representatives tabled a package formula for demarcating the 6.5 kilometres of un-demarcated, border mostly in their favour, prior to resolving other issues, but the Bangladesh government refused (*The Daily Star*, 18 July 2006). In the same year, a Home Secretary-level meeting decided that the JBWG would visit the enclaves and areas under adverse possession 'at an early date', but this is yet to be done. These are the notable cases of incomplete security measures apparent concerning the Bangladesh-India border. Verbally, and even in writing, both Bangladesh and India are becoming concerned to stop cross-border terrorist movement and they refer to disputed land, enclaves and un-demarcation as their major concerns. However, to date there is still no progress to resolve the issue. Probably, these issues do not cover 'post-9/11 security concerns', therefore they are still quite!

Both the states, NGO's and international organisations and UN bodies have considered human trafficking as one of the foremost problems along the Bangladesh-India border, because most of Bangladeshi women and children are trafficked through many points on this border. However, there is no bilateral agreement or measures in place to stop trafficking through this border. At present, cross-border repatriation has been established through collaboration between the BDR and the BSF, the Deputy Commissioners and Police Superintendents, the NGOs in Bangladesh and other neighbouring countries (Ministry of Home Affairs, Bangladesh, 2006). But, this process is complex and time consuming for the safe return of the trafficked individuals. In addition, NGOs of both the countries are taking some measures for awareness building in the bordering regions of both sides. Furthermore, Bangladesh and India signed an agreement on Cooperation for Preventing Illicit Trafficking in Narcotic Drugs and Psychotropic Substances and Related Matters in 2006 to fight against drug abuse and illicit trafficking. Significantly, the agreement visualises quick exchanges of information regarding operational intelligence and to help each other to create records of smugglers, suspects, financiers and organisers. However, it is still unclear how the agreement would be implemented. The main problem

concerning how to assess the outcome of all negotiations or meetings is that they never explain how they would 'proceed with' their joint vision. Most of the time, these negotiations are vague, and have never been implemented.

In most of the cases, bilateral meetings, either at the political level or by the technical committees, fail to convene regular meetings because of the bilateral irritations as I discussed before. Hence, all the meetings held in a 2-4 years interval while arranging the meetings are considered as a noteworthy success, though the major concerns remain as they were. For example, the third meeting of the JBWG was held after a 4 years break without any successful outcome. However, Mohan Kumar, Joint Secretary of the Ministry of External Affairs, India said, 'Importance of the meeting lies in the fact that it is taking place after four years and in an excellent atmosphere. We were able to appreciate each other's point of view and tried to understand position of each other' (*The Daily Star*, 18 July, 2006). Thus, the cyclic ups and downs of political relations hinder substantive progress on all bilateral issues.

### **State Initiatives to Control the Threat**

Apart from regional or bilateral initiatives, both Bangladesh and India are taking some separate measures to face security threats.

### **Bangladesh Government's Initiative to Secure its Territory**

Following 9/11, the US listed 26 Muslim countries as potential terror-grooming states, and Bangladesh is included in that blacklist. In addition, Bangladesh has been labelled as an emerging Islamic militant state by the Western and the Indian media, as well as by the Indian government. Therefore, Bangladesh has tried to take several anti-terrorism measures, including financial surveillance to save her from being classified as a terrorist state. In doing such, it has tried to regain its moderate Muslim country image. For example, a three stage screening process has been introduced at all the international airports in Bangladesh. Thus, the validity of a passenger's passport and visa is checked by the airline, Immigration, and final checking by the Airlines' Passport Checking Unit (PCU) before boarding the aircraft. According to the Ministry of Home Affairs of Bangladesh, strict procedures are applied to land ports as well. The government explains their fight against terrorism as a multifaceted one, and has accelerated steps from different

levels, classifying them as short and long-term measures. In short term measures, the government stepped up a concrete 86-day campaign in 2002 which saw a combined army, civilian and paramilitary drive called Operation Clean Heart to suppress leftist terrorism and curb economic crimes, and this was followed by Operation Spider Web (Rahman, 2006).

Until the countrywide bomb blasts occurred on 17 August 2005, the Bangladesh government had regarded the religious militancy as 'hostile propaganda'. However, it banned the *Harakat ul-Jihad-i-Islami-Bangladesh* (Huji-B), the *Jamiatul Mujahidin Banladesh* (JMB) and the *Jagrata Muslim Janata* (JMJB) in late 2005. After the 17 August attacks, the government placed the highest priority on curbing terrorism. In response to the attacks, the government's Rapid Action Battalion (RAB), a paramilitary organisation, emerged as Bangladesh's leading counter-terrorism unit. With the support of the RAB, the government continued to arrest, prosecute, and convict the top leaders and activists of the JMB, which was responsible for a wave of bombings and suicide attacks in late 2005. On the other hand, a campaign has been launched to motivate and educate people that the destructive path preached by extremists is contrary to Islam. Initiatives have also been taken to enact the Anti Terrorist Act in Bangladesh. Laws with the provision for a death sentence for patrons of militancy are to be enacted soon. The long term measures have included breaking the ideological motivation of the terrorists, blocking their financing, and identifying the patrons of militancy.

