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Bangladesh-Myanmar Relations, 1972-2010



Ph. D. Dissertation

By

Md. Shayeed Hossain

A Dissertation

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August 2014**

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CERTIFICATE

Md Shayeed Hossain, Ph. D. Fellow at the Institute of Bangladesh Studies (IBS), has conducted research and prepared the dissertation entitled “Bangladesh – Myanmar Relations; 1972-2010” under my supervision and guidance. I have thoroughly read the draft and final version of the dissertation and found it eligible for submission to the Institute of Bangladesh Studies (IBS), University of Rajshahi for the Degree of Doctor of Philosophy. So far I am concerned, the entire thesis comprises the candidate’s own as well as original work and personal achievement and that is a gigantic work done by him. The thesis does not contain any conjoint research work either with me or with anyone else and no part of the dissertation, in any form, has been submitted to any other University or Institute for any kind of degree.

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DECLARATION

I hereby declare that the dissertation entitled “Bangladesh–Myanmar Relations, 1972-2010” submitted to the Institute of Bangladesh Studies (IBS), University of Rajshahi, Rajshahi, Bangladesh for the Degree of Doctor of Philosophy, is my original work. I have never submitted the dissertation, wholly or partially, to any other University or Institute for any other degree.

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Md Shayeed Hossain
August 2014

Abbreviation

APRRN	-	Asia Pacific Refugee Rights Network.
ARNO	-	Arakan Rohingya National Organisation.
ADB	-	Asian Development Bank.
ADB I	-	Asian Development Bank Institute.
AEC	-	ASEAN Economic Community.
AFPFL	-	Anti-Fascist People's Freedom League.
AFTA	-	ASEAN Free-trade Area.
AH	-	Asian Highway.
AHN	-	ASEAN Highway Network.
AIF	-	ASEAN Infrastructure Fund.
ALTID	-	Asian Land Transport Infrastructure Development.
ALP	-	Arakan Liberation Party.
ARIF	-	Arakan Rohingya Islamic Front.
ARIC	-	Asia Regional Integration Center.
ARNO	-	Arakan Rohingya National Organization.
ASEAN	-	Association of South-east Asian Nations.
BIISS	-	Bangladesh Institute of International and Strategic Studies.
BEC	-	Broad Economic Categories.
BDA	-	Burma Defense Army.
BGB	-	Border Guards of Bangladesh.
BIA	-	Burma Independence Army.
BIMSTEC	-	Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation.
BTILS	-	BIMSTEC Transport Infrastructure and Logistics Study.
CD	-	Conference on Disarmament.
CCW	-	Convention on Conventional Weapons.
CEPEA	-	Comprehensive Economic Partnership in East Asia.
CIC	-	The Camp-in-charge.
CLCS	-	Commission on the Limits of the Continental Shelf.
DRRRC	-	Deputy Refugee Relief and Repatriation Commissioner.
DPRK	-	Democratic People's Republic of Korea.

DCCI	-	Dhaka Chamber of Commerce and Industry.
DC	-	Deputy Commissioner.
DIS	-	Danish Immigration Service.
DPA	-	Democratic Party of Arakan.
EPB	-	Export Promotion Bureau.
ERIA	-	Economic Research Institute for ASEAN.
EU	-	European Union.
EWC	-	East-West Corridor.
EWEC	-	East-West Economic Corridor.
FB	-	Family Book.
FDI	-	Foreign Direct Investment.
FTA	-	Free Trade Agreement.
FRC	-	Foreign Registration Certificates.
GOB	-	Government of Bangladesh.
GOM	-	Government of Myanmar.
GDP	-	Gross Domestic Product.
GMS	-	Greater Mekong Subregion.
GTA	-	Global Trade Alert.
IBS	-	Institute of Bangladesh Studies.
IIL	-	Indian Independence League.
INA	-	Indian National League.
IOC	-	International Oil Companies.
IFQ	-	Individual Family Questionnaires.
IMTTH	-	India–Myanmar–Thailand Trilateral Highway
IMF	-	International Monetary Fund
IOM	-	International Organization of Migration.
ICT	-	Information and Communication Technology.
ICJ	-	International court of Justice.
INGO	-	International Non Governmental Organisation.
MRC	-	Master Registration Card.
MOU	-	Memorandum of Understanding.
MSF	-	Medicines Sans Frontiers.
MFN	-	Most Favored Nation.

MGC	-	Mekong Ganga Cooperation.
MIEC	-	Mekong India Economic Corridor.
MFA	-	Ministry of Foreign Affairs.
NAM	-	Non Alliance Movement.
NAFTA	-	North American Free Trade Agreement.
NTB	-	Non-Tariff Barrier.
NSEC	-	North-South Economic Corridor.
NRC	-	National Registration Certificates.
NFI	-	Non Food Item.
NGO	-	Non Governmental Organisation.
OECD	-	Organization for Economic Cooperation and Development.
PPP	-	Public Private Partnership.
PRC	-	People's Republic of China.
PTOA	-	Power Trade Operating Agreement.
RCEP	-	Regional Comprehensive Economic Partnership.
RCI	-	Regional Cooperation and Integration.
RIF	-	Regional Investment Framework.
RNO	-	Rohingya National Alliance.
RPCC	-	Regional Power Coordination Centre.
RSCCI	-	Rakhaine State Chamber of Commerce and Industry.
RRRC	-	Refugee Relief and Repatriation Commissioner.
RSO	-	Rohingya Solidarity Organization.
SPDC	-	State Peace and Development Council.
STA	-	Special Trade Arrangement.
SA	-	South Asia.
SAARC	-	South Asia Association for Regional Cooperation.
SAFE	-	Secure and Facilitate Trade.
SASEA	-	South Asia–South East Asia.
SASEC	-	South Asia Sub-regional Economic Cooperation.
SEA	-	South-east Asia.
SEC	-	Southern Economic Corridor.
SEZ	-	Special Economic Zone.
SPV	-	Special Purpose Vehicle.

SRTS	-	SAARC Regional Multimodal Transport Strategy Study.
TRC	-	Temporary Residence Cards.
TAR	-	Trans-Asian Railway.
TTR	-	Transit Transport Routes.
TAC	-	Treaty of Amity and Cooperation in South-east Asia.
UNHCR	-	United Nations High Commissioner for Refugees.
UNICEF	-	United Nations Children's Fund.
UK	-	United Kingdom.
UNESCAP	-	United Nations Economic and Social Commission for Asia and the Pacific.
US	-	United States.
VRM	-	Varendra Research Museum.
WTO	-	World Trade Organization.

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Abstract

This study is an attempt to examine and analyze from multidimensional aspects of Bangladesh – Myanmar relations including the historical background of the relations. Bangladesh and Myanmar are two neighboring countries located in the two geographically proximate regions of South and South-East Asia. Bangladesh forms the natural bridge between South and South-East Asia. Because of its location, historically Bangladesh was the intermediary in trade and commerce between South-Asian Sub-continent and the South-East Asian countries.

Moreover, these two countries share a good deal of history, geography, culture, politics, economy, trade and investment, tourism, bilateralism, and internationalism of both colonial and post-colonial perspectives. The formal relationship between the independent Bangladesh and Myanmar was established when Myanmar recognized Bangladesh internationally as a sovereign country on 13th January 1972 (6th country to recognize Bangladesh) and Bangladesh remembers this friendly gesture of Myanmar. Since then, both countries try to improve their relations in different ways. The concept of national security and threat as perceived in both the countries from internal and external dimensions has been more or less identical which has bound them to adopt identical measures and postures towards the major issues in regional and international levels. As a result, dignitaries of both Bangladesh and Myanmar paid mutual visits on many occasions which have further bolstered the fraternity and friendship between the two countries and have concluded a series of agreements which have covered the areas of the demarcation of a fixed both land and maritime boundary, air transport agreement, Rohingya refugee issue, border trade agreements and co-operation, export and import services and the trading corporation, cultural co-operation, shipping and airways services, direct road link, agriculture and allied sectors, establishment of banking business, people to people contract and so on. In spite of having these treaties between the two countries, at this moment, they are facing numerous problems due to the existence of some unresolved but resolvable issues like Rohingya refugee issue, problem of the exploration for oil and gas in the Bay of Bengal, drug trafficking, land mind issue, border tension, cross-border terrorism, maritime boundary demarcation, although the ongoing conflict about demarcation of maritime boundary has been

resolved through a verdict of the International Tribunal for the Law of the Sea in the year of 2012. On the other hand, it is expected that the border of Bangladesh with Myanmar can provide certain strategic advantages to Bangladesh if it is possible to formulate friendly relationship with Myanmar. It is well known that Myanmar has enormous available natural resources of timber, agricultural surplus, sea and sweet water fish, cotton, mineral products like copper, gold, silver, tin and coal, precious stones, oil and gas. If Bangladesh can originate an intimate relation with Myanmar then she can take sufficient tactical advantage for her entire economic development from the huge natural resources of Myanmar and side by side from the Asian highway project. Through the Asian highway project Bangladesh can also communicate with China and other developed countries in South-east Asia and the rest of the world which can help Bangladesh to fabricate her entire economic development.

In the international agenda, both the countries have been working in harmony in different regional and international organizations namely UN, NAM, ASEAN, SAARC, BCIM, ACU, ARF, BIMSTEC etc, and share their common view and stand on a major regional and international issue for the promotion of regional and international peace and security. With the enhancement of cooperation in the areas of trade and investment, manpower issue, tourism, education and culture, the relationship between Bangladesh and Myanmar would grow stronger in near future.

The last but not the least common membership of both the countries in such organizations as the UNO, NAM and other regional and international organizations has created a kind of affinity and solidarity between the two countries which persuaded them to harmonize the strategies and resources in diplomatic practices. Through such way, both of them enable to contribute to the cause of peace and development both at regional and global levels.





Chapter- 1

Introduction

1.1 Prelude

The present age of globalization stresses that there is no alternative way for Bangladesh to gain strategic benefit without keeping good relation with Myanmar. From the mediaeval age of Bengal, Bangladesh (the then a part of Bengal) has connection with Arakan, present name Rakhaine state and Rangoon, presently known as Yangon, capital city of Myanmar, from different aspects of politics, economics and culture. So the relation between Bangladesh and Myanmar is not a new phenomenon. It has a long and rich historical background. At present, relation between state to state basically depends on multidimensional aspects like state sovereignty, international security, ecological sustainability, nuclear proliferation, economic development, global finance, terrorism, human security, foreign interventionism, human rights geographical importance, scientific and technological development and so on. Similarly, the relation of Bangladesh with Myanmar has also some important aspects. The border of Bangladesh, land and maritime are connected with India, a South Asian and Myanmar, a South–East Asian countries. So, geographically the position of Bangladesh is very much important for South and South–East Asian region. From its inception, Bangladesh has been facing numerous problems due to existence of some unresolved issues like, maritime boundary disputes (presently, it has resolved), Rohingya refugee issue, drug trafficking, search of oil and gas in the deep sea, land mine issue, etc., with Myanmar. So Bangladesh and Myanmar are now at a cross road. The relations of Bangladesh with Myanmar have been studied by scholars in scattered manner but those are not sufficient to spell out the relations between Bangladesh and Myanmar comprehensively. Nevertheless, the relationship between Bangladesh and Myanmar was not explored in-depth by the researchers from the view point of diplomatic history. So the relations between the two countries deserve a full meaning of study. In addition, the present study is a very significant area of research due to the fast–growing interaction involving the two countries. It has particular importance in terms of economics, politics, and other development aspects of both the countries. This study is

expected to evolve an effective strategy covering socio-economic, cultural, political, academic and diplomatic aspect of both the countries.

1.2 Statement of the Topic

Bangladesh and Myanmar are two geographically contiguous third world developing countries in South and South-East Asian reign. Once upon a time Bangladesh was under the British rule, although, in 1971 Bangladesh achieved her independence from Pakistan. On the other hand, Under the Nu-Attlee Treaty, Burma (Present name Myanmar) declared independence on January 4, 1948.¹ These two countries share a good deal of history, geography, culture, politics, economy, trade and investment, tourism, bilateralism, and internationalism of both colonial and post-colonial perspectives. Bangladesh shares 271 km both land and water border with Myanmar. The border is basically demarcated by the common river Naaf. To forecast the relations through an in-depth study between Bangladesh and Myanmar internationally, it is needed to explore the historical, political, economic, socio-cultural and bilateral aspects of both countries.

Political relation between Bangladesh and Myanmar did not improve significantly. Myanmar is one of the earliest countries, which recognized Bangladesh internationally as a sovereign country on 13th January 1972 (6th country to recognize Bangladesh)² and Bangladesh remembers this friendly gesture. At that time, state to state political relations between Bangladesh and Myanmar improved significantly. Moreover, dignitary of both Bangladesh and Myanmar visited each other for many times. Despite of frequent visits of the diplomats of both the countries, it is indeed unpleasantly shocking that these two neighbours are not as close and interactive as they should have been. So this unexpected political situation between two countries deserves an extensive study.

Economic relation between Bangladesh and Myanmar is totally a drooping level. Whereas, both the countries have past long time since their independent and

¹ Shwe Lu Maung, *Burma Nationalism and Ideology: An analysis of society, culture, and politics* (Dhaka: University Press Limited, 1989), p. 23.

² Harun-ur-Rashid, *Bangladesh Foreign policy* (Dhaka: Academic Press and Publishers Library 2010), p. 172.

approximately more than four decades is a relatively enough time to build up cordial economic relation between the two neighboring countries. And yet the relation did not build up a tangible development on economy between two next door neighbouring countries. There is yet no agreements with Myanmar on investment, tourism and, road connectivity and (Bangladesh and Myanmar have signed a deal for the construction of a link road)³ and currency exchange. Even, the total economic cooperation did not improve at all between the two nations. What is the existing volume of business between Bangladesh and Myanmar? In 2010, Bangladesh exported goods worth US\$ 5 million to Myanmar, whereas the later exported its products worth US\$ 100 million (this amount is only 1.3 percent of the total volume of Myanmar's export, which is around US\$ 9.8 billion) to Bangladesh.⁴ Compared to this, Bangladesh's total volume of export to different countries or the world is still higher than that of Myanmar. But when it comes to its export to Myanmar, the ratio with Bangladesh's total volume of export cuts a very sorry figure. It need not to emphasize that Myanmar, isolated from the rest of the trading world for a very long time, offers opportunities that are largely untapped and as a close neighbour, Bangladesh is well placed to explore those opportunities in all forms and shades of economic cooperation. Despite the wide possibilities of cooperation, positive interactions between the two countries have been rare, slow to develop, and have often been limited to formal or symbolic actions rather than substantive engagement. As a result, trade relations between the two countries have been negligible, with far more attention diverted to drug smuggling, refugees, maritime boundary disputes etc.

Actually, the main obstacles impeding the growth of trade and investment lies in the business practices and government policies in Myanmar, but with the change in governance lately, the practices and policies too are in a change-mode to come to terms with standard international business practices. Business leaders of Bangladesh are well aware of the bottlenecks as well as the opportunities. There is huge trade potential in Myanmar, and Bangladesh should not delay in taking appropriate steps to make use of the potential.

³ *Daily Financial Express*, 16 June 2007.

⁴ *Daily Financial Express*, 10 October 2008.

Myanmar's foreign trade has confined mainly to the Asian region with China, Singapore, Japan, Thailand, Malaysia and India as its key trading partners. More than 70 per cent of its total export goes to the Asian region and about 90 per cent of its import comes from this region. Export basket comprises mainly agricultural and primary products. Imports consist largely of manufactured goods, particularly capital goods and raw materials for manufacturing sector accounting for about 65 per cent of total imports. Because of certain peculiarities in business practices, especially pertaining to the mode of remittance, border trade is a well preferred mechanism that Myanmar has been pursuing for long. Since the inception of border trade between Bangladesh and Myanmar as early as in 1994, there was hardly any sign of its potential for growth in the absence of cross-border road link. On the other, sea-borne trade between the two countries is minimal due to the absence of proper shipping services, in spite of having major ports of both the countries.

Prospect of importing electricity from Myanmar is an issue that Bangladesh has been contemplating for some time, still without any proactive move. At the moment, the prospect does not look bright. The prospects of contract farming in Myanmar's uncultivated agricultural lands, there is the need to work out a win-win mechanism to be able to address all related issues comprehensively to the satisfaction of both the parties. Myanmar does seem to have strong reservation about the issue, but working out a suitable *modus operandi* is all that is important.

