

Need for settlement of outstanding issues

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THE recent clashes between Bangladesh Rifles (BDR) and Indian Border Security Forces (BSF) near Kurigram are shock awakening to the political leaders of both countries. This demonstrates that the nature of friendly relations between Bangladesh and India disguises many subterranean irritants which can give rise to unexpected events, derailing the cosy relationship. Unless they are resolved with fairness and justice, such untoward events may time to time jolt the relationship.

It is to be acknowledged that there are as many common bonds and aspirations uniting the people of India and Bangladesh as there are differences that divide them. This being so, the state of friendly relations between the two nations cannot be taken for granted without careful and constant nurturing to sustain them. It takes time to build friendship with a neighbour or with any nation as it has to be based on trust and mutual respect for each other's interests.

In case of bilateral relations, the pending sticky issues need to be prioritised and resolved. India and Bangladesh have to settle a few outstanding bilateral issues remaining since the birth of Bangladesh, 30 years ago. The major issues between the two countries appear to be: (a) ratification of the Indo-Bangladesh Land Boundary Agreement of 1974 and implementation of it, (b) sea-boundary in the Bay of Bengal between India and Bangladesh, (c) settlement of ownership of Talpatty island (India calls it New Moore island), (d) sharing of waters of all common rivers that flow into Bangladesh from India and, finally, (e) growing trade deficit with India.

Bangladesh is one of the densely populated countries in the world (together with Japan and the Netherlands) and there is tremendous pressure on the people to claim lands and resources. The above bilateral issues are not esoteric but touch the lives of common people of Bangladesh. Unless they are resolved amicably, they may become 'people's issues' and as a result the government of the day could lose control of them. The recent border clashes are just a

reminder of the fact that when lives of ordinary people are affected, they can become a huge problem for the government. Let me discuss in brief the issues indicated above.

Indo-Bangladesh Land Boundary Agreement of 1974

Indo-Bangladesh Land Boundary Agreement of 1974 is a comprehensive agreement on demarcation of border between India and Bangladesh. The border is approximately 4025 kilometres long. Following partition of the subcontinent in 1947 India and Pakistan found difficulties in interpreting the Radcliffe Award (named after British Justice Cyril Radcliffe) which drew the boundary between India and Pakistan when the British left

between the two countries. Because of the monsoons or structures built on the embankment of the river the midstream may change and so also the boundary. In that event, nations including fishermen of either side are adversely affected. Furthermore the change of midstream of the river may have an impact on chars/ islets on the river. Farmers as foreign investors tend to be shy to invest in the area in view of uncertainty of sovereignty and jurisdiction of Bangladesh on the adjacent sea. Therefore it is imperative that sea boundary between India and Bangladesh is delimited. In the interim period pending final settlement of the boundary, both countries may consider to share the resources as was agreed between Australia and Indonesia in Timor

of 1982 UN Convention on the Law of the Sea. Articles 74 and 83 of the Convention lay down the principles of delimiting the sea boundary between the "adjacent" states, besides many legal precedents set by other countries on the subject.

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Bangladesh and India are close neighbours. Nature has made them so geographically and no one can change it. Both countries have to live with each other. The relations between the two cannot but be friendly given the common goal of both countries which is to alleviate poverty and meeting the basic needs of the people, such as food, healthcare, shelter and clothing.

India. There were many border issues that remained unresolved between India and Pakistan when Bangladesh achieved its political independence.

Bangladesh and Indian leaders felt that a new border treaty needed to be in place so that confusion or ambiguity on land border would not continue to plague the bilateral relations. The treaty was signed at the highest political level in 1974 in New Delhi by Bangabandhu Sheikh Mujibur Rahman and Mrs. Indira Gandhi, Prime Ministers of Bangladesh and India respectively.

Whatever may be the reasons, India has yet to ratify the treaty. It took India 18 years to lease the "Jin Bigha" territory in West Bengal to Bangladesh to connect its enclave Dahagram and Angarpota with mainland Bangladesh. It is reported that 6.5 kilometres remain to be demarcated in terms of the treaty. It is alleged that India's non-ratification is the stumbling block for completion of the unfinished task.

Another issue is the demarcation of the boundary of border-rivers. The river boundary follows the mid-stream of the rivers (Muthuri, Fenji)

Sea in 1989 and Malaysia and Thailand in 1990 to develop jointly the disputed sea-bed (continental shelf).

Ownership of Talpatty Island

This island is an uninhabited offshore island near the mouth of the border river Hariabhangha (an off-shoot of Raimangal river) of Sunderbans (in Bangladesh) in the west. It is the border river between two districts Khulna (Bangladesh) and 24-Parganas (West Bengal state) of India.

Both India and Bangladesh claim the island. The sovereignty (ownership) of the island became a hot issue in 1981 and armed naval clashes were avoided through diplomatic negotiations as Indian naval vessel "INS Sandhayak" docked at the island with its armed personnel to protect Indian fishermen who camped illegally in the island. A truce was concluded and it was agreed that the island should remain uninhabited as was in the past until its sovereignty is decided. This is, however, an interim solution similar to an emergency "band-aid" to an injury.

total demand of water is in the agriculture sector. As the population increases in Bangladesh the demand for water from rivers will

increase. At least 56 common rivers flow from India into Bangladesh. The rivers are snow-fed and they are both blessings and curse for the people of Bangladesh. They bring floods in Bangladesh when the country does not need water at the time of monsoons. However when in winter there is a need of water, the flows of the rivers decline and drought sets in adversely affecting the farming lands. It is also alleged that because of diversion of waters in the upstream Indian territory, such depletion of water occurs in Bangladesh.

Since the Ganges Water Treaty was concluded in December 1996 for sharing waters of the Ganges for 30 years (critics to the Treaty believe it to be unfair arrangement on water sharing), it is necessary that an equitable, comprehensive water-sharing agreement is concluded so that the people in Bangladesh realise that India is attentive and fair to an injury.

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A great deal has been said not only in public but also in the course of evidence before us as to the personal life of General Mohammad Yahya Khan and we have examined this question not because we are concerned with his personal character as such but only because it might, as a result of examination, be found to have a bearing upon his official conduct or decisions.

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nately all too large. One of these in fact stayed as a guest in the President's State Guest House and on at least one occasion the President was found missing from his own house and was later discovered in the house of this very lady before she had taken up her residence in the Guest House. We regret to find that he had in fact showed her favours in the course of official business, as for instance, when he appointed both her husband and herself as Pakistan's Ambassadors abroad. Other cases have come to light when he intervened on behalf of certain ladies to provide for them industrial licences or extraordinary funds for visits abroad and in one case a senior government official was dismissed for failure to comply with the President's wishes expeditiously. We are limited to the cause which led to the surrender in East Pakistan and ceasefire in West Pakistan and we are unable to find any evidence that the General had any other effect upon his official conduct. That in the critical days of the war he did not visit the operational room more than twice, a matter upon which we have expressed our views elsewhere in this report.

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