Attention to war on terrorism finance as part of the 'war on terror' initiated some significant changes in banking law, and increased financial surveillance. It is treating terrorism finance with the same tools as money laundering (Atia, 2007). To deal with war on terrorism financing, Bangladesh also enacted a Money Laundering Prevention Act (MLPA) in April 2002, to prevent and punish money laundering. According to the MLPA, 2002:

Bangladesh Bank, the central bank of Bangladesh, has been entrusted with the responsibility of implementing and enforcing the Act. It has been empowered to authorize investigations and to lodge court petitions for the seizure or freezing of assets involved in money laundering and to investigate and try money laundering offences. The law mandates that banks, financial institutions, and other financial intermediaries must

maintain customer identification and transaction records for at least five years. They must report suspicious or unusual transactions to Bangladesh Bank and furnish such records and information as the bank may require identifying, investigating and prosecuting money laundering offences. The law also empowers the government to conclude agreements with foreign jurisdictions for cooperation in investigating and trying money laundering cases.

In line with the US 'follow-the-money' approach, Bangladesh has prepared its own 'follow the money' strategy, even though Bangladesh did not know whether this was needed or not. As M. Allah Malik Kazemi, Deputy Governor of Bangladesh Bank in 2003 identifies, 'Bangladesh is not on any major route for global traffic in laundering money' (World Bank and IMF Global Dialogue Series, 2003: 21). However, it has not proved a successful tool to track terror financing of the home grown religious extremists. Therefore, even though having a highest concern regarding terror financing and patrons of militancy, the government failed to identify their existing network and sources of finance, while all the top leaders were captured by the RAB.

Although the Bangladesh government has taken the highest priority measures to curb terrorism, some inadequate initiatives have been taken in addressing the ever increasing human trafficking issue. However, the US government's pressure to curb trafficking is one of the major factors for government initiatives, as I discussed previously. Therefore, the Bangladesh government has developed some initiatives in terms of prosecution, prevention, protection, punishment, recovery and reintegration. It made some legal reforms in 2003, such as amendment of the Children and Women Repression Prevention Act 2000, and amendment of the Special Tribunals for Prevention and Repression against Women and Children 2000. The Women and Children Repression Prevention Act contains specific penalties for women and children trafficking, including a provision for death sentence or life imprisonment. In the amended Act, a child has been defined as a person below the age of 16. A national policy was formulated and launched in 2005 with the aim of creating mass awareness in all classes of people for combating the trafficking of women and children. However, huge corruption, lack of proper coordination, and the inactive role of police forces to capture the perpetrators limit the success of the government initiatives.



## **Indian Government's Initiatives to Secure its Territory**

India has been one of the major victims of terror attacks in both the pre- and post-September 11 periods. The country's decades-long struggle to combat politicised violence has created a chronic crisis of national security in India that has become part of the very 'essence of [India's] being' (Gill, 2002; Yadav and Kumar, 2006). However, the nature and objectives of those attacks are different from present perceptions of religious extremists' terrorism. There are 32 banned terrorist organisations in India (Pathak, 2007). Reciprocally, there are several pieces of legislation, such as, the Unlawful Activities Act (Prevention) 1967, the Armed Force Special Power Act 1967, the National Security Act 1980, the Arms Act 1959, the Explosives Act 1880, the Anti Hijacking Act 1982, and so on. However, ever-increasing terrorist attacks and politicised violence in different dimensions signify the limitations of these special antiterrorism laws in combating terrorism.

Shortly after the September 11 terrorist attacks in the United States, there was a suicide attack in the Indian Parliament on 13 December 2001, which killed 12 people. The BJP government linked it with the 9/11 attacks, saying that India had received warnings of a possible attack following the defeat of the Taleban regime in Afghanistan (*BBC News*, 13 December, 2001). As with the US Patriot Act, Indian legislators acted quickly in declaring the Prevention of Terrorism Act (POTA) as an effective tool to deal with the new global threat of terrorism following the 9/11 attack on the US, and the attack on the Indian parliament (Gagni, 2005; *BBC News*, 17 September 2004). However, this anti-terrorism legislation faced serious disapproval from the opposition party in the Indian Parliament, and from many human rights organisations. Accordingly, the BJP-led government had the legislation approved at a special joint session of the national parliament after the bill failed in the upper house, where the BJP and its partners lacked a majority. Notably, that was only the third time in the history of Indian parliament that the extraordinary measure of calling such a session was taken. Among other potentially dangerous measures, this controversial act allowed for a 180-day detention without charge, sketchy review procedures, summary trials, and trials in absentia. It allowed one year custody for accused people without bail. In addition, the accused have to prove their innocence rather than the prosecution their guilt.