Needless to say, the present bilateral ties between the two neighbours are far from what they should have been, because of the lacking of vision and the drive to work out mechanisms of engagements for mutual benefit of both the countries. Engaging with Myanmar across a broad gamut of activities would require frequent interactions, preferably under a framework agreement of economic cooperation.

On issues of boosting trade and business between the two countries, both sides stressed the need of more interaction at, not only government level but also private one. Currently the business activities of Bangladesh with Myanmar takes place mostly through informal channels due to absence of appropriate banking facilities, even though discussions and bilateral meetings between concerned representatives of both countries have been taken place for years. It is to be seriously considered that the present civilian

government of Myanmar has opened up business relations with different countries after assuming power by the beginning year of 2011. There is already a double-digit growth in trade and business of Myanmar with her neighbouring countries. But her trade relation with Bangladesh is still at its infancy.⁵ In this connection, Bangladesh exported to Myanmar goods worth of \$9.65 million in fiscal year (FY) 2010-2012, when it imported goods worth \$175.72 million from there.⁶

The hope is that, presently, the two countries have agreed to come closer by establishing banking sector, people to people contract, air connection, shipping services and the joint trade commission. Side by side Bangladesh has agreed to export Pharmaceutical product, Ceramic, jute and jute goods. So this unwanted economic scenario between Bangladesh and Myanmar also deserves an investigation.

However, some issues like maritime border demarcation, Rohingya refugees, search of oil and gas in the deep sea and drug trafficking etc, between the two countries also deserve an extensive study. It is well known that, Refugees itself an acute problem internationally. Rohingyas are basically Muslim but have come from Arakan (a state of Myanmar). Bangladesh experienced an unprecedented refugee crisis since 1978 following the forcible exodus of the minority Rohingya into Bangladesh. After then, in 1979 and 1991 the government of Myanmar again pushed huge number of Rohingya more than 250,000 and 260,000⁷.

So the relations between Bangladesh and Myanmar are also facing refugee problem internationally which is making some complexities towards progress in cooperation of this relationship. Rohingya refugee problem is such an acute problem that must resolve straight away otherwise the people of Bangladesh have to face some awful problems which will take Bangladesh as a defenseless country. *The New York Times* reported that “More than a quarter-million Rohingya, an ethnic Muslim minority from western Myanmar, have come here to the southern part of Bangladesh to escape

⁵ *Daily Financial Express*, 14 November 2012.

⁶ *Ibid.*

⁷ Md Kamal Uddin and Akkas Ahmed, “Bangladesh – Myanmar relations: Continuity and Change,” *Chittagong University Journal of Social Sciences*, Vol. 26 (June 2008), p. 82.

themselves from hunger, humiliation and official brutalities in their homeland.⁸ The status of illegal migration and repatriation of Rohingya refugees are illustrated like illegal small arms trade, and illegal drug trade.⁹ Available reports indicate that, drug addiction has increased sharply in the Bangladesh-Myanmar border region, predictably in the collusion with the Rohingya.¹⁰ The Rohingyas are also destroying forest, fishes, cutting hill of Bangladesh and also doing some unlawful activities like robbery, stealing, smuggling, trafficking in Bangladesh etc. So it needs to be studied properly so that Bangladesh and Myanmar can go to a win – win situation on Rohingya issue.

Another existing issue was an un-demarcated maritime boundary which obstructs the relationship between the two countries to grow further. Although, the ongoing conflict about demarcation of land and maritime boundaries has been resolved through a 2012 verdict of the International Tribunal for the Law of the Sea, which granted Bangladesh over 111,000 square Kilometers of exclusive economic zones water in the Bay of Bengal and 12 nautical miles of territorial sea around St. Martin's Island. It is expected that the government of Myanmar will show its full commitment to implementing this judgment, which will assist in resolving a long – standing disputes between the two neighbouring countries.

On the other hand it is expected that, the border of Bangladesh with Myanmar can provide certain strategic advantages to Bangladesh if it is possible to maintain friendly relationship with Myanmar. It is well known that, Myanmar has enormous available resources of timber, agricultural surplus, sea and sweet water fish, cotton, mineral products like copper, gold, silver, tin and coal, precious stones, oil and gas. If Bangladesh can formulate a closeness relation with Myanmar then she can take sufficient tactical advantage for her entire economic development from the huge natural resources of Myanmar and side by side from the Asian highway. Through the Asian highway Bangladesh can also communicate with China and other developed countries

⁸ www.nytimes.com/2009/02/15/world/asia/15iht-rohingya.1.20192120.html, accessed on 06 May 2011.

⁹ www.bdsdf.org/forum/index.php?showtopic=33254, accessed on 06 May 2011.

¹⁰ Shaheen Afroze (Ed.), *Bangladesh-Southeast Asian Relations: Some Insights* (Dhaka: Academic Press and Publishers Limited, 2002), p.165.

in South-East Asia and the rest of the world which can help Bangladesh to make her entire economic development.

Moreover, Bangladesh's relationship with Myanmar should be considered from the strategic point of view. For Bangladesh, it is not only gateway to South-east Asia, it is also connects Bangladesh with another Asian giant, China. At this moment, there is already a proposal to build a road link between Bangladesh and China through Myanmar. In fact, Myanmar holds out a huge prospect for Bangladesh for expanding its economic and cultural relations to other eastern and South-east Asian neighbours. Moreover, both the countries have been trying to strengthen their ties through mutual accommodation, their views and working in close cooperation with regional and international organizations such as the SAARC, ASEAN, ARF (ASEAN Regional Forum), BCIM and BIMSTEC which greatly help reducing tensions among the member states.

Both of them have been trying to cooperate and coordinate their policies within the framework of these organizations in which they are member of. This obviously helps to strengthen the existing relations between the two countries. Additionally, the total policy may assist the government of Bangladesh to make her foreign policy developed. Through this study, an attempt has been made to explore the Bangladesh-Myanmar relations from the aspects of maritime border disputes, Rohingya issue and treaty for the development of political, socio- economic and cultural aspects. The study is also concentrated to know the factual history of relations between Bangladesh and Myanmar and would explore their further potentialities in the days to come. Thus the relationship between Bangladesh and Myanmar is a potential area of investigation, which could yield more than one benefits for a country like Bangladesh.

1.3 Objectives of the Research

The general objective of the study is to investigate the bilateral issues of Bangladesh – Myanmar relations which are largely based on political, economic and socio-cultural aspects. However, the specific objectives run as follows;

1. To explore the Historical perspective of Bangladesh – Myanmar Relations;
2. To observe the bilateral transactions between Bangladesh–Myanmar for the development of political, economic and cultural aspects;

3. To identify the problems those are putting hindrances towards Bangladesh-Myanmar relations, emphasizing on maritime boundary disputes and Rohingya refugee issues;
4. To find out the prospects of Bangladesh –Myanmar relations and
5. To analyse the Impact of Regional Organizations on Bangladesh – Myanmar Relations.

1.4 Chapterization

In consistence with the stated basic objectives the chapetrization of this dissertation has been arranged in the following manner.

The factual background of the relationship between Bangladesh and Myanmar has been discussed in the second chapter of the dissertation. The long history of regional, cultural, political history of the two countries before their independence has been analytically narrated here. It has been found in the course of conducting this research that Myanmar had centuries–old relationship with Bangladesh as a part of greater Indian sub-continent through trade communication. This trade communication between Bangladesh and Myanmar eventually led to the settlements of Indians and Bengalis in a considerable number in Burma. As a result, once upon a time, the economy of Burma had been largely influenced even control by the Indians. Additionally, from thirteen to fifteen century the Muslims of Bengal were settled in Arakan, present name Rakhine State through some unpleasant incidents. Furthermore, during the British period, many Bengalis and Indians took place and settled in Burma under the British patronization. Both Bangladesh and Burma had experienced British colonial rule and obtained independence from the British. Thus both Bangladesh and Myanmar share a common border as well as background which include history, culture and British colonialism.

The development of friendly political as well as diplomatic and economic relations which impacted closer cooperation between the two countries has been thoroughly analyzed in the third chapter of the dissertation. It is to be mentioned that Myanmar recognized Bangladesh in 1972 immediately after its independence and established a diplomatic relations since then. Mutual visits of the heads of the government as well as the state, officials and businessmen, political leaders and

diplomats have frequently taken place in the last forty years and proved to be effective in cementing the bond of friendship of the two neighbour countries. Both countries have concluded a number of agreements, protocols as well as memorandum of understandings (MOUs) in the fields of trade and commerce, drug trafficking, smuggling, repatriation of Rohingya refugees, communication and investment both in direct and joint collaboration along with political and cultural cooperation. In addition, joint communiqué was issued at the end of each visit largely contributed to the political developments both in regional and international levels.

Maritime boundary dispute between Bangladesh and Myanmar has been discussed in the four chapter of the dissertation. This chapter has enclosed about maritime boundary and United Nations Convention of the Law of the Sea. The importance of determining this dispute, and the methods of settling it including proportionality test between the two neighbour countries also analyzed here. There are enormous potentials existing in the Bay of Bengal between the two next door neighbour countries. In this regard, both the countries' achievement through this verdict and its prospective implications has been illustrated here.

The Rohingya issue is a contentious issue that has strained Bangladesh – Myanmar relations since the late 1970s. The Rohingya issue emanated from the military junta's widespread violation of human rights in Burma or Myanmar against the Rohingya Muslims in the Rakhine state. Rendered stateless, the Rohingya fled to Bangladesh to take refuge. Years of negotiations have failed to resolve the crisis. In the fifth chapter of the dissertation Rohingya issue has been extensively analyzed. Moreover, it has described how the Rohingya issue has been disrupted Bangladesh – Myanmar relations, the role of international organizations to resolve the problem and finally, some probable as well as durable solutions regarding Rohingya issue between Bangladesh – Myanmar have been pointed out in this chapter.

In the sixth chapter of the dissertation the problems of Bangladesh – Myanmar relations have been pointed out. Besides Rohingya problem, some other impediments like border tensions cross border terrorism, illegal small and arms trade as well as drug trade existing towards the development of the relations between the two countries. On the other hand, massive potentials as well as opportunities also existing between the two next doors neighbour countries. Sharing military training, combined military

exercise, road link, visits of cultural and educational delegation, reverine communication, establishment of infrastructure for promoting tourism sector of both the countries are the probable field of cooperation.

Both Bangladesh and Myanmar are members of some common regional organizations like SAARC, ASEAN, ARF, BIMSTEC, BCIM and ACU in which both the countries share common position on numbers regional and international issues. Efforts have been made to evaluate the role of these regional organizations and above all the role of major powers like, USA, Russia, China, India and etc, in strengthening cooperation between Bangladesh and Myanmar in chapter seven of the study. Through concerting their views and working in close cooperation in the international organizations both Bangladesh and Myanmar can greatly help reduce the tensions among the member states. Both countries try to cooperate and coordinate their policies within these frameworks of the organizations. Bangladesh and Myanmar are also particularly interested in the peace and stability of South and South-east Asia. As perceived by them, this is the prime need and precondition for the regions overall progress and socio-economic development.

1.5 Study Rationale

1.5.1 Review of the Literature

Various literatures have been found on the issue of Bangladesh – Myanmar relations. Among those literatures, researcher has been studied a number of books, articles, reports internet files and manuscripts on Bangladesh-Myanmar relations. For convenience of discussion a few of them are here by highlighted bellow:

1.5.1.1 Unpublished Thesis

Sudhangshu Ranjon Ray's (2003),¹¹ *Bangladesh – Burma Samparka*, is an excellent study on Bangladesh – Myanmar relations. In his thesis researcher discuss briefly about the Bengal peoples settlement in Burma and its impacts on Bangladesh – Burma relations. Researcher also discuss on anti-British movement in Burma, the role of Burmese and the Indians on the liberation movement of Burma, the conquest of

¹¹ Sudhangshu Ranjon Ray, *Bangladesh – Burma Samparka, 1886-1947*, (Unpublished M. Phil. thesis, Dhaka: Dhaka University, 2003). [Sudhangshu Ranjon Ray, *Bangladesh – Burma Relations, 1886 – 1947*, (Unpublished M. Phil. thesis), Dhaka: Dhaka University, 2003]

Burma by the Japan, Bangladesh – Burma relations during the partitions of Indian subcontinent, Burma – Pakistan relations and so on. Although the time limitation of Sudhangshu’s study is 1886-1947 and the present study period is 1972-2010, so sudhangshu’s study will assist the current research work undoubtedly but it’s not sufficient. Moreover, there are so many aspects of Bangladesh – Myanmar relations which need to be discussed in the present research work.

1.5.1.2 Books

To Host or To Hurt: Counter-narratives on Rohingya Refugee Issue in Bangladesh: (2012)¹² **Nasir Uddin (ed.)** is an admirable research work on Rohingya issue. In this book eight contributors afford their thought on Rohingya issue in Bangladesh from multidimensional aspects of politics, economies, strategic and culture. In this study, contributors have described greatly about the history of Rohingya and their origin and development. Moreover, the dilemma of Rohingya and their livelihoods in Bangladesh, their security system both nationally as well as internationally, how different countries as well as regional and international organizations play various responsibility on Rohingya issue and how the Rohingyas play as an impediment towards the development of Bangladesh-Myanmar Relations have described significantly in this book. However, this study will give some fundamental information which would enrich our knowledge regarding Rohingya issue on Bangladesh –Myanmar relations.

*Bangladesh Foreign Policy: (2010)*¹³ **Harun-ur-Rashid** provides an illuminating analysis of Bangladesh Foreign Policy. Among thing he addresses in brief some of the aspects of Bangladesh – Myanmar relations in the chapter of his book entitled, Bangladesh relations with South-East Asian countries. While analyzing the Bangladesh – Myanmar relations, Harun -ur -Rashid points out some significant area of study, such as trade, investment, maritime boundary disputes, Rohingya refugee problems of Bangladesh, although he fails to go into details of these issues and many other items remains unmentioned.

¹² Nasir Uddin (ed.), *To Host or To Hurt: Counter-narratives on Rohingya Refugee Issue in Bangladesh*. (Dhaka: ICRD, 2012).

¹³ Harun Ur Rashid, *Bangladesh foreign policy* (Dhaka: Academic Press and Publishers Limited, 2010).

Mohammed Ali Chowdhury's (2004),¹⁴ *Bengal–Arakan Relations, (1430-1666)*. In this book, the author attempts to explore the background of Bengal – Arakan relations. In his study, Mohammed Ali Chowdhury discusses meticulously about the political and cultural history of Bengal – Arakan relations in which how Bengal – Arakan relations turned off at the 15th century, how tripartite struggled for the position of Chittagong, how was the relations between Mughal and Arakan are described. It is an excellent study for knowing the facts of the relations between Bengal and Arakan. The area of present study is Bangladesh – Myanmar relations. So, Mohammed Ali Chowdhury's study will help the researcher to know the factual history of Bengal – Arakan relations which are quite related to present research.

The Rohingyas: A Short Account of Their History and Culture: **(2000)¹⁵ Abdul Karim** provides an excellent study on Rohingyas and their history. In his book, the author describes briefly, the origin of the Muslim settlement in Arakan as well as how the coming of Muslims including Muslim Ministers and other officers into Arakan and their activities in different times. Moreover, the author also illustrates how the poets of Muslim played significant role in developing Bengali literature. However, this study this can give some vital information which enriches our knowledge regarding Rohingya issue on Bangladesh –Myanmar relations.

Emajuddin Ahamed and Abul kalam, (ed), (1992)¹⁶ *Bangladesh, South Asia and the World*, this book contains fifteen articles which represent a modest exercise in understanding the relatively complex character of the inter-state relations and extra-regional linkages in contemporary South Asia, along with an eye to the issues and problems confronting the policy makers of Bangladesh. In one article entitled “Bangladesh Foreign Policy Outlook: Regional and International Settings” Dilara Chowdhury examines the growth of Bangladesh foreign policy in the context to international interactions and the evolving regional order in South Asia. This book also

¹⁴ Mohemmed Ali Chowdhury, *Bengal – Arakan Relations, 1430-1666* (Kolkata: Firma KLM Private Limited, 2004).

¹⁵ Abdul Karim, *The Rohingyas-A Short Account of Their History and Culture* (Chittagong: Arakan Historical Society, 2000).

¹⁶ Emajuddin Ahamed and Abul Kalam, (Ed), *Bangladesh, South Asia and the World*, (Dhaka: Academic Publishers in association with the International Studies Association, 1992).

contains articles dealing with bilateral issues and relationships in South Asia. It touching on harmony and conflict, the legal problems and issues related to maritime and sea matters. The book is of immense utility in defining the general nature of Bangladesh's foreign policy of the present topic.

Raton Lal Chakraborty (1984)¹⁷ in his book named "Bangladesh – Burma samparka", the author has discusses the relations between Bangladesh and Burma briefly. It is an important book for the present study and undoubtedly it's a historical one. The author has described the background of the Rohingya refugee in Bangladesh and its relation with Burma. He has also mentioned very well about Bangladesh and Burma economic relations and history of the Rohingya refugee of Arakan. Since the time limitation of Raton Lal chakraborty's study is 1785-1824 and the present researcher's study period is 1972-2002, so Raton Lal chacraborty's study will assistant the present research but it's not sufficient. Moreover there are so many aspects of Bangladesh-Myanmar relations which need to be addressed in the present study.

Peter Lyon's (1969)¹⁸, *War and Peace in South –East Asia*, is an excellent study of the interests and involvement of outside powers alliance and alignment, neutralism and non-alignment in South-East Asia. The book's scope lacks any kind of discussion on Bangladesh-Myanmar relations, although it carries some sort of significance as background of the present research.

1.5.1.3 Articles

Md Kamal Uddin and Akkas Ahmed (2008),¹⁹ the authors, in their article, attempt to observe the bilateral relationship and find out the reasons behind the recent deterioration of the relationship between Bangladesh and Myanmar. In the political issues they have discussed about Rohingya refugee problem, demarcation of maritime boundary, search of oil and gas in the deep sea, border tensions, cross border terrorism, and freedom movement of the Rohingyas etc. They have also studied the strategic

¹⁷ Raton Lal Chakraborty, *Bangladesh–Burma Samparka; 1785-1824* (Dhaka: Dhaka University, 1984) [Raton Lal Chakraborty, *Bangladesh – Burma Relations; 1785-1824*: (Dhaka: Dhaka University, 1984)].

¹⁸ Peter Lyon, *war and Peace in South –East Asia* (London: Oxford University Press, 1969).

¹⁹ Md Kamal Uddin and Akkas Ahmed, *Op. cit.*, p. 79- 98.

significance of this relationship and the comparative capabilities on military and economic strength between the two countries. They also discussed about the comparison of the international involvement between the two countries like China and India factors. They have identified the international and regional outlook of the issue. Last of all they have provided some policy recommendations. Although it is an article, this can give some vital information which enriches our knowledge regarding Bangladesh –Myanmar relations.

In an article **Yunus Ali Sheikh (1998)**²⁰ describes a short history of Bangladesh – Myanmar relations from political and economic aspects. In his study Ali attempts to explore the background of Bangladesh- Myanmar relations, from 1972 to 1996. He discusses shortly Bangladesh – Myanmar bilateral relations like; political relations, Rohingya refugee issue, land mine problem, economic relations, border trade. Moreover Ali, attempts to discuss about the advantage of proximity in sub-regional and regional levels like, Cox’s bazaar – Arakan free trade zone and Bangladesh – ASEAN relations which indicates that Bangladesh have multiple avenues for taking advantage of bilateral relations with Myanmar. The author also suggests that Bangladesh – Myanmar geographical proximity provides the opportunity for Bangladesh to get the access into ASEAN through BIMSTEC countries. The paper is more or less relevant to our present work since it has dealt upon some issues like Rohingya problem, political issue, economic relations, and so on which are close to this research.

Kamal Uddin Ahmed (1986)²¹, in his article, attempts to examine and discuss the development of Bangladesh – Burma relations during 1972-1985. Kamal discusses only how Bangladesh and Myanmar visits or exchange their diplomats or political leader to make visit between each other. The author briefs only from the political and economic aspects of the relationship. From political aspects, he discusses very well no more than Rohingya refugee problem and from economic aspects; he discusses the situation of trade relationship between Bangladesh and Myanmar like; what kinds of commodity Bangladesh import as well as export to Myanmar. Last of the entire author

²⁰ Yunus Ali Sheikh, “Bangladesh – Myanmar Relations: Making the Best of Proximity,” *BISS Journal*. Vol. 19. No. 4. (July 1998): pp. 471-504.

²¹ Kamal Uddin Ahmed, “Bangladesh–Burma Relations: The political–Economic Dimensions”, *BISS Journal*. Vol.7. No. 4, (June 1986), pp. 443-454.

gives some suggestions to make better relation with Myanmar as well as find out some obstacle that makes hindrance for the development of Bangladesh and Myanmar relations, which may apply future potential relationship. But the area of present cooperative, bilateral, and other aspects of Bangladesh-Myanmar relations has not been explored in Kamal Uddin Ahmed's discussion. Thus there are so many aspects of Bangladesh-Myanmar relations which deserve further investigation.

1.5.2 Justifications of the Research

Most of the literatures reviewed here supplies insufficient information about Bangladesh – Myanmar relations. After the extensive review of literatures, which are available but not sufficient to explain in simple terms the relations between Bangladesh and Myanmar comprehensively. Anyway, if a country wants to acquire tactical advantage to gear up economic relations, she must build up effective bilateral relations with its neighbouring countries. From this point of view it deserves a scientific query whether or not Bangladesh has been able to build up constructive relations with Myanmar. Both Bangladesh and Myanmar are economically backward but developing countries, although they have sufficient natural resources including manpower. So, for the development of Bangladesh, it is very indispensable to build up a sustainable and friendly relation with Myanmar. The resolution of the controversial issues and the development of mutually beneficial cooperation between Bangladesh and Myanmar, have always been the significant importance to the policy makers of Bangladesh. The nature of this present ties between the two countries also deserves a critical analysis. To recapitulate in short it can be said that, if this study is possible to perform properly by the researcher, it will be useful to the policy makers of Bangladesh and Myanmar to make future potential pragmatic foreign policy towards Myanmar. The findings of such a study is of immense useful to economic and trade policy makers, academics, researchers and students of history, international relations and international law and above all for the diplomats of Bangladesh as well as Myanmar.

1.6 Names and Terms

On the 18 June 1989 the Military Junta of Burma changed the name of the country to the Union of Myanmar, from Union of Burma. In this research both Burma and Myanmar have used. Burma has been used for all previous times before 1989 and Myanmar for the times since 1989.

1.7 Research Approach

Research approach is the first and foremost as well as prime concern of any research work. As the topic on which the research has been carried out is a diplomatic history. So the historical research methodologies have been applied here.

1.8 Data Sources

The sources of information were both primary and secondary.

1.8.1 Primary Sources

The primary sources consisting of such documents as governmental policy statement, memorandum, declarations, contact etc, are found in the depositories of the Embassy of the republic of the Union of Myanmar in Dhaka as well as in Bangladesh Ministry of foreign affairs, Finance and Commerce of Bangladesh. Besides the Ministry, a good amount of basic documents will be collected from the depositories of Export Promotion Bureau (EPB) of Bangladesh, and Bangladesh Bank. Such private and government organizations as Dhaka Chamber of Commerce and Industry (DCCI), National Archives of Bangladesh, Chamber of Commerce and Industry Rangoon, National archives of Myanmar and Rangoon University Library are potential locations where first hand information are available on the bilateral relations of Bangladesh with other countries among which Myanmar has been undoubtedly a leading one.

1.8.2 Secondary Sources

The secondary materials include books, journals, monographs, articles, seminar proceedings, newspaper clippings and internet website materials.

1.9 Data Collection Technique

As this research is historical one, so, all sorts of data and information have been collected from various sources like, government and non-government institutions, libraries, archives, and government record rooms, foreign affairs, embassy as well as government departments. The researcher has been taken precautions against any sort of prejudice and biasness to come to a fair conclusion. In addition, several high ranking officials, diplomats and policy planners of Bangladesh as well Myanmar were involved in the promotion of cooperation between Bangladesh and Myanmar relations. They were interviewed and their views were incorporated in the research.

1.10 Data Analysis and Interpretation

The collected information have been classified, edited, analyzed and interpreted qualitatively in almost all cases. For this purpose, in depth and logical analysis were adopted, and suitable tools and indicators were used. Citing examples, cross table analysis, comparative references were used to some extent if and when needed. A narrative reasoning process was used when it demands.

1.11 Limitations of the Study

Due to time known constraints such as time boundary, uncertainty of getting access to true data or information such as, it did not possible by the researcher to collect all primary documents related to this study from the Ministry of Foreign Affairs of Bangladesh as well as Myanmar. Moreover, fund limitation and other difficulties it did not possible by the researcher to study on entirety bilateral aspects of Bangladesh and Myanmar relations. From that point of view, researcher has finished the study on this propose title from few aspects which have shortly described above.

Chapter- 2

Bangladesh – Myanmar Relations: Historical Perspective

Bangladesh and Myanmar are two neighbouring countries located in the two geographically proximate regions of South and South-east Asia. Bangladesh forms the natural bridge between South and South-east Asia. Because of its location, historically Bangladesh was the intermediary in trade and commerce between South-Asian Sub-continent and the South-east Asian countries. On the other hand, Myanmar has become an important center of trade and commerce for its geographical position as well as its massive natural resources. The relationship between the two countries is much older, but not deeper. Once Bangladesh as well as India was under the British rule, later in 1947 Indian subcontinent was divided into two parts; India and Pakistan. Subsequently, in 1971 through nine months liberation war Bangladesh has achieved her independence from Pakistan.

On the other hand, under the ‘Nu-Attlee Treaty’ Burma (presently Myanmar) declared independence on the 4 January 1948.¹ These two countries share a good deal of history, geography, culture, politics, economy, trade and investment, tourism, bilateralism, and internationalism of both colonial and post-colonial perspectives. Bangladesh shares 271 kilometers both land and water border with Myanmar (land border 197 kilometers and water border 74 kilometers). The water border is basically demarcated by the common river Naaf.² The relation between Bengal and Arakan, now a province of Myanmar had started from the mediaeval age. At that time Bengal and Arakan were deeply connected with multidimensional aspects of politics, economy and culture. Then Bengal and Burma were quite unknown to each other. Both the countries started to know each other with the emigration of Asian continental people through the route of Chittagong by the patronization of the British. Both areas were dominated by European powers of which the English were able to establish their supremacy in the

¹ Shwe Lu Maung, *Burma Nationalism and Ideology: An analysis of society, culture, and politics* (Dhaka: University Press Limited, 1989), p. 23.

² Harun-ur-Rashid, *Bangladesh Foreign policy* (Dhaka: Academic Press and Publishers Library 2010), p. 172.

long run. During the British domination of Burma a large scale of Indians took place in Burma. Under the Japanese occupation, however, the Indians in Burma tried to utilize their nationalist spirit for the independence of their motherland with the help of the Japanese. At the end of the Second World War process of decolonization started in Asia and Africa and there started nationalist movement both in Burma and India. At this point the British authority decided to transfer the political power to the representatives of the people of India. Consequently, three independent states Burma, India and Pakistan came into being at the end of the British colonialism. During the liberation period of Bangladesh, Burma did not support the liberation war but she did recognize Bangladesh as a sovereign country soon after the independence.

2.1 Genesis of Bangladesh – Myanmar Relations

The relations between Bangladesh and Myanmar started obliquely from the mediaeval period when Bangladesh was a part of Bengal. At that time Bengal and Arakan were two neighboring countries. Bengal was a part of India (politically) in ancient times under the imperial powers like the Mauryas and the Guptas but she later became independent under several other dynasty ties of rulers. The Palas ruled Bengal for more than four hundred years and subsequently the Senas ruled for near about another hundred years.³ Later Bengal was initially a part of Delhi Sultanate with the coming of the Muslims. After then Bengal became independence under the Sultans for more than two hundred years. Later the Mughal again control the power of the Bengal to their Delhi Empire as a Subah (province) for about two hundred years. Consequently, the British occupied the whole Bengal as well as Indian subcontinent.

On the contrary, during about five centuries following the Chandras political stability was a thing unknown to the people of Arakan. At that time Arakan faced internal chaos, anarchy prevailed among different groups who fought almost against themselves. She also faced aggression from the other Chieftains like those of Burma, the Shan, the Pegan, the Mons and the king of Prome and Pegu. This chaotic situation continued until the emergence of the Mrohaung dynasty. The dynasty preceding the Mrohaung (Mrauk-U) dynasty is well known as that of Launggyet, the founder of this

³ R.C Majumder, (ed), *The History of Ancient Bengal, vol. 1, Hindu Period* (Dacca: University of Dhaka, 1963), pp. 176-77.

dynasty was Hlan-ma-nphu, who ruled from 1237-1243.⁴ The king, however, died after a reign of six years and was succeeded by his son Radzathugyi. Nothing of importance took place in their times except during the reign of Meng-di (Minhti) who ruled for 1279-1374. He faced attacks from the Shan and the Burmese but he was able to repulse all his enemies and his reign was marked more or less by peace and prosperity.

But after his death there was another spell of uncertainty and unrest. Then within a span of only 19 years three kings were killed and removed from the scene making room for Min Sowa Mun who occupied the throne in 1404. The Arakanese king Min Sowa Mun (Narmeikhla alias) was the grandson of Minhti. According to the Arakanese chronicles, when Min Sowa Mun took Saw Pu Nyo, sister of Ananda Them's, Minister of Arakan by force, Minister Ananda Them's invited Swe Min Khaung, king of Ava to attack Min Sowa Mun. The Ava king attacked Arakan and Min Sowa Mun was expelled from his kingdom Arakan in 1406 and fled to Bengal, leaving his country at the hands of the Burmans.⁵ At that time the king of Arakan (Min Sowa Mun) made a deep and strong communication as well as friendly relation with the sultans of Bengal.

At that time, the Sultan of Bengal was Giasuddin Azam Shah (1390-1411). But when Min Sowa Mun went back to Arakan the Sultan of Bengal was Jalaluddin Mohammad Shah (1415-1432). However, Sultan Jalaluddin Mohammad Shah decided to restore the Arakanese king to his throne. As a result the Sultan of Bengal sent an army under the leadership of General Wali Khan with Min Sowa Mun. But General Wali Khan betrayed his trust. Later, the Sultan of Bengal sent another army under the leadership of General Sandi Khan in his aid. A result of the expedition was that the exiled Min Sowa Mun regained his throne in 1430. But the important fact was that when the Arakanese king was sent back to his country, he did not go alone rather he was accompanied by a large army. Not that the army of Bengal returned from Arakan after the restoration of the king, rather they had to stay in Arakan in the help of the restored king.

⁴ Mohammed Ali Chowdhury, *Bengal- Arakan Relations* (Kolkata: Firma KLM Private Limited), 2004, p. 5.

⁵ Mohammed Yunus, *A History of Arakan; Past and Present* (Chittagong: Magenta Colour, 1994), p. 32.

However, the Arakanese king Min Sowa Mun, had to stay in Bengal for unusually long period - almost a quarter of a century (1406-1430). In the meantime, the king of Arakan came into contact with the culture and way of life of Muslims in Bengal. This friendly contact continued for a little time-less than hundred years.

Later the atmosphere changed. A third power, i.e. Tippera appeared in the scene and the Portuguese came to Bengal and the Arakan for trading purposes. In the beginning they were engaged in trade and commerce but later on they involved in piratical activities. The king of Arakan used them against Bengal. The Arakanese king employed them in looting and destroying the habitat in the coastal districts of Bengal. Later Arakan, Bengal, Tippera and the Portuguese were in the political arena of the Southern Bengal centering Chittagong.

During the first three decades of the 16th century Bengal was ruled by Sultan Alauddin Hussain Shah (1494-1519), founder as well as powerful ruler of the Hussain Shahi dynasty. During Sultan Alauddin Hussain Shah, Tippera also produced a powerful king named Dhanya Manikya (1490-1515). At that time Arakan was being ruled by Basawnyo/ Mahamuk Shah (1492-1494), a weak ruler.

At that time, some of their kings were assassinated by rivals and Arakan lost its stability. Dhanya Manikya conquered Chittagong both in the year of 1513 and 1515.⁶ but then he suddenly died leaving his conquered territory unprotected.⁷ During this interval Arakan is said to have conquered Chittagong for a short period. But then Sultan Alauddin Hussain Shah came with full force and occupied Chittagong which continued to remain under Bengal till the end of the Hussain Shahi dynasty. In 1538 Hussain Shahi dynasty came to an end, Sher Shah occupied Gaur in 1538 and ousted the last Hussain Shahi ruler Sultan Ghiasuddin Mahmud Shah (1533-1538). During this troubling period a very powerful and sagacious as well as experienced ruler named Min Bin (Zabuk Shah) (1531-1553) ascended the throne of Arakan. The Arakanese King Min Bin (Zabuk Shah) advanced northwards and occupied the eastern Bengal including

⁶ Mohammed Ali Chowdhury, *Op. cit.*, p. 72.