In application, the Indian provinces those enacted the POTA wasted no time in capitalising on its broad definitions of terrorist offences and sweeping powers of arrest and detention (Amnesty International, 2003). Only four months after its effective date, state law enforcement officers had arrested 250 people nationwide under the Act, and the number was steadily increasing (Gagni, 2005). Therefore, the POTA, like the US Patriot Act have been criticised as unwanted. In the United States, lawyer have expressed concern that, since 2001, the government has selectively targeted individuals (and especially recent immigrants) of Arab, Muslim, and South Asian descent, essentially using race, religion, and national origin. In India, similar concerns have been raised that extraordinary laws such as the POTA have been used to target political opponents, human rights defenders, and religious minorities (especially the Muslims). Such Indian policy is quite similar to the Russian policy against the Chechen rebels, who are fighting for secession from Russia. Russian Government strove to establish a link between the Chechen rebels and Al-Qaeda and other terrorist groups from Afghanistan and the Muslim territories of the former Soviet Union. The Kremlin wished to both prevent outside interference in its own “war on terror” in Chechnya, whilst at the same time supporting a wider war on Islamic terror against the Taliban (Sherman and Sussex, 2004). In addition, Prodip K. Ghosh, a senior lawyer in Calcutta, explains that the enactment of many anti terror laws in India have been temporary in status with, the expectation to remove these laws with an improvement in the situation. But after a year or two, with fresh incidences of terrorist activities, the statutes have been reintroduced with requisite modifications. When Monmahan Singh assumed the office of Prime Minister in 2004, his government’s first action was to repeal the Prevention of Terrorist Act.

Furthermore, an updated anti-hijacking policy adopted by the Government of India in August 2005 provides for the shooting down of a hijacked plane if there is a danger of its being used by the hijackers as a missile (Raman, 2007). After the September 11 attacks, the Prevention of Money Laundering Act was enacted in 2002. Other than enacting different laws to reduce terrorist attacks, India has accelerated its border-fencing project through the Indo-Pakistan and Indo-Bangladesh borders. The total length of the Indo-Bangladesh border to be fenced is 3286.86 km, out of which 2435 km has been completed (Year End Review, 2006, Ministry of Home Affairs, Government of India).

In the post-September 11 period, the US governmental and military cooperation with India on counter terrorism continued to expand. Both the states continue to exchange officials and experts to enhance the Indian army's counter terrorism exercises. The US-India Counter Terrorism Joint Working Group (CTJWG) has met eight times since its creation in 2000. India has also participated in the CTJWG with 15 other countries. According to the US State Department, India's counter-terrorism efforts were hampered by its outdated and overburdened law enforcement and legal systems. The Indian court system was slow, laborious and prone to corruption; terrorism trials can take years to complete.

Although, India's main concern is terrorism, some measures have been taken to address another serious threat, i.e. human trafficking. The Indian Ministry of Women and Child Development (MWCD) works to stop trafficking with the help of the Ministry of Home Affairs (MHA) and the Ministry of External Affairs (MEA). A comprehensive Witness Protection Programme to enable the victims of trafficking to be protected and secure until such time as the trafficker is prosecuted is under consideration. In terms of rehabilitation, the MWCD runs Shelter Based Homes, Short Stay Homes, Homes for women in difficult circumstances, such as trafficked women/girls rescued or who have run away from brothels or other places. The MWCD is also trying to explore a protocol to ensure repatriation of victims of trafficking to their country of origin. Certain amendments are proposed to the Immoral Traffic (Prevention) Act, 1956 to widen its scope, focus on traffickers, and the human rights of victims, and to make its implementation more effective. However, all the initiatives in the post-9/11 period are still in initial stages and under discussion with different ministries; therefore implementation has a long way to go.

## **Conclusion**

Since the 9/11 terrorist attacks, following the US model, all the South Asian states are declaring terrorism as their utmost adversary in all regional forums, hence they are approving a range of different agreements or safeguard measures. Apart from the SAARC initiatives, Bangladesh and India are also trying to instigate several bilateral and individual measures to prevent illegal activities. Although bilateral initiatives are very few, individual initiatives have been taken Bangladesh and India. Now the question is: what are the changes made in security policies following 9/11?

Firstly, A US branded 'risk perception' and 'focus on terrorism' have been transmitted to South Asia. Discourses that addressed the combating of terrorism pre-dated 9/11 did not narrow their scope onto Islamic terrorism; rather concerns were focused on Liberation Tigers of Tamil Eelam (LTTE), Maoist, North East India insurgents and so on. By contrast, post-9/11 discourses, in most cases, are pushed by different anti-terrorism measures linking existing terrorist concerns with the new threat from Al-Qaeda. Similarly, they are trying to pursue war on financing, war on crime etc. Notably, the 9/11 events and resulting perceptions against Islam and Muslims are marked as detrimental to bilateral cooperation in South Asia. For example, immediate after 9/11, India blocked any type of bilateral cooperation with Bangladesh on the plea that Bangladesh was grooming Al-Qaeda and religious militancy. However, such categorisation of terrorism and a sponsoring state is a new approach following the 9/11 attacks.

Secondly, the SAARC has been proceeding with some very pragmatic agreements or initiatives to check terrorism in both the pre- and post-9/11 periods, while at the same time they think terrorism in South Asia is trans-national in nature and eradication is quite impossible without joint actions. However, small states perceive India's invisible hand involved in the persistence of their problems; while India blames other members for working to destabilise India. Therefore, a sense of 'insecurity' or mistrust on joint security measures prevails among the members. Similarly, enduring bilateral irritants had also quite visibly stalled cooperative measures between Bangladesh and India until 2005. However, some bilateral discussions have been held, albeit which failed to provide any breakthrough in the security cooperation between Bangladesh and India. For example, in bilateral negotiations, both the governments are routinely expressing their concern over the increase of criminal and terrorist activities on their borders and pledge to prevent them jointly. Unfortunately, such verbal resolutions generally end up with nothing more than a joint press-briefing. Therefore, differences in risk perception result in incomplete and contested security measures.

Thirdly, managing terrorism is now an integral task for all governments. Bangladesh has tried to convince the US that she is an ally in the 'war on terror' through taking several anti-terrorist measures; it is as though a Muslim person or Muslim state is guilty unless proved innocent. A Muslim state is always subject to while the US is one of their major trading partners and they receive huge financial assistance from the US. On the other

hand, the events of 11 September, 2001 provided the Indian government with the dubious pretext to introduce the POTA. The Indian Ministry of Home Affairs justified its stand by claiming the act as an urgent requisite to curb an upsurge in terrorist activities. However, the MHA's own assessment conflicts with its Annual Report for the year 2000. This report indicated a decrease in the number of terrorist incidents in Jammu and Kashmir, albeit that this state remains the main focus of the Indian government's counterterrorism measures. The above statement hints that the government used the law for political purposes against Muslim minorities, secessionist rebel groups, political opponents, and so on.

Since 9/11, the Bangladesh-India border has been defined as a most dangerous place as a terrorist gateway. India has tried to accelerate its border fencing project to stop terrorists and illegal immigrant entering from Bangladesh. However, other disputed parts and undemarcated portions are not under security consideration. This indicates the forgotten nature of the old problems. Similarly, the arms trade and human trafficking which were the sole security concerns before 9/11 are now lower on the priority list. SAARC is also paying inadequate attention to these issues, while most of the trafficking incidents and arms trading are intra-regional. Besides, the only regional convention on trafficking lacks conceptual clarity in relation to the definitional difference between trafficking and prostitution. Trafficking of women and children across boundaries occurs for various purposes, not only for prostitution, i.e. women and girls are being trafficked for forced labour and for forced marriages to various parts of South Asia and other regions, and children are forced to work as camel jockeys in the Middle Eastern countries. Significantly, the root causes of terrorism lie in poverty, discrimination, violence against minorities, and in ethnic cleansing. Unless initiatives are taken in these regards, the imposition of anti-terror laws alone might not work.

Finally, the post-9/11 border surveillance and financial surveillance are bound up with previous measures to curb crimes. Thus, the initiatives for follow the money and war on crime is like that the old problems are reframed by a discourse of post-9/11 threats. In all instances, all the new security strategies, either regionally, bilaterally or individual initiatives, hints a sort of enhancement of the previous laws. For example, the SAARC has upgraded its terrorism convention by adding measures to combat terror financing. Both Bangladesh and India have enhanced their anti-money laundering laws. On the other

hand, India's controversial law, the POTA, contained most of the measures of the abandoned TADA Act of 1995. The above discussions propose 9/11 can be seen as a significant 'break' in histories of Bangladesh-India border security practices. On the other hand, all of these examples bring up a question- what is really new behind these recent reforms?

## CHAPTER 6

*Conclusion and Recommendations*

## **How novel are the post-9/11 security discourse and Practices?**

By the start of 1990s, 'the advanced industrialised countries' formulated the notion of borderless world. The 'debordering' thesis is associated with some variants of globalisation theory which suggests that borders are being effaced in order to facilitate greater economic mobility. Newman (2006) mentions the globalisation discourse positing a new borderless world where the barrier impact of borders became insignificant. Simultaneously, security concerns and worries about 'open borders' have led to the gradual strengthening of border security measures of nation-states who wish to impose better control over migrant workers, refugees and criminals. However, 9/11 attack shattered the debordering initiatives. Recent developments include sharp rise of law enforcement budgets for border controls, new legislation targeted unauthorised entries and mobility and deployment of sophisticated surveillance and information technology. All these new measures reflect that we are witnessing the rebordering of state (Andreas, 2003 a). At this point, if we look back to the Bangladesh-India border security practices since the early 1990s, it does not fit with the notion of debordering thesis. Bangladesh and India never took significant initiatives to facilitate greater economic integration and interdependence leading to more open borders and more harmonious cross-border relations. In fact, Bangladesh-India border has never given any serious attention in terms policy measures. Since the 9/11 attack, this border is also considered as a conduit of terrorists and migrants. Soon after the attack, there is a continual concern over border security for this border many of which matches with rebordering thesis.

I concluded the last chapter by raising the question of novelty of the post-9/11 border security and surveillance discourses in Bangladesh and India. Very often it is argued that the terrorist attacks of September 11 brought a fresh development in surveillance systems. For example, Endners and Sandler (2005) mention that President Bush's 'State of the Union' remarks strongly suggest that everything changed on 11 September, 2001 (henceforth 9/11), with the world now confronting a far-flung network of terrorists bent on heinous attacks. To create an understanding of the recent security measures, we can look back to the pre-9/11 discourses. Andreas (1998) argues that the post-Cold War US security agenda was dominated by concerns over crime fighting rather than war fighting. He cited a conference report from the Centre for Strategic and International Studies which called 'organised crime the New Evil Empire, concluding that the dimensions of global



organised crime present a greater international security challenge than anything Western democracies had to cope with during the cold war' (Andreas, 1998: 75). Accordingly, he adds, there was a gradual strengthening of border securitisation processes, such as enactment of tougher laws and the development of more sophisticated and powerful surveillance technologies. Similarly, Ackleson, (2005) explains illegal immigrant and terrorism issues. He defines, 'Operation Blockade', later renamed 'Operation Hold the Line' initiated in 1993, as the precursor of US–Mexico border control initiatives and the model for US policy as a whole in the 1990s. He considers that the US-Mexico border security prior to the 9/11 attacks identified undocumented migrants as a societal threat, and new forms of boundary surveillance technology and manpower were the defined solutions in this discourse.