⁷ *Ibid*, p. 196.

Chittagong in 1540⁸ but unfortunately he died in 1553. Later under the Sur Sultanate in Bengal reoccupied Chittagong.

There is no doubt that the whole of Chittagong was occupied by Sur Sultan, Sher Shah. Very soon the political atmosphere of Bengal changed again and the Karranis dynasty came into the power of Bengal. The whole Chittagong was controlled by the Karranis dynasty. But with the fall of the Karranis dynasty in 1576 the Mughals took power for more than three decades before they could consolidate their hold over the Bengal. As a result Chittagong again passed to the hands of Arakan. The Tippera king Amar Manikya (1577-1586) made a desperate bid to wrest Chittagong from the Arakanese and nearly succeeded in his attempt. But later Chittagong passed to the hands of the Arakanese in reign of the king Min Phalaung Sikndar Shah (1571-1593).

During the reign of Emperor Akber (1556-1605), Emperor Jahangir (1605-1627) and Emperor Shahjahan (1627-1658), Chittagong was under the Arakanese. At that time the relations between Arakan and Bengal were extremely unfriendly. The king of Arakan sent army against Bengal whenever he found an opportunity. During the reign of Emperor Jahangir, Mughal Subadar of Bengal also sent several expeditions. In the reign of Emperor Shah Jahan also the enmity between the two countries continued. Later the Arakanese king sent piratical expeditions composed of Portuguese and Magh pirates. They sometimes proceeded up to Dhaka looting property and enslaving men, women and children. Instead of incurring expenditures on fitting out expeditions, the Arakanese made profits through the pirates without spending anything.

The defeat of Princes Shah Shuja in the war of succession in the hands of Mir Jumla, Subadar of Bengal and General of Aurangzeb opened a new chapter in the history of the relationship between Bengal and Arakan. The Arakanese king gave shelter to Princes Shah Shuja and thus got a chance to repay the debt of his forefather Min Sowa Mun to the ruler of Bengal. All were going well but suddenly the relations between Princes Shuja and the king Sonda Thudamma got estranged. Whatever might be the reason, Princes Shah Shuja, his wife, sons, daughters and other family members were also ignominiously murdered at Mrohaung.

⁸ Mohammed Yunus, *Op. cit.*, p. 41.

As a result, the relations again estranged. But the Mughal Emperor Aurangzeb did not like the murder of Mughal Princes, particularly princesses in the hands of the savage Arakanese. Moreover, Arakanese king did not stop employing pirates to carry out depredations into the Mughal territory. So, Emperor Aurangzeb ordered Shaista Khan, Subader of Bengal to punish the Arakanese and to wrest Chittagong from Arakanese hands. Subadar Shista Khan accomplished his task with wonderful zeal and up to the satisfaction of the Emperor. Chittagong was conquered by the Mughals in January 1666. The fall of Chittagong was a terrible blow to the Arakanese and with it their country of greatness came to an end. Never again they (Arakanese) hold Chittagong.⁹ At that time, Burma was quite unknown to Bengal.

2.2 The Indian's Immigration and Their Activities in Burma under the British

In 1760 the English East India Company achieved Diwani of three districts Chittagong, Burdawn and Mednapur from Mir Kashim, the Nawab of Bengal. But due to disorderly activities of Mugh the Company was not able to extend their influence in that region. At that time East India Company took decision to settle the Arakanese people in the South side of Chittagong and side by side they also tried to connect with Arakan. But due to the unstable political situation of Arakan as well as disorderly activities of Arakanese peoples, Company did not make any practical communication with Arakan except only by letter. Subsequently, in 1785 Bodawphaya, the king of Burma conquered Arakan by a serious operation and makes it a province of Burma. At that time huge Arakanese people took shelter in Chittagong. As a result, Company had to face refugee problems. So, due to this raised refugee or border problem, created by the Arakanese people, Company had to take immediate action to connect with Burma and this was the first time that Bengal recognized Burma as its neighbour.¹⁰ However, the attack and conquest of Arakan by the king of Burma made Arakanese life rebellious. As a result the administration of Burma took action against Arakan to control the insurgency.

Moreover, the imperialist Burma also took the initiative to conquest it's another neighbour Sham (present Thailand). In this connection, the king of Burma required

⁹ Mohammed Yunus, *Op. cit.*, p. 66.

¹⁰ Raton Lal Chakraborty, *Bangladesh – Burma Samparka; [Bangladesh – Burma Relations] 1785-1824*, (Dhaka: Dhaka University, 1984), p. 2.

huge people, who were able to fight, arms and weapon as well as rations or food from Arakan. Even to acquire these demand, the army of Burma used to torture the Arakanese. As a result the victimized Arakanese people fled from Arakan and took shelter in Chittagong. In the years of 1797 and 1798, 40,000 refugee of Arakan came to Chittagong. In this connection, in 1799 Company appointed Captain Hiram Cox as a superintendent to rehabilitate the refugees of Arakan. According to the name of Captain Hiram Cox the place which was established for the refugee of Arakan has been well-known as Cox's Bazar (now a district or administrative unit of Bangladesh).¹¹ Later, the British occupation of Burma was accomplished in three operations during the 19th century and after the third Anglo- Burmes war the upper Burma was annexed into the British colony on first January 1886.¹²

These operations are well known as first, second and third Anglo–Burmes wars in 1824-1826, 1852 and 1885 respectively. Only the 1824-26 operation was a war in the genuine sense, involving combat between British and Burmese forces in Northern India and a British expeditionary force which landed at Rangoon, fought numerous engagements in and around the city, and pushed its way up to Yandabo on the Irrawaddy river before imposing a treaty on king Bagyidaw (1829-1837), who ceded Arakan and Tenasserin (tanintharyi) to British control and recognized the states of Northeastern India as lying within the British sphere of influence.¹³

After the conquest of Burma by the British, the total political atmosphere had changed and a new political and economic condition in Burma was created. The result of it was that the people immigration from Arakan to Bengal entirely closed and on the other hand people started to go to Burma under the patronization of the British East India Company. The main reason of it was that the economic inspiration, favourable local condition of Burma and the international political as well as economic situation.

At that time people to people contact between Bengal and Burma increased sharply. At the end of the nineteenth century the way of changing economic condition

¹¹ Raton Lal Chakraborty, *Bangladesh – Burma Samparka, Op, cit.*, p. 37.

¹² Thu Ra Myint, *The Golden Land of Myanmar* (Yangoon: Shwe Pyae Sone Printing Press, 2010), p. 18.

¹³ Donald M. Seekins, *Historical Dictionary of Burma (Myanmar)* (Oxford: Scarecrow Press, Inc., 2006), p. 15.

of Burma provided the emigration of people from Bengal to Burma. Moreover we know that before the Second World War Burma was the largest rice producer in the world and the demand of it had increased hastily in an international arena. So when the British came to power of Burma they changed the agricultural policy of Burma and took decision to produce rice more and more in their agricultural policy.

But lack of labour in agriculture was the main hindrance of making the uncultivable land cultivable for increasing the production of rice. Because, the local manpower of Burma were less than its need. But at that time, Bangladesh had sufficient manpower. After changing the political situation of Burma from unrest to rest the people of Bengal exposed their enthusiasm to go to Burma. The contemporary reports indicate that, the majority persons who went to Burma were from Chittagong, Noakhali, Comilla, Mymensingh and Barisal.¹⁴ The Bengali people who went to Burma did not go only for the opportunity to get job but also for the chance to get more currency because, at that time the wages of Burma was higher as well as tempting than Bengal. Additionally, the emigration policy of British Burma played an important role in such immigration.

Later, the British authority strongly supported the immigration of people from India to Burma and side by side the British gave various opportunities to the immigrant people. As a result thousands of Indians and Bengalese went to Burma through the way of both land and maritime route. Generally they used to work in Burma as rice producer of agricultural sectors, as wood chopper, in harbour, as labour in the communication system and as hire labour. In the nineteenth century Bengal–Burma Navigation Company was established and by the Navigation Company people of both Bengal and Burma communicated with each other. But after capturing Burma by the Japanese during the Second World War many Indians and Bengalese were filled with fear and fled to India. But the Burmese did not have any scope to flee to another place from Burma. At that time the Indians immigrations to Burma closed totally.

Later on, the nationalist leaders of Burma belonged to the British power secretly. After defeating Japan, the Burma government took a new policy on the Indian

¹⁴ Sudhanshu Ranjon Ray, “*Bangladesh – Burma Samparka, 1885-1947*” [*Bangladesh – Burma Relations, 1885-1947*], (Unpublished M. Phil. Thesis, University of Dhaka, 2003), pp. 21-22.

immigrant people who had fled to India during the Japanese occupation of Burma and applied new condition for returning back to Burma. It can be told that during the Second World War the occupation of Burma by the Japan was very blessing for the Burma people because through this war the Government of Burma was able to control the previous immigration.¹⁵

2.3 The Immigrant Indian's Activities During the Japanese Occupation in Burma

In 1885 the British captured the whole Burma, but in 1942 Japan occupied the power of Burma for a little time. As a result, the British left the Burma by the Japanese invasion during the Second World War. At that time, some nationalist leaders of Burma assisted the Japanese to capture Burma for their development of achieving independence by the assistance of Japanese. Some young Thakin, led by Aung San communicated with the Japanese and Siam and they established a small military force. The Japanese helped them by giving training and weapon. They thought that they would enter into their mother land with Japanese and would achieve independence with the help of the Japanese.

Whenever the Japanese attacked Burma, the British also tried to protect their colony from the attack of Japanese. But one after another Japan captured the different areas of Burma and in May 1942, captured the entire Burma. After capturing Burma by Japan, a new phase was included in the history of Burma.¹⁶ On December 7, 1942 was a memorable day in the history of Burma, Britain and India, when it was started to abolish Indian society from Burma. That day nobody of Rangoon city did not believe that the war had knocked at their door. In the morning, some Japanese fighting Airplanes suddenly started bombing. As a result thousands of people were injured. The people of Burma realized for the first time that they were totally insecure from the attack of the Japanese. They had no security and no plane did come to help them.

At that time the Indians used to live in the main area of Burma that was economically developed. They were also seriously injured due to the Japanese bombing. There were two hospitals in Rangoon during the war but one hospital was destroyed by bombing and the other where there had no sufficient scope to take aid or

¹⁵ Sudhanshu Ranjon Ray, *Op.cit.*, p. 261.

¹⁶ W.S. Desai, *A Pageant of Burmese History* (Bombay: Orient Longmans, 1961), p. 260.

treatment. After bombing the communication system, trade and commerce and the government had to go out of practice. The frightened people fled from the city area and took shelter in the villages. At that time, from the view point of social, political and economic aspects, an anti-Indian vision raised in the minds of the Burma's people.

This time the peoples of Burma declared to the Indians that "go back to your homeland." Because the Burma's people thought that the British Indians were making hindrances for getting their independence. However, after capturing Burma by the Japanese thousands of Indians fled to Chittagong, Manipur and Asham. Later, the government of Burma tried to get back the Indians but failed. As a result, destitute and poverty stricken people used to come to Chittagong every day in groups. Around 10,500 people came to Chittagong from December 23, 1941 to January 30, 1942¹⁷ In this way every day many Indians came to Chittagong and other parts of India. As a result, the economic condition of Burma went to instability. Because, the industrial factory, railway, trade and other sectors of Burma controlled by the Indians.

On May 4, 1942 a contemporary report indicates that at that time around three lakh refugees left Burma.¹⁸ The report also said that everyday around twenty two thousand refugees came to India to take shelter. Subsequently, the government of both India and Burma took step for the development of those citizens who had fled from Burma to India.

The Indians and the Bengalese, who did not come back and stayed in Burma, faced difficulties from February 1942 to September 1942. Because at that time the worst as well as dishonest people of Burma who were released from jail were doing unethical activities like robbery, to set fire, extensive plunder and make the state unrest. In this connection, the people of India as well as the local Burmese were not free from the attacks of them. The Indians as well as the Bengalese even the Burmese were helpless from the attack of these cadres and Japanese army. M Thein Pe, a young leader of Burma, in his book '*what happened in Burma*' described briefly about the torture of Burmese cadres and the Japanese army upon the Indians, Bengalese as well

¹⁷ Sudhanshu Ranjon Roy, *Op. cit.*, p. 206

¹⁸ *Ibid.*, p. 213.

as the local people of Burma.¹⁹ The Japanese army did not only plunder but also look with greatly tempted eyes upon the Burmese women.

In spite of having these activities, the Burma Independence Army (BIA), led by Aung San and the young nationalists helped the Japanese army as their assistant for achieving the independence of Burma by driving the British out²⁰. In this regard, Japan also gave the commitment of giving support to the Burma's independence by taking different kinds of policy. But subsequently, there was a conflict of taking power between the Japanese army and the Burma Independence Army (BIA). As a result, the BIA tried to protest the unethical as well as unsocial activities of Japanese army. Then anti-Japanese consciousness among the nationalist leaders as well as the general people of Burma were raised.

The expectation of achieving independence with the help of Japan was fractured. Because Japanese army helped Burma turning out of the British from Burma but after turning out the British the Japanese army did not show the eagerness of giving independence to the Burma even they tried to set up a strong military force in Burma. Later, the Burmese were able to realize such attitude of the Japanese and they did not want to be a puppet in another's hand. Moreover, Burma originally viewed the Japanese as their liberators but the Japanese ruled Burma like a conquered territory and their secret police terrorized the local population.²¹

In the meantime, BIA resigned from the military power in August 1942, and four thousands soldiers, led by General Aung San established the Burma Defence Army (BDA). On the other hand, the Japanese tried to use the Indians' consciousness of achieving independence. As a result, by the Japanese invitation Netaji Shubash Bosh came to Burma and took the leadership of Indian National Army to attack India by Japanese assistance. In this respect, to attack India (INA) Indian National Army and (IIL) Indian Independence League were established by both Japanese and Indian army. In 1943, the Indians who were living in Burma welcomed Netaji Bosh for coming to

¹⁹ Sudhanshu Ranjon Roy, *Ibid.*, p. 227.

²⁰ Mikael Gravers, *Nationalism as Political Paranoia in Burma-An Essay on the Historical Practice of Power* (London: Curzon Press, 2005), p. 45.

²¹ Funk Christina, *The living Silence; Burma Under Military Rule* (Dhaka: University Press Limited, 2001), p. 21.

Burma. However, under the Japanese patronization and assistance the INA and IIL tried to attack India but failed. Because, Netaji Bosh failed to train them properly and they had no necessary financial support for food, cloth and modern weapons.

Whereas, the British Indian army was more efficient, capable of fighting and they had developed weapons even the British Indian army was ready to capture Burma again. However, under this circumstance General Aung San and other nationalist leaders of Burma from many different political backgrounds joined together under the Anti-Fascist People's Freedom League (AFPFL) a political front of the nationalists and communists, to help drive the Japanese out.²² As a result, they did show high eagerness with the foreign power British to make conspiracy against the Japanese. The main target of the Burma's nationalist leaders was to achieve independence at any cost because they did not want to be the puppet of others hand and to achieve their goal. They realized that they have to fight against the Japanese for making the country free from the foreign power. Afterwards, when the British again attacked Burma, the Burma's nationalist leaders helped the British.

2.4 Bengal–Burma Relations During the Partition of India

The partition of India in 1947 had created a challenging political situation in South and South-east Asia. East Bengal introduced herself as a neighbouring country of Burma. At that time, the demand of enclosing Arakan with the East Pakistan and the justifications of enclosing Arakan with the East Pakistan were that due to historical, geographical and cultural reasons there were no difference between North Arakan and Bengal. From the Mughal period and subsequently around thirty-two years North Arakan was a part of Bengal. Moreover majority Muslims of North Arakan agreed to enclose Arakan with Bengal.²³

When Arakan was attacked by the Japanese then the Arakanese Muslims helped the British military forces in different ways. The British military forces committed to the Arakani Muslims to separate Arakan from Burma and it would be enclosed with the Bengal. Even in 1942 when the Japanese established Japanese rule in Burma the Japanese administration recognized Arakan as a separate Muslim region from Burma.

²² Shwe Lu Maung, *Op. cit.*, p. 22.

²³ Sudhanshu Ranjon Ray, *Op. cit.*, p. 269.