After the 9/11 attacks, he continues, the US response to terrorism has been directed at its immigration policy and its borders. The US–Mexico border is now seen as a conduit for terrorist movement, even though the 9/11 terrorists did not enter through this border. The negative framing of migration as a 'threat' and security issue is based partly on a move in the post-Cold War era from concerns about military security to societal security. Therefore, he thinks that the prevailing constructions of security today track in some ways the format of the pre-9/11 discourse on the US–Mexico border and the issue of uncontrolled and undocumented migration. Thus, he claims that recent security policy has tended to merge societal and state security. The fact that new differences, and threats to societal security, such as drugs or migration are now on the agenda, indicates an expansion of previously state/military-centred security agendas to encompass issues that may be seen as somehow jeopardising certain notions of society or culture, in particular national identity, which have traditionally not been approached in this way. In addition, William Walters (2005) considers that we are witnessing a delocalisation of the border, i.e. currently border functions are away from the border, such as Photo ID cards, biometric proxy ID card etc are now changing the 'topography' of border control. Although the intense use of these technologies is result of the 9/11 attacks, its emergence can be traced dated back to 1924. Not only border security, but also parallel internal surveillance has been boosted in the post-9/11 period. In *Surveillance after September 11*, David Lyon (2003) elucidates that the intensity and the centralisation of surveillance in Western countries has increased sharply as a result of the 9/11 attacks.

On the Bangladesh-India border, organised crime was considered as a major threat to border security prior to 9/11. All through the decade of the 1990s there were increasing concerns about the sharp rise of illegal arms trafficking, human trafficking and cross border movement of criminals and insurgents. In addition, SAARC established an anti terrorism convention to combat all the enduring secessionist movements and struggles, such as ethnic conflicts in India, Liberation Tiger of Tamil Eelam (LTTE) in Sri Lanka, Maoists in Nepal, *Santi Bahini* at Chittagong Hill Tracts (CHT) in Bangladesh. As I discussed in the last chapter, terrorism was not viewed through the prism of Islamic fundamentalism. Then again, illegal immigration from Bangladesh to India has created a heated debate since the 1980s. In an interview with Time-life magazine in 1985, the then Indian Prime-Minister Rajiv Gandhi says, ‘we have to stop the refugees. We can’t have the influx going on at the rate it is going on. It poses tremendous problems within India’ (Bhasin, 2003c: 2014). Accordingly, border fencing commenced in 1989 with a view to stopping illegal immigration.

‘Israel and India next target’ – was the front page heading of the *Hindu*, a well known Indian national daily newspaper on 12 September, 2001. Similarly, C. Raja Mohan, the *Hindu’s* editor for international and security affairs captured India’s reaction in an article by explaining, ‘... his (Osama Bin Laden’s) alliance with the Taliban in Afghanistan reflects another important shift in the nature of international terrorism. The headquarters of international terrorism has moved from West Asia to the subcontinent’ (Quoted in Khanna, 2004: 199). Within ten days of the 9/11 attacks, the Indian government linked Al-Qaeda with the Kashmiri militants. The then Indian External Affairs Minister, Jaswant Singh said, ‘... our information based on intelligence resources of India is that Mullah Omar has issued an appeal that all terrorists currently (operating) in Jammu and Kashmir should quickly move towards Afghanistan to stand up against what is apprehended’ (*the Hindu*, 20 September, 2001). Similarly, Bangladesh was also associated with Al-Qaeda a year after the 9/11 attack. For instance, L. K. Advani, the Deputy Prime Minister of India claimed, ‘... after the change of government in Bangladesh, there has been an increase in the activities of the Al-Qaeda and the ISI there’ (*the Hindu*, 08 November, 2002). Before 9/11 there was no indication that religious militancy or Al-Qaeda is a threat for South Asia or for India. However, both the Indian government and media hold such views since the terrorist attacks created an abrupt change in India’s perception of security threats, as well as helping them to associate their neighbours and insurgents with Al-Qaeda.

As a consequence of the new security perception, migration issues have been reassessed as one of the security threats to India, while the government claims that illegal immigrants are spreading Islamic fundamentalism all over India. As Buddhadeb Bhattacharya, West Bengal's Chief Minister, claimed at a conference organised by the BSF in Kolkata on June 23, 2005, there are groups among the illegal immigrants who spread the message of Islamic fundamentalism (*Rediff News*, 22 December, 2005). India took several measures to stop migration, such as a pilot project on multi purpose national identity cards in the border districts, although it should be noted that this was first proposed in 1964. Fascinatingly, India also became concerned about its cattle's nationality. In a report on 'and now ID card for cows?' the *Times of India* (07 November, 2001) says that another plan involved providing borderland cattle with laminated identity cards to save them from being smuggled out to Bangladesh. All these examples indicate that the hardening of this border, both physically and in an ideological sense, is linked to the view that illegal immigration is no longer a human problem but a security problem as well. India's border fencing project also received momentum with a view to preventing down Al-Qaeda's entry from Bangladesh. For example, only 833 km of the border was fenced off in the period from 1989 to 2000, while a 2455.88 km border was then completed by the end of 2006 (Annual Report, Home Ministry, India, 2007). Border shooting has increased significantly in recent years. Odhikar (2006) report shows that one Bangladeshi was killed every five days on an average, and the victims were local peasants, farmers and agricultural workers. While Bangladesh condemns this border shooting as killing innocent people, India values its border forces to stop the entrance of aliens. In terms of the above security consciousness it is comparable to Waeber's, claim who writes, '... something is a security problem when the elites declare it to be so' (Waeber, 1995: 54).