Moreover, ninety-nine percent of the Arakanese Muslims cooperated with the British during the Second World War.²⁴ In addition, Chittagong had a deep connection with north Arakan by the communication system. People of this region could go easily to both Chittagong and North Arakan by motor. Besides, commercially Arakan was deeply connected with India more than Burma. Even, there was hardly any difference between Arakanese and Bengalese in religious, cultural and behavioral perspectives. Here Bengalese means the Muslims people of Bengal. The language of both regions was also similar. Another important reason of enclosing Arakan with Bengal was that the Muslim and KALA²⁵ malignity of Burma. It's a very common and all-known activity of Burma. However, in 1942 the crises of Burma got a new turn and thousands of Arakanese Muslims were killed by the oppression of Burmese. So, due to several reasons the relations between Burma and the Arakanese went to an unpleasant situation. Hence, the Arakanese thought that, if the Arakan is being a part of Burma then the existence of Arakanese Muslims would be abolished by the torture of Burmese. Under this circumstance, the people of Arakan hoped that their demand of enclosing Arakan with Bengal would be accepted cordially by the Cabinet Mission.²⁶ But the then government of Burma did not agree with the Arakanese demand. And the British authority did not keep their word to Arakanese Muslims, and even the Pakistan as well as the Indians did not agree with the Arakanese Muslims. Another fact was that on the 12 February 1947 a historical Pang long conference was held at Shan, state of Burma between Burma nationalist leader led by Aung San and the British authority. He (Aung San) was able to convince the British authority that the minority areas should not be separated from Burma proper. But it is to be mentioned that all nationalities in Burma except Rohingyas of Arakan were invited to the conference.²⁷

After the separation of Indian subcontinent, dignitaries of both Pakistan and Burma visited each other. Then Mirza Mohammad Rafi, famous lawyer, was appointed

²⁴ Mohammed Yunus, *Op. cit.*, p. 117.

²⁵ The word **KALA** identifies some body of Indian origin but beyond that the word means fraud and deceit also. Moreover, different ethnic group from Arakan-Burma are using the word 'kala', to Rohingya Muslim people from Arakan-Burma. Later, this usage broadens into new society and widely using 'kala' to Muslim, Hindu and foreign people as well in Myanmar.

²⁶ *Azad*, 6 June, 1946.

²⁷ Mohammed Yunus, *Op. cit.*, p. 123.

as representative of Pakistan government to Burma, whereas Burma appointed U. Pay Thin as its representative to Pakistan. From his first expression U. Pay Thin told that,

Although Pakistan is a new sovereign country, but the people of Pakistan are not new to us. Both the countries have deep relations with each other from the time immemorial. And hope in near future both the countries will work together for the development of each other and their friendship will be stayed forever.²⁸

After ascertaining diplomatic relations both the countries had continued their friendly relations. In this connection, in 1947 the then Prime Minister of Burma Thakin Nu came to Karachi and told he was very happy to meet Quaid-e-Azam. On the 4 January 1948 announced of the independence of the Burma. Neheru, the Prime Minister of India, congratulated the independent Burma and told that, like previous, the Indians will be connected simultaneously with the Burma and will work and enjoy mutually in well and woe. After achieving independence Burma ascertained diplomatic relations with different countries.

In this regard, Ambassadors from different countries including China and USA joined the embassy of Burma. Mohammad Ali, former finance secretary, joined as an ambassador of Pakistan to Burma. On the 24 October 1948, when Mohammad Ali reached Rangoon then the peoples of Burma welcomed and received him very cordially. At that time Mohammad Ali told to the peoples of Burma that, both Pakistan and Burma is good friend from the time immemorial and we always will try our level best for the development of political, cultural and commercial relations of both the countries. Later some unexpected misunderstandings grew between the newly born countries. But they controlled these measures successfully and kept their friendly relationships faithfully and no third party did generate any break with their relationship till 1971.

2.5 Pakistan – Burma Relations During the Liberation War

During the liberation war of Bangladesh diplomatic support was given to Pakistan by Iran and Arab states of Saudi Arabia, Jordan, Morocco while other Arab states, Egypt, Syria, Iraq and Algeria-remained comparatively silent. Burma supported Pakistan.²⁹

²⁸ Sudhangshu Ranjon Ray, *Op. cit.*, p. 274.

²⁹ Salik, Sadiq. *Witness to Surrender* (Dhaka: University Press Limited, 1977), p. 207.

Malaysia remained silent considering her political and economic interests in this regard. Indonesia offered her good offices to settle the crisis peacefully by keeping the East and West Pakistan together.³⁰ Bangladesh came into being in December 1971 and the Muslim states reacted unfavourably according to the classlessness of their ties with pre-1971 Pakistan. It is to be mentioned that Pakistan's relations with the Muslim countries between 1947 and 1971 was entirely determined by the then West Pakistani interests and perspectives.³¹

The unresolved statuses of Bangladesh immediately after its birth illustrate the divisiveness of the issue of recognition amongst the Muslims states and the negativity of their attitudes to Bangladesh. As long as the statuses of relations between Pakistan and Bangladesh remained an open question, Bangladesh's sovereignty in the eyes of the rest of the Muslim states was not a settled issue.³² On the other hand, there was a hostile campaign of Pakistan to delay the recognition of Bangladesh and to cripple the nascent state. Although both Indonesia and Malaysia were criticized in Bangladesh for what was perceived to be their failure to support Bangladesh in its liberation struggle, they compensated this apparent fault by their subsequent actions on the questions of recognition. Both countries announced their decision to establish formal ties with Bangladesh and Burma was the first country in South–East Asia to accord recognition to Bangladesh on 13th January 1972.

The formal diplomatic relations between the two countries were established in 1972. Since the recognition of Bangladesh by Burma both moderate countries have been working together for peace and stability in the international arena and they have common interests in different region and international issues of mutual concerns. The government of Bangladesh and Burma are keen to develop the existing relations in politics, culture, economy and trade. Thus Bangladesh and Burma enjoy centuries' old relationship and share common history, culture as well as British colonialism.

³⁰ Mohammad Tajuddin, "Islam in the Foreign Policy and Foreign Relations of Bangladesh" in S.R Chakravarty (ed.), *Foreign policy of Bangladesh* (New Delhi: HarAnand Publications, 1994), p. 60.

³¹ Denis Wright, *Bangladesh: Origin and Indian Ocean Relations (1971-1975)* (Dhaka: Academic Publishers, 1988), pp. 224-225.

³² Denis Wright, *Op. cit.*, pp. 225-226.

2.6: Present States of Bangladesh–Myanmar Relations

As has been said earlier, the formal relationship between the independent Bangladesh and Burma was established on January 13th, 1972. Burma was the sixth country to recognize Bangladesh. Kamal Uddin Ahmed wrote, Burma rationalized its stand in the following words:

“The government of Burma does not accept as principle, the solution of a country’s internal problems by direct help and intervention of a foreign country’s armed organization. However due to the existence of questions requiring immediate communications and actions, and also due to a desire to live fraternally as neighbor, the government of Burma has recognized the state of Bangladesh and its government.”³³

Since then, Burma had a good relationship with Bangladesh. Bangladesh took the first step with its deep appreciation of the sympathetic view of Burma towards Bangladesh during the war of liberation in 1971. Over the time, the senior leaders and high officials considered the importance of Bangladesh–Burma relationship. The foreign minister of Bangladesh, Abdus Samad Azad, paid his visit to Burma in 1972. Since then Bangladesh has always tried to strengthen the relationship. A joint communiqué issued simultaneously from Dhaka and Rangoon on 28 May 1972 emphasized closer ties and development of bilateral relations on the basis of peaceful co-existence, non-alignment as well as mutual respect for sovereignty and national dignity.³⁴

Soon after independence, Bangladesh sought international support both political and economic to re-construct the war-ravaged country. So, Bangladesh decided to import rice from neighboring Burma to meet food deficit. Bangladesh foreign minister visited Burma for the second time in July 1972. The then foreign secretary of Bangladesh also led a team of officials to Rangoon in early 1973 to finalize a deal for the purchase of rice from Burma.

In May 1973, Sheik Mujibur Rahman sent his special envoy, Shamsul Haq, to Burma to look for support of the Burma government in favour of the Indo-Bangladesh Joint Declaration to resolve the humanitarian issues resulting from the Bangladesh war

³³ Kamal Uddin Ahmed, “Bangladesh – Burma Relations: The political – Economic dimensions”, *BISS Journal*. Vol.7, No. 4, (June, 1986), p. 444.

³⁴ *Bangladesh Observer*, 29 May 1972.

of liberation in 1971.³⁵ Burma's President Ne Win was the first Asian Head of State to visit independent Bangladesh on 26 April 1974. President Ne Win emphasized that Bangladesh and Burma were close neighbours, linked together by "geography, history and culture and added that their friendship would be everlasting."³⁶

Thus, President Win's first visit was important as it contributed to build close rapport and understanding with the political leadership of Bangladesh. President Ziaur Rahman paid a visit to Burma in July 1977 which was the first ever visit of Head of a State of Bangladesh to Burma. It resulted in broad agreement on issues of common concerns to both Bangladesh and Burma.³⁷ Both also decided to fully co-operate with each other on various bilateral issues and agreed to expand and develop trade relations. Following this, the foreign minister of Bangladesh visited Burma in December 1979 to consolidate bilateral relations. General Ne Win, President of Burma, visited Bangladesh again in May 1979.

On February 1982, Abus Satter, president of Bangladesh visited to Burma. He emphasized the need for further augmenting and diversifying trade and strengthening of economic co-operation between the two countries.³⁸ On the 19 May 1983, President Lt. Gen. H.M. Ershad also visited Rangoon. The Burma's foreign minister, who visited Bangladesh in May 1984, urged increased co-operation between the two countries in the fields of trade and commerce. Another high-level visit took place in 1986 from Burma.³⁹ The summit level talks between the presidents of the two countries had a number of positive results; the most important of which was the signing of the agreement on the demarcation of 123 miles of land boundary between the two countries.⁴⁰ The Bangladesh foreign secretary described the agreement as another milestone in the friendly relations between the two neighbouring countries. A lot of visits even at the highest level took place between the two countries at different times.

³⁵ Kamal Uddin Ahmed, *Op. cit.*, p. 445.

³⁶ *Bangladesh Observer*, 21 July 1977.

³⁷ *Bangladesh Times*, 22 July 1977.

³⁸ *Asia Yearbook 1983*, (Hong Kong), p. 125.

³⁹ Harun-ur-Rashid, *Op. cit.*, p. 172.

⁴⁰ *Bangladesh Observer*, 24 May 1979.

Bilateral relations remained good and about 10 agreements have been concluded between the two countries in such areas as land boundary, trade, border trade, transport, and prevention of narcotics trafficking. The bilateral Trade Agreement was concluded in 1994 with options for automatic renewal every year.⁴¹ Myanmar's Prime Minister visited Dhaka in December 2002. The Prime Minister of Bangladesh Khaleda Zia visited Myanmar in March 2003. Myanmar foreign Minister Nyan Win paid a three day official visit to Dhaka on the 24 February, 2005. Both the countries Ministers reviewed the entire gamut of Bangladesh–Myanmar relationship and discussed the way of further co-operation in the field of trade and commerce.

It was also reported that the Ministers discussed the repatriation of remaining Rohingya refugees to Myanmar from Bangladesh. During the Caretaker Government of Bangladesh, in 2007-08, many important visits took place by leaders of both the countries. On 16 May 2009, Dr. Dipu Moni, foreign minister of Bangladesh, held official talks with Myanmar. Last of all, the Prime Minister of Bangladesh, Sheik Hasina, visited Myanmar immediately after the visit of US Secretary of State Hillary Clinton in late 2011. The Prime Minister's visit is more than a positive sign. It has brought about concrete outcomes, including the signing of two important agreements. Meanwhile, the President of Burma, Thein Sein, is expected to visit Bangladesh in the near future to discuss the situation of refugees on the border between the two countries.

2.6.1 Trade and Economic Relations

The political problems apart, the statements made by both Bangladesh and Myanmar leaderships show that a huge potential exists to enhance trade and economic ties between the two countries. There is no denying the fact that some political issues affected on trade and economic relations. But it could not affect the overall trade and economic ties between the two next door countries. However, the trade and economic relations between Bangladesh and Myanmar was not a new phenomenon rather it is very old. It has been mentioned that trade and economic relations between the two countries were largely based on rice trade. But this trade began to decline when Burma was separated from British India following the government of India Act of 1935.

⁴¹ *Bangladesh Observer*, 24 May 1979.

The sea routes for the rice shipments between Rangoon, presently known as Yangon and Calcutta were disrupted during the Second World War. The people of Bengal also become accustomed to eating other types of grain as a result of the famine of 1943⁴² After Ne Win took power in 1962 and introduced the “Burmese Way of Socialism” Burma lost its commanding position as the world’s largest rice exporter. As late mid-1960, Burma was exporting 4 million tons of rice a year.⁴³ General Ne Win nationalized trade and virtually threw out the powerful business houses and traders of Indian or Pakistani origin, which had flourished end of the British. At that time, Ne Win accused the Government of India of smuggling out the jewellery and gold belonging to the Indian traders through the diplomatic channel of the Indian embassy in Rangoon. Among the traders and business houses of South Asian origin in Rangoon there were only one or two from Bangladesh. The most prominent was A.K Khan of Chittagong, the pioneering industrialist.⁴⁴

Bangladesh was spared, in large measure, the bitterness created in India by the drastic measures of Ne Win. In the meantime Bangladesh looked to other countries such as Japan, Thailand, and Indonesia for rice imports. Rice import trade was mainly in private hands in Bangladesh. This was true, even under the leadership of Bangabandhu Sheik Mujibur Rahman, who had nationalized banks and industrial units.⁴⁵ This was a major reason that Bangladesh turned down Burma’s offers to sell rice because sales from Burma would be state-to-state basis.

However, the two countries concluded trade agreement on 23 March 1972 under which Bangladesh desired to import rice from Burma and export jute products, newsprint and paper. Anyway, in order to develop and expand the trade relations, a general trade agreement was signed on 3 August 1973 during the visit of Bangladesh trade delegation led by the then Commerce Minister, A. H. M, Kamruzzaman. There are in all eight articles in the agreement which has provided the general basis for trade

⁴² Kaiser Morshed, “*Bangladesh – Burma Relations*”,

http://www.idea.int/asia_pacific/burma/upload/chap2.pdf , Accessed on 22 May 2012

⁴³ *Ibid.*

⁴⁴ Kaiser Morshed, *Op. cit.*,

⁴⁵ *Ibid.*

between the two countries in any convertible currency.⁴⁶ Both side also agreed to grant most favoured nation treatment to each other with regard to custom procedures, tariff, taxes and charges.

However, Jute manufacture is obviously Bangladesh's major export to Burma. From about 90 per cent in 1980-81, the export of jute manufacture rose to over 97 per cent in 1983-84. It is also important to note here that jute manufactures of Bangladesh are exported to Burma under cash, barter and also under Special Trade Arrangement (STA). On the other hand, the major items of import from Myanmar are rice, animal and vegetable facts, ferrous ores, and non- metallic mineral manufactures. On first June 1989 three MOUs were signed on border trade and economic cooperation providing for joint ventures at the government to government, government to private and private to private levels. The border trade protocol was signed on 18 May 1994, between the two countries but the border trade formally began on 5th September 1995.

Moreover, Bangladesh trade fair and exhibitions in Yangon in 1995 and 1996 helped a great deal in creating demand for products from Bangladesh. In March 2003 three agreements namely coastal shipping, trade account and joint business council were concluded. In the same year second Bangladesh trade fair took place in Myanmar. Myanmar exports to Bangladesh such items as marine products, beans and pulses and kitchen crops while it imports from Bangladesh pharmaceuticals, ceramic, cotton fabric, raw jute, kitchenware and cosmetic. Reportedly, bilateral trade between Bangladesh and Myanmar stood at US\$ 140 million in 2008, which the two countries would try to take to US\$ 500 million in the fiscal year of 2009-2010.⁴⁷

2.7 Major Issues of Bangladesh – Myanmar Relations

Tensions and Confrontations: Bangladesh and Myanmar have few controversial matters that make hindrance for improving prospective bilateral relations between the two countries. But that may not responsible for the sudden apparent deterioration of the relationship between the two countries to such an extent.

⁴⁶ *Bangladesh Observer*, 13 August 1985.

⁴⁷ <http://www.globalsecurity.org/military/world/bangladesh/forrel-mm.htm>, Accessed on 20 October 2012.