Not only is border security heightened, internal surveillance is now stronger than ever in both Bangladesh and India. Bangladesh employed a new counter terrorism unit to control religious extremism in 2005, three stage screening at the airports, registration of mobile phone users, and so on. RAB, the counter-terrorism unit of Bangladesh emerged in March, 2004, which is mentioned in the fifth chapter above. On the other hand, India has gradually implemented tougher anti terrorism laws or conventions since the 1980s to control the tremendous rise of ethno-nationalist movements. In most of the cases, each of the new Acts includes most of the provisions of the previous one and adds some new tougher regulations. For example, TADA, which was implemented in 1985, explicitly

defined a series of new, substantive terrorism-related offences as criminal. However, it contains some of the provisions of the Terrorist Affected Areas (Special Court) Act, such as the stringent bail and pre-trial detention provisions and the special procedural rules for the special courts.

Similarly, POTA, which entered into force immediately following 9/11, contains many of the provisions of TADA which was lapsed in 1995. Anil (2006) analyses the Indian anti-terrorism laws in different periods and elucidates that POTA's substantive provisions expand upon similar provisions in TADA. For example, he mentions that TADA includes vague provisions criminalising disruptive activities, and POTA's definition of terrorist acts remains vague and overly broad. In addition, he argues that the definition broadly encompasses many ordinary criminal law offences with little relationship to terrorist activity, creating tremendous potential for arbitrary or selective application. Anil also claims that POTA goes beyond TADA's original provisions to target several forms of association with terrorism. The law authorises the government to ban any 'terrorist organisation' and criminalises a host of actions associated with these banned entities. Like TADA, POTA makes confessions to police officers admissible as substantive evidence, reversing the normal rule that confessions to police officers are strictly inadmissible. As a result, POTA became controversial from the time of its implementation. Thus the emergence of POTA, or all other security initiatives, can be better explained by Ackleson's (2005) argument, who says that, when an issue is securitised, it becomes raised to a new category of importance on the political agenda, thereby justifying extraordinary policy responses.

Thus, the focus and concern on security threats has changed more significantly after the 9/11 attacks while there is no novelty on surveillance measures. In other words, we can explain that 9/11 provided the context for the governments to implement some tough surveillance measures which they had failed to achieve previously. As Lyon (2003) considers, 9/11 provided 'a golden opportunity' to some countries to legitimise their effort. In many cases, previous war on crime or war on trafficking has accommodated more strict laws and become incorporated with new security concerns. In all of the instances, none of the initiatives are completely new, but are rather a reinforcement of the previously existent surveillance systems. Thus, it reveals that the border security perceptions for this particular border have changed in different points of time. It portrays

one of the important themes of border research that the meaning and interpretation of boundaries have changes over time.

### **Changes in the Security Threats**

The entire discussions on the Bangladesh-India border security threats in the pre- and post-9/11 periods uncovers the fact of increasing flows of illegal arms and human trafficking. However, the increasing trend of organised crime does not indicate any abrupt transformation after 9/11, rather it has been gradually increasing since the early 1990s. The number of trafficked persons has increased and new and different routes have been discovered all through the border. Chapter four above has revealed the increased rate of trafficking throughout over the region and thus shows its integrated nature all through the region. Similarly, the capture of huge quantities of sophisticated arms and weapons indicates that the border is intensively used as transit that was never found to be the case before 2004. Although it is quite difficult to find any relationship between 9/11 and the increase in such illegal activities, we can think of it as the impact of a rise of all forms of terrorist activities around the world, and especially in South Asia. The rise of leftist terrorism is a different trend which does not match with post-9/11 security concerns. However, it hints that the rise of the illicit arms business is eventually encouraging such red-revolutionist movements. Conversely, the rise of terrorism and conflict obviously increases movements of illegal arms and explosives. In terms of organised crime it is ever increasing.

Endners and Sandler's (2005) demonstrate that the basic time series (e.g., the all-incident series, bombings, and incidents with casualties) displayed no changes after 9/11. Incidents remained at their low pre-9/11 levels. What changed was the composition of events, with terrorists relying on deadly bombings to a greater extent than ever before and engaging in a very low proportion of complex hostage-taking missions. In consideration of terrorism and terrorist activities in Bangladesh and India, it is obvious that both the countries are experiencing huge terrorist attacks which were unimaginable before. Most of the bomb blast previously occurred were political in nature never attacked any cultural programmes, shopping centres. The huge spread of religious extremism in Bangladesh is a new phenomenon to this border. However, Khan (2004) thinks there is a global upsurge in rightist ideological forces especially in post-9/11 days, and South Asia is no exception.