To determine the relationship between the two countries, the following are the most vital issues;

2.7.1 The Rohingya Issue

The Rohingya refugee issue is so acute that make matters worse between Bangladesh – Myanmar Relations. Bangladesh experienced an unprecedented refugee crisis in March-April, 1978 following the forcible exodus of the minority Rohingya into Bangladesh. But the real fact is that they have been living in Arakan State for more than thousand years.⁴⁸ However, the Rohingyas of the Arakan, state of Myanmar were evicted forcibly from their land by the Myanmar army in collaboration with the local Rakhaine (Arakanese Buddhist) people. The Myanmar government created the refugee crisis by treating the Rohingyas as illegal immigrants and pushing them into Bangladesh. As a result, relations between the two countries came under strain. The other theory indicates that the Muslim people of the Rakhaine state are mostly Bengali migrants from East Bengal.

However, most of approximately 0.7 million to 1.5 million Muslims in the state of Arakan are Rohingyas.⁴⁹ The Myanmar's military government is well known as the State Peace and Development Council (SPDC). The Military government has been in power since 1962. Then she (The Military government) recognizes 135 ethnic groups in Myanmar according to the Burma Citizenship Law of 1982 and the Rohingyas are not enlisted as one of 135 ethnic groups, and that's why they are not constitutionally recognized as a citizen of Myanmar.⁵⁰ However, the Rohingyas have fled to Bangladesh from Myanmar since 1978, when around 2000,000 members of the Muslim ethnic group escaped the Burmese army's operation *Nagamin Sit Sit Yay* (Dragon King). Later on, between 1991 and 1992, almost 250,000 Rohingyas fled to Bangladesh to escape persecution. The most recent incident took place in June 2012, when a large number of Rohingyas tried to enter Bangladesh after riots pitted Buddhists against Muslims in Rakhaine state of Myanmar. This time, however, the government of

⁴⁸ **Abdul Karim, *The Rohingyas-A Short Account of Their History and Culture* (Chittagong: Arakan Historical Society, 2000), p. 12.**

⁴⁹ Kamal Uddin and Akkas Ahmed, "Bangladesh – Myanmar Relations: Continuity and Change," *Chittagong University Journal of Social Sciences*, Vol. 26 (June 2008), p. 84.

⁵⁰ Donald M. Seekins, *Op. cit.*, p. 7.

Bangladesh has refused to accept any Rohingyas in Bangladesh. The more important thing is that, in this regard in both instances the Rohingyas went back not as citizens of Myanmar but as stateless people.⁵¹

2.7.2 Maritime Boundary Demarcation

The ongoing conflict about demarcation of maritime boundary has been resolved through a 2012 verdict of the International Tribunal for the Law of the Sea, which granted Bangladesh over 111,000 square Kilometers of exclusive economic zones water in the Bay of Bengal and 12 nautical miles of territorial sea around St. Martin's Island. It is expected that the government of Myanmar will show its full commitment to implementing this judgment, which will assist in resolving a long-standing disputes between the two neighbouring states.

2.7.3 Problem with the Exploration of Oil and Gas in the Deep Sea

Bangladesh is experiencing soaring demand for energy. Its proven reserves of natural gas are expected to dry up in 25 years. As it stands, there is energy for Bangladesh to explore and exploit new sources of energy. Fortunately, geologists and International Oil Companies (IOC) have held out hope that Bangladesh is literally floating on gas. Whatever the onshore prospects are, no one denies that the real deal lies in the Bay of Bengal. The prospect of finding mineral deposits in the Bay of Bengal is all the more strengthen when one sees that not only India but also Myanmar recently discovered 100 trillion cubic feet and 7 trillion cubic feet of natural gas respectively in their deep sea blocks. Myanmar has allowed China, South Korea and India to invest billion of dollar in producing gas from deep sea basins.

Bangladesh, on the other hand, has for the most part refrained from exploitation in the deep sea. Dhaka has recently claimed that India and Myanmar have swathed of Bangladesh maritime territory. 18 out of Bangladesh's 28 offshore blocks are claimed by Bangladesh's two neighbors.⁵² The most recent stand-off took place in November 2008, when four Korean ships guarded by Myanmar's navy started exploration for oil and gas reserves within 50 nautical miles southwest of St. Martin's Island in

⁵¹ Kamal Uddin and Akkas Ahmed, *Op. cit.*, p. 84

⁵² *Ibid.*, p. 86.

Bangladesh water. Through Myanmar postponed its activities later in the face of strong protest from Bangladesh, Myanmar vowed to come back in the same area in the future. Recently, oil and gas exploration operations into the deep sea have resulted in deterioration of relations between the two countries. Since Myanmar is entitled to explore oil and gas field in its sovereign territories, it cannot be blamed if it finds out oil or gas fields within her own maritime boundaries. But, Myanmar can not violate the sovereignty of Bangladesh by entering into the territory of Bangladeshis.

2.7.4 Border Tension

It has been pointed out earlier that except India, Myanmar is the only country which has both maritime and land border with Bangladesh. There had not been any disputes and tensions between the two countries after independence pertaining to border issues. Bangladesh had no border problem with Myanmar as has in the case of India. In the recent times, several incidents have taken place on the Bangladesh – Myanmar border causing concern for Bangladesh. Tensions have arisen particularly over Myanmar's planned construction of a 40 kilometer long fence along the border, ostensibly to check cross- border smuggling.⁵³ Moreover, Myanmar has strengthened its military presence in the Rakhaine state, which borders Bangladesh. The major activities along the border area by the Myanmar army have been significant.

2.7.5 Cross-Border Terrorism

It is alleged that Bangladesh provides support for the Rohingyas to establish their rights in Myanmar. The Rohingya Solidarity Organization (RSO) and other Rohingya organizations have some internal or international links.

The Rohingya Solidarity Organization could get support from local people of Bangladesh. In fact, both religion and language had been central in forming a sympathetic posture towards the Rohingya refugee since their arrival into Bangladesh. It is likely that some Islamic groups provided the Muslim Rohingyas, including RSO and Arakan Rohingya Islamic Front (ARIF), financial and material as well as moral support. RSO is alleged to be working in various camps of Bangladesh. This pro-democracy movement is gaining international support in their struggle against military

⁵³ Kamal Uddin and Akkas Ahmed, *Op. cit.*, p. 87.

rule and ethnic repression. They are trying to consolidate their position and put pressure on the military rulers to get rid of the misery of their life and establish their human rights, ethnic diversity in their own region. Their main aim is to settle themselves in their own country as full citizen. Though it is believed that they are active in neighboring countries, it remains uncertain if the RSO and other Rohingya group can realize their demand and dream to resettle themselves in Arakan as full citizen of Myanmar. Availability of small arms along Bangladesh–Myanmar border is also a matter of concern. It helps the members of United People’s Democratic Front (UPDF), the anti – peace agreement Hill organization in Chittagong Hill Tracts (CHT) in clashes against the Bengalis and rival Hill groups. The dissident groups of the CHT are importing small arms from Myanmar. Because, it is easy for them to import illegal arms from Myanmar. So, this issue creates a barrier to build smooth relations between Bangladesh – Myanmar relations.

On the other hand it is expected that, the border of Bangladesh with Myanmar can provide certain strategic advantages to Bangladesh if it is possible to maintain friendly relationship with Myanmar. It is well known that, Myanmar has enormous available resources of timber, agricultural surplus, sea and sweet water fish, cotton, mineral products like copper, gold, silver, tin and coal, precious stones, oil and gas. If Bangladesh can formulate a closeness relation with Myanmar then she can take sufficient tactical advantage for her entire economic development from the huge natural resources of Myanmar.

Chapter- 3

Bangladesh – Myanmar Relations: Bilateral Transactions

Any small country like Bangladesh, always tries to maintain friendly relationship with other countries especially with neighbouring countries. Bangladesh is surrounded by India to the west, north and North-east, Myanmar to the South-east, and the Bay of Bengal to the South. So Myanmar is the only bordering country of Bangladesh beside India. Being a peace loving country, Bangladesh sets one of its important foreign policy objectives as ‘friendship to all malice to none’. Bangladesh, since its independence, has been maintaining good relationship with Myanmar. Geography apart, Bangladesh has historic ties with Myanmar and has many things in common, including colonial legacy. It is to be mentioned that, Myanmar was one of the first few countries in the world as well as the first South-east Asian country to accord recognition to Bangladesh as a sovereign country. However, bilateral ties between Bangladesh and Myanmar since 1972 to up to date, have some ups and down. Although both the countries are trying to maintain good term with each other by signing a quantity of agreements like, general trade, border trade, demarcation of land section, repatriation of the Rohingya refugee, coastal and maritime shipping, border management, establishment of direct road link etc, bilateral memorandum of understanding (MOUs) from multidimensional aspects such as, establishment of joint business council, border trade, annual consultation, establishment of joint trade commission, agriculture and allied sectors, and establishment of road link etc, and protocols and to join as well as working with some common regional, sub-regional and international organizations to enhance their bilateral as well as multilateral relations.

3.1 Diplomatic Affairs

Cooperation between the two nations is normally a continuing process in which the consideration of national interests has its foremost says. Few minor irritants of problems may hinder the process in its transition phase but may not necessarily bring it to an end. This is so as costs of non-cooperation are higher than the costs of cooperation. Conflicts of problems, unless they attain an intractable nature, are always resolvable through diplomacy and foreign policy means. The Bangladesh – Myanmar relations are to be also viewed in this perspective. While the elements of cooperation

are distinguishing in such relations, few elements of conflict as well cannot be overlooked. However, after the independence of Bangladesh, to formulate close as well as friendly ties with Burma as early as in May 1972, Foreign Minister of Bangladesh, Abdus Samad Azad, visited Myanmar. That was the first official visit by the Foreign Minister of Bangladesh to any country after India. Following the visit a joint communique issued simultaneously from Bangladesh and Burma, emphasizing closer as well as tangible ties and development of bilateral relations on the basis of peaceful co-existence, non-alignment and mutual respect for sovereignty and national dignity.¹ These still remain the basis of Bangladesh – Myanmar ties.

The newly born State, Bangladesh needed political and economic support from the world at large to reconstruct the war-ravaged country. It was eager to become a member of the United Nations and other international bodies. At that time, Bangladesh was dependent on Burma on an urgent basis to meet food deficits. Bangladesh in its turn, exported jute products, newsprint and paper and both the countries concluded a trade agreement on 23 March 1972. Under this treaty Bangladesh imported rice from Burma and exported jute products, newsprint and paper.

All these motivated the foreign Minister of Bangladesh visited Burma again in July 1972. The foreign secretary of Bangladesh also led team of officials to Yangon in early 1973 to finalize a deal for the purchase of rice from Burma. Sheik Mujibur Rahman, the then president of Bangladesh also sent a special envoy, Shamsul Haque, to Burma in May 1973 to muster support of the government of Burma in favour of the Indo-Bangladesh Joint Declaration to resolve the humanitarian issues resulting from the war with Pakistan. These visits showed the warm political relations between the two neighbouring countries soon after the independence. Accompanied by the Foreign Minister of Burma, HLA Phon, President Ne Win Was the first Asian Head of the State to visit independent Bangladesh on the 26 April 1974. Interestingly, that was the second official visit of the president of Burma to this part of the world; the first was in mid-February 1965 when Bangladesh was part of Pakistan.² President Ne Win emphasized that Bangladesh and Myanmar were “close neighbours, linked together by

¹ *Bangladesh Observer*, 29 May 1972.

² Kamal Uddin Ahmed, *Bangladesh and its Neighbours*, (Dhaka: Asiatic Society of Bangladesh, 2008), p. 97.

geography, history and culture and added that their friendship would be everlasting.”³ Thus, President Ne Win’s first visit was important as it contributed to close rapport and understanding with the political leadership of Bangladesh. That Burma always considered its political and economic relations with Bangladesh as important had been demonstrated by the fact that President Ne Win again visited Bangladesh in May 1979 and November 1982. In reply to the The President Ne Win, the then President of Bangladesh, Major General Ziaur Rahman, paid a state visit of a Bangladesh Head of State to Burma.⁴ At that time, the whole span of Bangladesh – Burma relations came up for review at the summit talks between General Ziaur Rahman and President Ne Win. It resulted in broad agreement on issues of common concern to Bangladesh and Burma relationship.⁵

At the invitation of President Ziaur Rahman, President of Burma, Ne Win again made a three days state visit to Dhaka in May 1979. The consultation that ensued then paved the way for further strengthening of the friendly relations between the two next door countries. The summit level talks between President Ziaur Rahman and President Ne Win had a number of positives results, the most important of which was the signing of the agreement on demarcation of 123 miles land boundary between the two countries.⁶ The agreement was a milestone in the friendly relations between the two neighbourly countries. In fact, the boundary agreement between the two countries in 1979 had contributed substantially to the promotion of peace and stability in the region. At that time, state to state such expedition was very essential for the people of Bangladesh and Burma to preserve and promote the existing harmonious relations in the future also.

For further augmenting and diversifying trade and strengthening of political and economic cooperation between Bangladesh and Burma, in February 1982, during President Ziaur Rahman, Abdus Satter visited to Burma. Realizing such significant, on May 1983, former President of Bangladesh Lt. Gen H.M. Ershad also visited Yangon. The Burmese foreign Minister also visited Bangladesh in May 1984. At that time, both

³ *People*, 29 April 1974.

⁴ *Bangladesh Observer*, 21 July 1977.

⁵ *Bangladesh Times*, 22 July 1977.

⁶ *Bangladesh Observer*, 24 May 1979.

parties argue increased cooperation between the two countries in the fields of trade and commerce. In August 1984, Dhaka-Yangon further strengthened their ties with the authentication of clear-cut demarcation of 123 miles of common land border jointly finalized by the Survey Department of both the countries. This formal demarcation concerned land boundary stretching from the Southern end of the river of Naaf to the tri-junction of Bangladesh-India-Burma boundaries. The final work of demarcation with 53 boundary pillars and preparation of the strip maps were taken up under the land boundary demarcation accord signed between the two countries on 23 May 1979.

As other issues like the Rohingya refugees cropped up in Bangladesh–Myanmar relations, the border issue remained dormant for many years. To resolve the outstanding problem on border demarcation, a meeting between survey delegation of Bangladesh and Myanmar was held on 17 January 1997 at the Department of Survey in Yangon. The meeting decided that a joint survey team will visit the bordering Taungbro town on January 21, 1997 and would determine the seven undetermined pillars (no. 31, 32, 34, 35, 36, 38, and 39) while the related field work will be finished by January 31 in 1997 Bangladesh delegation submitted a proposal for a draft treaty at the meeting and the Myanmar side agreed to submit their observation on the draft treaty by 15 February 1997.⁷ At last the long awaited land boundary treaty between the two countries was signed in Yangon on 12 November 1998. The conclusion of the treaty was the outcome of a series of negotiations and field trips by officials of the two countries since signing of the land boundary agreement in 1977.

However, in order to initiate increasing engagement with ASEAN and to expand strengthening of economic ties, Bangladesh has been pursuing its engagement policy with the military regime of Myanmar. During the initial years, the political relations between Dhaka and Yangon had been on the whole satisfactory. But Bangladesh experiences an unprecedented refugee crisis in March-April, 1978 following the forcible exodus of minority Arakanese Muslims into Bangladesh. Even though, the Rohingya had been living in Arakan, state of Myanmar for thousands of year. They were deprived of citizenship rights by the military government in the ground that they were an alien people in Myanmar. Victims of politics, they were also denied freedom of movement in their country and legal to right to own land or property.

⁷ *Bangladesh Observer*, 18 January 1997.

Trapped between non-recognition were evicted forcibly across the border by the Myanmar army in collaboration with the local people. The Myanmar government created the refugee crisis by treating the Rohingya as illegal immigrants and pushing them to Bangladesh. As a result relations between the two countries came under strain.

The refugee revealed that the Burmese army had forcibly evicted them and alleged their widespread persecution, brutality, rape and murder. The International Committee of Red Cross and donor's community came forward to support them. Initially, the Bangladesh government provided relief materials but it was quickly overwhelmed with the increasing number of refugees that fled from Myanmar. Most of the refugees were compelled to live in miserable conditions, and the government of Bangladesh maintained that the country could not afford to provide them food and shelter for an indefinite period. The refugee problem generated severe economic pressure in Bangladesh. In order to relieve the burden, the government of Bangladesh requested necessary assistance from the United Nations and donor's community. In May, 1978 the United Nations High Commission for the Refugees (UNHCR) initiated a large-scale emergency relief operation for refugees. The UNHCR with the support of other international donors had established many refugee camps to provide shelter to the Rohingya refugees.

For obvious reasons, the Bangladesh government was concerned as its border of peace was turned into a rim of conflict with the increasing flow of Rohingya refugees, which imposed political, economic and social problems. Myanmar's action came under severe criticism and strained the bilateral relations between the two countries. Initially, Bangladesh chose to pursue a policy of quiet diplomacy with Myanmar to resolve the problem. When dialogue and quiet diplomacy failed to dissuade the Myanmar administration from forcing the ethnic minority of Arakans across the border. It was constrained to hand over a strong protest note to the Myanmar government through its Ambassador in Dhaka. The note exposed the magnitude of the problem involving the massive eviction of men, women, and children belonging to a Muslims minority group. It is alleged, "Certain sections of the Burmese nationals in collusion with the Burmese officials as well as the civilian and armed force personnel of Burma are responsible for

this criminal act.”⁸ The noted added that “the treatment meted out to the refugees constituted not only grave violation of Human Rights enshrined in the UN Charter, but also posed a serious threat to the peace in the border and stability in the region.”⁹ At this point, the refugee problem created tensions and seriously threatened the political relations between the two next door countries. Diplomatic efforts by the President Ziaur Rahman’s special envoy, Kazi Anawarul Huq, to Yangon and of the Foreign Minister of Burmese to Dhaka, during April 1978, could not make any headway.

On the contrary, the situation became worse as an increasing number of Muslims were forced to cross the Bangladesh border after 18 April 1978. On 7 May 1978, President Ziaur Rahman in a strong statement expressed his concern and accused the Myanmar government of the inhuman evictions of Muslims and demanded the repatriation of all the refugees without delay.¹⁰ Unquestionably, the forceful eviction of minority Muslims from Myanmar caused a sharp reaction in Bangladesh. All the political parties, eminent leaders, professional associations, and religious bodies had denounced the pre-planned diabolically concerted campaign of the Myanmar authorities on the ethnic minority.

The national Bar Association of Bangladesh expressed grave concern over the refugee problem and urged the United Nations to take appropriate measures for immediate solution of the human problem.¹¹ Some international bodies such as the World Muslim Congress and Muslim World League also reacted sharply, condemned the Myanmar action and appealed to the UN Secretary General to immediately intervene into the matter to stop the exodus.¹² The pressure on Myanmar to settle the refugee problem mounted steadily. It may be mentioned here that the Chief Representative of the UN High Commission for the Refugees had made some diplomatic efforts for resolution of the conflict between the two countries. Bangladesh Foreign Minister M. Shamsul Haq reaffirmed the Bangladesh Government stand on the

⁸ For details of the protest note see, *Bangladesh international Affairs*, Vol. 1, No. 4 (April 1978), pp. 13-14.

⁹ *Ibid.*,

¹⁰ For details of the dispute involving the refugees, see *Kissing’s Contemporary Archives*, Vol. XXIV, 1979, p. 19238.

¹¹ *The Bangladesh Observer*, 7 July 1978.

¹² Kamal Uddin Ahmed, *Op, cit.*, p. 101.

refugee problem and asserted that the refugees should be repatriated to their ancestral homeland and rehabilitated in the shortest possible time “in the interest of good neighbouringness and in the interest of border peace.”¹³ Both Bangladesh and Myanmar are not signatory to the 1951 UN Refugee Convention. They have not yet ratified the convention. Thus, resolution of the refugee issue has relied on agreement between the parties on their own terms. To this end, Myanmar’s Deputy foreign Minister, U. Tin Ohn, led a delegation team with 11 members to Dhaka to find a lasting solution to the large-scale refugee crisis. The official negotiation between the two countries resumed on 7 July 1978. Three committees were set up to (a) look into the repatriation of refugees, (b) demarcate land river boundaries and (c) formulate Border Ground Rules respectively.

On the 9 July 1978, after tense negotiations, Bangladesh and Myanmar signed an agreement under which the Myanmar government agreed in principal to take back more than 200,000 refugees sheltered in different camps in Bangladesh.¹⁴ The agreement also covered some important aspects of bilateral relations including issues pertaining to demarcation of boundaries, formulation of border ground rules, repairing of damaged boundary marking along the Naaf river section and co-operation in preventing illegal crossing of border and maritime boundary.¹⁵

Thus, a positive attitude and cooperation on Myanmar and bilateral negotiations helped to resolve the Rohingya refugee problem for the time being. Commenting on the agreement, the Myanmar’s Deputy Minister for Foreign Affairs said, “I have accomplished the mission for which I was sent by President Ne Win.”¹⁶ On the other hand, the Bangladesh Foreign Minister, M. Shamsul Haq, described the agreement as a remarkable event because the problem was magnitude that it would not have been possible to reach an accord without understanding and cooperation of either side.”¹⁷ Since then the relations between Bangladesh and Myanmar gradually developed with the numerous exchanges of visits at the highest level, trade expansion and bilateral

¹³ *Bangladesh Observer*, 7 July 1978.

¹⁴ *Bangladesh Times*, 10 July 1978.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Bangladesh Observer*, 11 July 1978.

cooperation. In the mid-1980, Myanmar got the status of Least Developed Country (LDC) in the United Nations. Myanmar's recognition into the ranks of LDC brought it nearer to Bangladesh in the UN and other multilateral forums. As the largest LDC, Bangladesh has carried out an important role in different multilateral trade and economic negotiations.¹⁸ In February 1982, President Abdus Satter visited Myanmar and emphasized the need for further augmenting and diversifying trade and strengthening of economic cooperation between the two countries.¹⁹ In May 1983, during his official visit to Yangon, Lt. Gen. H. M. Ershad said, "the flowers of (Burma-Bangladesh) friendship have blossomed with great splendor in recent years."²⁰ The Myanmar's Foreign Minister, who visited Bangladesh in May 1984, urged increased cooperation between the two countries in the fields of trade and commerce.

On 12 August 1985, Dhaka and Yangon further strengthened their ties with each other with the authentication of clear-cut demarcation of 123 miles (196 km) of common land boundary jointly finalized by the Survey Departments of the two countries.²¹ This formal demarcation of the land boundary stretches from the Southern end of the river of Naaf to the tri-junction of Bangladesh-India-Myanmar boundaries. The final work of demarcation with 53 boundary pillars and preparation of the strip maps were taken under the Land Boundary Demarcation Accord signed by the two countries on 23 May 1979. The implementation of the agreement was a constructive step in Bangladesh-Myanmar bilateral relations, demonstrating high sense of mutual cooperation and understanding.

Regrettably, the second massive Rohingya refugee influx to Bangladesh started during 1991-1992, which again heightened tension between the two countries and strained the relationship. Visibly, on this occasion the feelings of the Bangladesh local people were less sympathetic than during the earlier crisis that took place in 1978. Once more the exodus was triggered by multifaceted social, political and economic ill treatment by the Myanmar military junta. The UNHCR, the UN Refugee Agency and

¹⁸ Kaisar Morshed, "*Bangladesh-Burma Relations*", For details, see, http://www.idea.int/asia_pacific/burma/upload/chap2.pdf. Accessed on 25 July 2011.

¹⁹ *Asia 1983-Year Book*, (Hong Kong), p. 125.

²⁰ *Asia 1983-Year Book*, (Hong Kong), p. 139.

²¹ *Bangladesh Observer*, 1 August 1985.

Bangladesh officials reported that nearly 250,000 Rohingya refugee from Myanmar fled to Bangladesh between 1991 and 1992 to escape widespread repression , including extra-judicial executions, torture, persecution, forced labour and other extensive human rights abuses at the hands of the security forces of Myanmar.²² The government of Bangladesh without delay dispatched its border forces (BDR, present BGB) to tighten security along Bangladesh-Myanmar border and to prevent fresh flow of refugees. But Bangladesh border forces attempt to stop the flow of refugees from Myanmar failed. Subsequently, the United Nations High Commissioner for Refugees (UNHCR) could halt the process of exodus from Myanmar only after extensive intervention and continual pressure from others concerned. In late November 1991, Bangladesh Foreign Minister Mustafizur Rahman visited Myanmar to meet his counterpart U Ohn Gyan for crisis talks. He pressed for an early repatriation of the refugees. Both decided that Bangladesh would provide a full list of refugees who fled to Bangladesh from different parts of Rakhine state along with evidence of their domicile and residence. Bangladesh Foreign Minister Mustafizur Rahman also reportedly obtained definitive assurance that Myanmar would take back all the refugees.²³

However, in December 1991 one more conflict took place when Myanmar massed its troops along the border with Bangladesh. Outraged and concern, the Bangladesh Foreign Office summoned the Myanmar Ambassador to protest against confrontational military activities. Nevertheless, Myanmar armed forces overran a border outpost on the Bangladesh side resulting in the killing of at least one Bangladeshi serviceman and wounding of several others. The Myanmar government alleged that Muslim rebels maneuvered from Bangladeshi territory, a charge Dhaka always denied. Myanmar assured that it had no evil designs on Bangladesh territory and reaffirmed its commitment to the five principles of peaceful coexistence.

Eventually, the UNHCR came forward to arbitrate between Dhaka and Myanmar. The UNHCR took responsibility of overseeing the stateless refugees and later their repatriation process to Myanmar. Dialogue was the better option to resolve any crisis of this type. The UNHCR negotiated with the Myanmar and Bangladesh government for a peaceful settlement to the crisis and finally reached an agreement for

²² Kamal Uddin Ahmed, *Op. cit.*, p. 103.

²³ *Daily Star*, 23 November 1991.

repatriation of the refugee in 1992. Yet, the bulk of the Rohingya refugees were reluctant to return to their homes in Arakan due to fear and insecurity or lack of improvement in the state of affairs in Myanmar. The repatriation process started with an average of 15,000 people per month with support and monitoring of UNHCR and government of Bangladesh. The Bangladesh authorities during its meeting with Myanmar's Director General of Immigration in May 1999 insisted Myanmar to step up the Rohingya refugee's repatriation process.

Thus, by December 1999 around 200,000 of them were returned to their motherland. This large number of successful repatriations reflected UNHCR's direct serious engagement, sustained support and Myanmar government's changed policy due to pressure of the leading international actors. This also reflects Bangladesh government's mature and successful handling of a large crisis with a neighbor. Bangladesh officials concerned with the repatriation process claimed that most of the Rohingya refugees have opted for voluntary repatriation since only a few of them had fled from their designated camps and went hiding. However, it is difficult to say about the current status of the repatriated Rohingya refugees to Myanmar and what is really happening to those refugees is unknown as foreigners are not allowed by the military government to access there.

The relation between Myanmar and Bangladesh was strengthened by the goodwill visit of Chairman of the State Peace and Development Council (SPDC) of the Union of Myanmar Prime Minister, General Than Shwe on 17-18 December 2002 Myanmar Prime Minister's 55 member delegation included his wife, Junta Secretary Lt. Gen. Khin Nyunt and several senior Ministers and civilian and military officials were with the Prime Minister of Myanmar, General Than Shwe. Bangladesh Foreign Minister Morshed Khan described the visit as the "high-profilest" between Bangladesh and Myanmar in the past 16 years.²⁴

During the visit, the desire to further prop up the bilateral cooperation for the benefit of two countries was categorically expressed by the leaders of the two countries. Khaleda Zia, Prime Minister of Bangladesh described her discussion with Than Shwe as valuable: She said, "It was a very fruitful discussion. We have agreed to

²⁴ Kamal Uddin Ahmed, *Op. cit.*, p. 105.

further strengthen the existing good relations between the two countries.”²⁵ Acceleration of bilateral trade, investment and cooperation in other vital areas, they agreed to established direct road and coastal shipping links and avoidance of double taxation. The visit was also productive with the signing of a Memorandum of Understanding (MOU) by the Foreign Ministers U Win Aung and Morshed Khan on Annual Consultations between them and on initiation cultural cooperation to increase people to people contact.²⁶ Pledging that Myanmar would welcome any chance to develop existing responsive relation and strengthen the bonds, General Than Shwe referred to the historic signing of the Boundary Agreement delineating the borders of the two countries. He also emphasized the significance of South-South cooperation and regional cooperation and expressed his commitment to continued engagement with Bangladesh in the bilateral context as well as in the framework of BIMSTEC.

Nonetheless, the Dhaka-Yangon summit of 2002 failed to resolve the long awaiting issue of the full return of the Rohingya refugees to Myanmar. In order to further expand bilateral cooperation, the Foreign Minister of Myanmar, U Nyan Win, arrived in Dhaka on February 24, 2005 for a three-day visit to discuss with his Bangladeshi counterpart, Morshed Khan. They dealt with the question of trade and other business issues as well as building of an earlier proposed highway linking the two countries. The two government agreed to construct a 133 Kilometres highway linking Buthidaung in Rakhine State with Ramu, in Bangladesh’s Cox’s Bazar district.

Yet, Bangladesh almost suspended its border trade with Myanmar following the capture of arms from southeastern Bangladesh forest bordering Myanmar. Dhaka requested Yangon to take care of the illegal activities of its militants inside Bangladesh territory. A Myanmar delegation, headed by Myanmar’s Commerce Minister, Major General Tin Naing Thein visited Bangladesh in September 2005, which included more than two dozens of military officials. Intensive discussions were held on the unlawful movement of militants and arms from Myanmar that was damaging bilateral economic and diplomatic relations. Yet, unlawful movements of the militants could not be fully halted. With little support from the donors as of December 2007 approximately 20,000 refugees are still living in the different camps in South-eastern Bangladesh with an

²⁵ *Daily Star*, 18 December 2002.

²⁶ *Daily Star*, 18 December 2002.

uncertain future and are awaiting the process of repatriation to their ancestral homes. The UNHCR had suggested to Bangladesh to take necessary steps for the permanent assimilation of the remaining Rohingya refugees. Bangladesh did not agree to that suggestion. Bangladesh thought that any such assimilation of the refugees and giving up the demand of the refugee repatriation would encourage influxes of refugees from Myanmar in future. Bangladesh Foreign Minister Morshed Khan stressed the need for speedy completion of repatriation of remaining Rohingya refugees. Myanmar assured full cooperation for repatriation of those already cleared and scrutiny of those refugees yet to be cleared. Nevertheless, whenever Bangladesh is devastated by a natural disaster, Myanmar comes forward to help. A tropical cyclone 'Sidr' hit Bangladesh's southwestern coastal areas on November 15, 2007, which caused extensive damage and destruction. More than 3,447 peoples were reported killed. The Myanmar government dispatched one thousand metric tons of rice for the 'Sidr' affected people.²⁷

Moreover, During the Caretaker Government of Bangladesh, in 2007-2008, many important visits took place by leaders of both the countries. However, a further issue complicating Burma – Bangladesh cooperation is an unresolved dispute over the maritime boundary between the two states. This acquired a serious military dimension in November 2008, when Burmese naval vessels were confronted by Bangladeshi warships in the disputed waters while escorting ships from the South Korean firm Daewoo International, which was granted the military government's permission in 2000 to explore for gas and oil in the area.

The situation escalated again in 2009 after Bangladesh awarded offshore exploration rights near disputed areas to American and Irish firms, with both states deploying several warships to the region and mobilizing other military resources in anticipation of a conflict. However by March 2010, both countries seemed to be seeking a diplomatic solution with the Bangladeshi oil and gas authority, Petro Bangla, forbidding exploration in blocks adjacent to Burmese or Indian waters until the dispute is resolved. However, being upset with the attitude of Burma, Bangladesh submitted the case to the International Tribunal for the Law of the Sea in 2009. After a series of hearings in September 2011, the court planned to convey a ruling in March 2012. On 16 May 2009, Dr. Dipu Moni, foreign minister of Bangladesh, held official talks with

²⁷ Kamal Uddin Ahmed, *Op. cit.*, p. 107.

Myanmar. Bi-lateral talks between Bangladesh and Myanmar were held on 06 December 2011, when Prime Minister of Bangladesh, Sheik Hasina, visited Myanmar immediately after the visit of US Secretary of State Hillary Clinton in late 2011. Sheikh Hasina, the Prime Minister of Bangladesh, met with U Thein Sein, the President of the Republic of the Union of Myanmar. The two reaffirmed their satisfaction at the excellent relations that have developed over the years based on geographic proximity, rich historic and cultural traditions, people-to-people interactions as well as common aspiration for development. They expressed happiness that Bangladesh-Myanmar friendship is growing stronger and emphasized on the need to further accelerate the relations in the best interest of the two peoples. The Prime Minister's visit was more than a positive sign. It has brought about concrete outcomes, including the signing of two important agreements.