The rise of religious militancy obviously a new threat for this border Therefore, the rise of Islamic fundamentalism in Bangladesh can be considered as an attempt to become a violent Islamic force like Taliban in Afghanistan or Jihadis in Pakistan. Thus it matches with Ender and Sandler's (2006) findings, the rise of fundamentalism terrorism has most impacted- Middle East and Asia where the largest Islamic population exist. They consider a geographical shift of terrorism may also be motivated by the ability of terrorists to blend in and establish a support system, especially for religious fundamentalist terrorist. If terrorists can achieve their interest nearer to home, they do not have to cross borders.

### **The forgotten nature of old problems**

While state elites of Bangladesh and India are paying so much attention to stop cross border crime and terrorism, they pay least interest to resolve all the unresolved problems since the emergence of this border. Radcliffe had to separate about eighty million people and divide 175,000 square miles of land (Jalil, 2006b). In fact, within a period of thirty-six days he had to divide a land and people, which had been joined together in many ways for about one thousand years. Due to this fact and to a myriad of political pressures, the Radcliffe Commission failed to draw a geopolitically sound line, delineated and demarcated in accordance with accepted international procedure. However, the high hope that Nehru expressed during time of partition to resolve border matters through mutual dialogue has been fully missing since 1947 up until the present. Neither India-Pakistan nor India-Bangladesh could achieve a constructive approach to working out all the unresolved issues along the Bangladesh-India border. In all instances they stick to their arguments which can provide them with maximum territory. As a result, border demarcation is still incomplete to date. Hence, the Bangladesh-India border demarcation is following a geologically slow process, which had just begun in 1947 and no one knows when it will conclude.

Whilst exchange of enclaves and Adversely Possessed Land (APL) is linked with the completion of the boundary demarcation, these issues are yet to be resolved. The 1974 Land Boundary Agreement (LBA) provides the guidelines to exchange enclaves and APL. The LBA specifies that the enclaves are to be exchanged between the two countries without any claim of compensation. However, Bangladesh ratified the agreement shortly after its signing, but India has not ratified yet. The Indian government considers that ratification is only possible after full demarcation of the border, which is a reversal of

India's her 1958 policy when India ratified an exchange agreement before completion of the whole demarcation. In 1958, India and Pakistan signed an agreement widely known as the Nehru-Noon Agreement for the exchange of some of the enclaves between the then East Pakistan and India. Accordingly, the then Indian parliament adopted the necessary constitutional amendments in December 1960, and soon after those enclaves were exchanged without the entire boundary being demarcated (Bhasin, 2002a). If the same procedure had been followed after the signing of the LBA, the exchange of these territories would have taken place long ago. Therefore, the delay in ratification is related to bilateral politics and not to legal constraints.

These issues are not only matters of bilateral politics, but domestic politics also integrates into unresolved border issues. This is also an issue of domestic politics in India, and none of the political parties have made any serious attempt to resolve the issue. Their negligence about enclaves can be explained as less political gain during the election while enclave dwellers are not added in voter list. As Whyte (2002: 96) mentions, one of the senior BSF officer's comments, '... since there is no vote bank, nobody is interested in these enclave dwellers'. In many cases, the transfer of an enclave is considered as a loss of territory to an enemy Muslim state (Whyte, 2002; Schendel, 2005)). In such a complex set of circumstances, it is very difficult to predict when these issues will be resolved. The French philosopher, O. Marcard, called political boundaries 'scars of history' (Kolossoff, 2005: 619). For Bangladesh and India, these are not only scars of history, but also scars of politics.

As I explained in the third chapter, enclaves and APL and undemarcated sections have posed problems of border management for Bangladesh and India since the emergence of Bangladesh. These places are intensively used as transit points for all kinds of illegal activities, such as arms and human trafficking, and illegal trade. While border forces are helpless in these cases, states are not taking proper initiatives to resolve these problems. It is very fascinating that increased security concerns in the post-9/11 period did not touch on these issues. Both India and Bangladesh are taking so many actions to provide fewer opportunities for the trespassers to enter into their territory, but they ignore covering these places with their security net. Neither of the bilateral meetings could provide any new steps to resolve these problems, and it appears as though the nature of old problems is forgotten while integrating with new threats.

## **Coexistence of suspicion and cooperation**

It is quite visible that security cooperation either regionally or bilaterally is incomplete. Since 1947 all the issues either relevant to border or security have been subject to politics. In most cases India is at the centre; some problems have been raised by India-Pakistan enmity while some others are because of suspicion between India and its small neighbours, and suspicion and politics are central for all cases. However, 9/11 created more antagonistic relations through the issue of Islamic fundamentalism in India's neighbourhood. Thus, most of the implemented initiatives are taken by Bangladesh and India individually. On the other hand, Bangladesh and India are also trying to pursue more easy and integrated trade and transport linkages between their two countries.

India not only considers that the Bangladesh-India border is the source of all security threats for India, but also considers it as a gate-way for the economic development of its north-eastern provinces, and India has proposed a bilateral free trade agreement since 2003. Similarly, transport linkages are also expanding. Border trade has increased more in the post-9/11 period than before. This is a very interesting example in that new security measures did not hamper border trade and border transport linkages. Rather, it has been border tensions at a different time that has blocked smooth border trade. Noticeably, most of the developed countries took strict security measures on their borders after the September 11 terrorist attacks, which adversely affected their border trade. Strict vigilance on the US border makes vehicle movements slow. However, although India has forwarded many security measures, it has not implemented strict vigilance on customs or border ports. Almost all the bilateral trade between Bangladesh-India occur through this land and river, which is very significant for both the state's economy. In addition, India's service sector has especially benefited from Bangladeshi patients, thus there are considerations to make the visa procedure easier. As economic functions of the border positively contribute to both the countries economy, there is a tendency to overlook many of their perceived security concerns in this regard.

## **Concluding remarks**

The history of the Bangladesh-India border reflects the classical post colonial problem: where is the 'international border' to be created when it did not exist before and what happens when that is tried? As in the case of other post colonial states, contested claims



over territory have shaped many of the conflicts and disputes. Such issues not only pose security problem for the border guards, but also pose threats to the life of people who live in those places. Border disputes have formed bilateral antagonism; however, the neighbourhood policy or foreign policy of both the states has also framed the enduring nature of border disputes. In all instances, the border remains the victim of all conflict. As Schendel (2005) states, obviously, borders divided the three countries as much as they connects them. However, in all instances the ultimate impact of problematic bilateral relations reach to the border taking a precise shape of disputes. This study reveals how state politics have shaped border management, border conflict and cooperation in different eras. It explores the changes in security concerns post-9/11 that have reinforced previous security measures. It also explores the security threats that are also increasing over time, even though states have taken many security measures.

Finally, this thesis suggests that a cooperative approach is necessary for Bangladesh-India border management. This approach focuses on close and effective cooperation with a neighbouring country in the field of border security. It is essential to have a balanced combination of security and cooperation interests, which demands a bi-national collaboration. This could be achieved by maintaining a direct and regular interaction between the border security forces of both the states. The 1974 LBA is a very good instrument by which to resolve many of the enduring problems, therefore early ratification of this agreement can promote a peaceful border. Similarly, the 1975 land boundary guideline is a very efficient method to control cross border illegal activities and terrorism. The real interest of creating a secured border is impossible without the joint functioning of border security in crucially important spheres (the struggle against smuggling, illegal migration, drug-trafficking and so on).

‘The political forces, not purely legal texts, ultimately shape political decisions’ (Appadorai, 1981:197). This is true for this border. For example, previously Bangladesh and India denied repatriation of each other’s criminals as there is no extradition treaty between them. Anup Chetia, a most wanted ULFA (United Liberation Front of Assam) leader, who has been in Bangladesh police custody for many years, was not handed over to the Indian Government on the plea of the absence of an extradition treaty between these two countries. However, on 07 March 2008, India sent back three Bangladeshi top terrorists who had been in Indian police custody for several years. This could happen

because of successful diplomatic negotiation over a period of a month (*the Daily Star*, 08 March, 2008). Bangladesh has also sent suspected terrorist to, and received criminals from, the US, despite there being no extradition treaty between them. This suggests that the absence of extradition treaty is not a problem for sending criminals back home when the political will is present. Therefore, such a positive political mind set is very crucial for border security. Similarly, border fences alone cannot make this border secure. For example, Bangladesh and India have almost 200 km of river border, which is impossible to fence off. Therefore, to ensure proper management it is essential to have cooperation among the neighbours.

Furthermore, an approach requires national security to be defended throughout the territory of the country, not only at the borders. The struggle against arms traffickers or terrorist cannot be pursued only through defensive measures at the border. On the other hand, government should contribute to the development of cross-boundary cooperation at the level of local authority. This approach is essential to ensure border management at the local level.

The study reveals Bangladesh-India border is very complex with uneven geography of security, legality and permissibility. At the same time, this border is the route of many illegal activities. This study also reveals that this is a border, which is socially constructed and contested and life in the borderland makes border surveillance difficult. These issues need to be reflected in the border security policy. In this context, it is important to have border security measures sensitive to the people living in the borderland otherwise there is a chance to distance these people more from the state. Consequently, it is a very vital question what would be good to border security? How can we do better then? Is the technology led new surveillance system more efficient? Hence, there is a real need to push public and political dialogue to identify what is really needed for security and effective border surveillance. There is also a need for national and international dialogues on this matter.

In the context of 9/11 and contemporary security considerations, we can neither claim that 9/11 has changed everything nor can ignore its impact. Rather, 9/11 can be seen as a significant event, which brings certain elements in the surface. My findings on the Bangladesh-India border reflect this fact. The study reveals the impact of 9/11 is more discursive than practical. It uncovers how increasingly countries comply with fashionable

trend while many of the original problems are forgotten. Therefore, I think this study contributes to the global border security research giving a different insight.

This study focuses on changes in surveillance in the pre- and post-9/11 periods. However, it does not cover the issue of why terrorism and illegal activities have increased despite the surveillance system having become more securitised. In addition, it is also necessary to study how efficient the post-9/11 security measures on this border are. In fact, very little study has so far been done on this border, therefore more intensive study there can enrich boundary research. On the other hand, documentary research is a very useful method to conduct objective research in a smaller span of time. However, participation of interacting groups around the border could bring more insights into the account.

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