The Rohingya refugee issues again created tensions between the two countries. On the 10 June 2012, more than 500 members of the Rohingya community, a historically persecuted ethnic group originating from the Rakhine State in Western Myanmar crossed the river of Naaf into South-east Bangladesh to seek refuge from large scale sectarian strife that was originally identified as an ethnic conflict between the minority Rohingyas and the Buddhist majority. Ethnic tensions that evolved over time to be a perpetual trait of relations between the Rohingyas and the Rakhine exploded into communal violence in late May 2012, following the rape and murder of a Rakhine woman, allegedly by three Rohingya men. With at least 50 casualties 30,000 displaced and continued indifference by the Myanmar authorities, the Rohingyas were forced to seek refuge in Bangladesh, with the first large groups arriving by boat in June and intermittent influxes in the next few months.²⁸

Although Bangladesh's decision to turn back more than 500 Rohingya refugees was portrayed as emanating from a nationalistic and statist approach, in reality, although some criticisms of adopting a neo-realistic approach to a humanitarian crisis are well directed, the government's decision has been greatly influenced by socio-

²⁸ "The Rohingya Refugee Crisis of 2012: Asserting the need for Constructive Regional and International Engagement", *South Asian politics and Government*
<http://southasianpoliticalsystem.blogspot.com/2013/04/the-rohingya-refugee-crisis-of-2012.html>,
Accessed on 6 June, 2014.

economic issues that have emerged due to the presence of Rohingya refugees in South-eastern Bangladesh. Thus, the national administration's policy was partly a reaction to significant local perceptions, but this underlying factor was not widely publicized. On the other hand, the Government of Bangladesh insisted on the authenticity of widely speculative reports of the presence of militants among the fleeing Rohingyas, to secure international acceptance for its policy.

3.2 Economic Contact

The economic problems a part, the statements made by both Bangladesh and Myanmar leaderships show that a huge potential existing to enhance trade and economic cooperation between the two countries. There is no denying the fact that Rohingya issue affected the economic relations. But it could not affect the overall economic cooperation between the two countries. In addition, the entire economic relations between the two countries did not develop to its desired level. It is due to Myanmar's severe shortage of foreign exchange and pattern of trade between the two countries developed on the basis of single commodity exchange, Myanmar's rice for Bangladesh's jute.²⁹ Once Bangladesh was dependent on Burma for rice to meet the country's food deficit. Bangladesh in its turn, exported jute products, newsprint and paper immediately after independence to Myanmar. But now the border trade has changed and diversified.

The two countries concluded a trade agreement on 23 March 1972 under which Bangladesh imported rice from Burma and exported jute products, newsprint and paper. For expansion of trade relations, a general trade agreement was also signed on 3 August during the visit of Bangladesh trade delegation led by the then Commerce Minister Abul Hasanat Mohammad Kamruzzaman. The agreement provided the general basis for trade between the two countries in any convertible currency.³⁰ Both countries agreed to treat each other as most favoured nation with regard to custom procedures, tariff, tax and charges. At that time, Trade and commerce relations between Bangladesh and Myanmar consist of (a) official trade, (b) border trade, and (c) informal trade.

²⁹ Yunus Ali Sheik, "Bangladesh-Myanmar Relations: Making the Best of Proximity." *BIISS Journal*, Vol. 19, (April 1998), p. 482.

³⁰ For details of the trade agreement, see A.K.M Hedayetul Huq, "Bangladesh-Burma Trade", *Asian Affairs* (Dhaka) Vol. 1 (Jan-June 1980), as cited in Kamal Uddin Ahmed, *Op. cit.*, p. 450.

Although political relations were seriously threatened in 1978, except for the year of conflict when imports to Bangladesh from Myanmar sharply fell, tensions did not have significant long-term negative impact on the trade relations between the two countries. Nonetheless, political strife in Myanmar and other factors dampened trade between the two countries. The concerned officials of the Bangladesh Export promotion Bureau pointed out some impediments that preventing the growth of trade relations between Bangladesh and Myanmar. These were: (a) absence of infrastructural facilities, (b) non-implementation of coastal shipping agreement, (c) insufficient Banking arrangement and services and (d) visa related problems.

Data on trade relationship between Bangladesh and Burma in the years of 1976 to 1985 is presented (in Table-3.1) below:

Table-3.1
Bangladesh-Burma Trade, 1972-1985

(Taka in Lacs)			
Year	Export from Bangladesh	Import into Bangladesh	Balance
1972-1973	-	318.86	(-)318.86
1973-1974	-	68.65	(-)68.65
1974-1975	120	-	(+)120
1975-1976	198	-	(+)198
1976-1977	274.41	742.00	(-) 467.59
1977-1978	367.85	2931.00	(-) 2563.15
1978-1979	955.37	24.00	(+) 981.37
1979-1980	1338.00	5022.00	(-) 3684.00
1980-1981	1440.00	566.00	(+) 874.00
1981-1982	908.88	850.34	(+) 58.54
1982-1983	1891.83	2502.00	(-) 611.17
1983-1984	1705.10	956.00	(+) 749.10
1984-1985	1069.43	3377.00	(-) 2307.57

Source: Bangladesh Bank, 1986.

Table-3.1 above demonstrates that the volume of trade between the two countries is not significant. It shows, however, that Bangladesh's exports to Burma as well as imports from that country has quite often fluctuated. There are two main reasons for this. First, the trade relationship still remains undiversified and secondly, rice is the only major

import from Burma. Whenever, Bangladesh is faced with a food crisis due to natural calamities, substantial quantity of food is imported from Burma resulting in a tilt in the balance of trade in favour of Burma at the same time.

However, jute manufacture had been Bangladesh's major export to Myanmar. From about 89 percent in 1980-1981, the export of jute manufacture rose to over 97 percent in 1983-1984. Newsprint is another important item that Bangladesh has exported to Myanmar. Sometimes textile materials, paper and fertilizer were also exported. It is evident that the exports of Bangladesh to Myanmar were limited to a few items. It is also important to note here that jute manufactures of Bangladesh were exported to Myanmar under cash, barter and also under Special Trade Arrangement (STA).³¹

Through the export of jute goods and newsprint, Bangladesh earned about Taka 1705.10 lakhs in 1983-1984. On the other hand, the major items of import from Myanmar were rice, animal and vegetable facts, ferrous ores, and non-metallic mineral manufactures. From a meager amount of Taka 69 lakhs in 1973-1974, the total import payments of Bangladesh to Myanmar had significantly increased to Taka 3377.00 lakhs in 1984-1985 as Bangladesh had to purchase huge quantity of rice in the year to cope with acute food crisis. It is worth noting here that Myanmar has expressed its willingness to sell rice to Bangladesh on barter terms against gunny bags.³²

Between 1990 to 1998 the aggregate export figure from Bangladesh to Myanmar was US\$ 30.27 million. During the same period, the import was US\$ 38.12 million. Thus, Myanmar enjoyed a relative trade surplus during this period. If we look at the year-wise trade figure, it is evident from the table-2 that in the first four years export has increased in absolute terms. Similarly during the last four years, it has declined in the same manner. On the other hand, during the first four years import has increased in absolute terms and declined in the same manner during the last four years. The cause of the trend may be attributed to the political relations between the two countries. It is clear from the table-3.2 that overall export-import between Bangladesh and Myanmar does not give any steady picture.

³¹ Kamal Uddin Ahmed, *Op. cit.*, p. 108.

³² *Ibid.*, p. 108.

Table 3.2
Export and Import

(Million US\$)

Year	Export	Import	Balance
1990-91	0.19	0.30	(-) 0.11
1991-92	0.58	0.13	(+) 0.45
1992-93	6.73	2.48	(+) 4.25
1993-94	10.36	6.67	(+) 3.69
1994-95	4.42	8.98	(-) 4.74
1995-96	3.33	3.37	(-) 0.04
1996-97	3.45	3.8	(+) 0.37
1997-98	1.39	12.39	(-) 11
Total	30.27	38.12	(-) 7.85

Source: Brief on Bangladesh-Myanmar Trade Relations (1996), Ministry of Commerce.

Table-3.3 provides an item-wise export picture to Myanmar during 1990 to 1997. Export from Bangladesh consists of jute manufactures, crude rubber, chemicals, urea, cement, tortoise shell, condensed milk, medicine, flour, fabrics, M.S. rod, aluminum goods, P. cloth and skin.³³ Of the many exportable items, Bangladesh has exported chemical fertilizer worth US\$ 19.983 million during 1990-1997. Bangladesh also exported jute manufacturing items worth US\$ 5.424 million. In addition, Bangladesh exported some amount of transformer (US\$ 0.033 million), pharmaceutical (US\$ 0.279), crude rubber (US\$ 0.097 million), raw hides and skin (US\$ 0.05 million) and other manufactured goods (US\$ 2.08).

Table-3.3

Item wise Exports from Bangladesh to Myanmar from 1990-91 to 1994-95 is given bellow:

(Million US\$) Item	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97	1997-98	Total
Jute Manufactured	-	0.036	1.23	0.02	2.86	1.278	-	N/A	5.424
Crude rubber	-	-	0.027	0.07	-	-	-	N/A	0.097
Chemical fertilizer	-	0.53	5.47	10.23	1.17	2.42	2.341	N/A	19.983
Pharmaceutical	0.187	0.014	-	-	0.052	0.26	-	N/A	0.279
Raw hides and skin	-	-	-	0.05	-	-	-		0.05
Other manufactured goods	-	-	-	-	0.6	.394	1.086		2.08
Transformer	-	-	-	-	0.033	-	-	N/A	0.033

Source: Brief on Bangladesh-Myanmar Trade Relations (1996), Ministry of Commerce.

³³ Yunus Ali Sheik, "Bangladesh-Myanmar Relations: Making the Best of Proximity." *BISS Journal*, Vol. 19 (April 1998), p. 484.

Table-3.4 shows items wise import from Myanmar during 1990-1998. Import from Myanmar consists of mainly agricultural products like rice, beans, pulses, maize and betel nuts, pulp, minerals, log, dried chilies, dried fish, pad locks, essential balms, bamboo products, tire, pickle, thatch, iron scrap, turmeric, canes, bulb, mugdal, chick peas, ginger, gram whole, denileaf, wooden pencil, betel nut, umbrella, foot wear, shrimps, coconut, prepared food staff, beverage, spirits and vinegar, tobacco and manufactured tobacco, sandle and pylon. Vegetable products, animal oil and fat worth US\$ 18.91 million were imported during the period. Bangladesh imported wood and articles of wood worth US\$ 12.35 million during the same period. Similarly some prepared food staff, spirits, vinegar and tobacco (US\$ 5.13), products of chemical or allied industries (US\$ 0.0227 million) and other items (US\$ 0.18 million) were imported from Myanmar.

Table-3.4

Item wise Imports from Myanmar to Bangladesh from 1990-91 to 1994-95 is given bellow:
(Million US\$)

Item	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97	1997-98	Total
Wood and articles of wood	0.27	-	0.64	1.74	1.69	1.4	3.18	3.43	12.35
Vegetable products, animals oil and fat	-	0.08	1.86	4.85	7.29	0.5	0.53	3.83	18.91
Product of the chemical or allied Indus	-	-	0.01	0.006	-	.00478	.002007	-	0.0227
Prepared food staff, spirits and vinegar, tobacco and	-	-	0.01	0.006	-	.00478	.002007	-	0.006787
manufactured tobacco	-	-	-	-	-	-	-	5.13	5.13
Others	0.07	0.04	-	0.07	-	-	-	-	0.18

Source: Brief on Bangladesh-Myanmar Trade Relations (1996), Bangladesh, Ministry of Commerce.

However, the post-independence trade agreement shows Bangladesh's eagerness to develop close relations with Myanmar. A border trade agreement was signed in Dhaka on 18th May 1994 as both the governments agreed to develop trade in border areas on the basis of equality and mutual benefit.³⁴ The agreement was signed between the then Bangladesh commerce Minister M. Shamsul Islam and Myanmar's Trade Minister Lt. Gen. Yun Kyi.

³⁴ Yunus Ali Sheik, *Op. cit.*, p. 487.

The formal opening of border trade between Myanmar and Bangladesh was inaugurated on 5th September 1995 at Teknaf and Maundaw. The opening was jubilantly welcomed by local inhabitants of both sides of Naaf river. Many opined that this would foster friendly and cordial relationship between the two countries. There are nine articles in the agreement which provided the general basis for border trade between the two countries. In connection with implementation of Border Trade Agreement between the two countries, a Bangladesh trade delegation led by Commerce Secretary visited Myanmar during 2-5 July 1995. Initially traders of one country will be given 48 hours pass to visit another country. Later it would be extended to 7 days allowing Myanmar traders to go upto Chittagong and Bangladesh visitors to go upto Cittwe, in Myanmar. To implement the border trade agreement, a banking arrangement was signed between the Sonali Bank of Bangladesh and the Myanmar Investment and Commercial Bank of Myanmar on 31st May 1995.³⁵ Bangladesh also made an arrangement with Myanmar regarding the opening of representative officers of the national Bank and the Arab Bangladesh Bank in Yangon. During the visit in Yangon on 28-30 October 1996, former Industry and Commerce Minister, Tofael Ahmed, said that with the opening of the officers of the representatives of these three Banks, the border trade between the two countries would gain momentum. Myanmar is a country of huge mineral resources and forestry, the Minister said adding that there was ample opportunity to develop bilateral economic cooperation between the two countries. The Myanmar government had shown interest in importing fertilizer, pesticides, leather goods, jute goods, pharmaceutical, cosmetics, ceramics and textiles. For their part, they were willing to export bamboo and limestone for paper mills and cement factories.³⁶

Despite of the potential, the fundamental problem lies on the system of payment for exportable and absence of bank loan against the export-import in Myanmar. Myanmar prefers barter trade which hinders the development of border trade. Moreover, Bangladesh-Myanmar border trade suffers a setback due to unabated smuggling and reported customs harassment of legal traders. Local businessmen complained that check-post personnel of Ukhia Balukhali check-post under Teknaf thana harass them while naval patrol is indifferent about smuggling through riverine

³⁵ Government of Bangladesh, *Brief on Trade Matters*, Ministry of Commerce, 1996.

³⁶ *Daily Independent*, 7 November 1996.

route.³⁷ Rod and cement are smuggled from Bangladesh while cigarette, salt, chillies, ginger, dinner-set, toiletries, milk and drug are pouring into Bangladesh from Myanmar through Nayapara, Jalipara, Jadimura and Nila border areas of Teknaf.³⁸ From May to July 1997, huge amount of smuggled salt were entering into Bangladesh through Naaf river border from Myanmar in exchange of dollar, rice, Kerosene, diesel and life-saving drug.³⁹ To rejuvenate the border trade, local businessmen thought that smuggling in riverain route and harassment of legal traders should be stopped.

According to the decision of a border trade review meeting on the 26 June 1997 at the Commerce Ministry, government will help in setting up a permanent exhibition stall cum sales centre and a motel in Mungdow. Customs and banking procedures would be easier and some new exportable items including fresh and frozen foods would also be included to enhance the border trade.⁴⁰ Infrastructural development including construction of road, restaurant and jetty in port of Naaf at Bangladesh side is a must to encourage businessmen. Myanmar authorities have already constructed custom office, border trade office with temporary rest house, hotel-restaurant and two jetties at Mungdow town to reap the benefit of border trade while those facilities on the Bangladesh side are yet to be developed. There is an advantage that goods can be purchased by Bangladeshi currency at Mungdow town.⁴¹ So Bangladesh side should be more enthusiastic to make effective the border trade.

However, in order to increase volume of trade between the countries, the first Bangladesh Single Country Trade Exhibition was held in Myanmar in March 1995, while second such Exhibition was held on 24 May 1996. In March 1995, Minister of Commerce of Bangladesh paid a visit to Myanmar in connection with First Bangladesh Trade Exhibition. Products displayed in the fair were pharmaceutical, artificial flower, specialized leathers, fishes, shrimps, electric cables, copper wire, toiletries/cosmetics, ceramic/melamine products, tooth brush, different types of bags and other handicrafts

³⁷ Yunus Ali Sheik, *Op. cit.*, p. 489.

³⁸ *Daily Azadi*, (Chittagong), 23 April 1996.

³⁹ *Daily Ittefaq*, 25 July 1997.

⁴⁰ Minutes of Bangladesh-Myanmar Border Trade Review Meeting on 26 June 1997. *Ministry of Commerce*, Government of Bangladesh.

⁴¹ *Daily Ittefaq*, 25 February 1997.

sanitary ware/fittings, artificial leather, Grameen check, tea, biscuits etc.. Many businessmen from Bangladesh took part in the Exhibition and displayed their products.

Myanmar importers were made aware of the diversified exportable products of Bangladesh that they have been ignored. Many trade enquiries were received and importers of Myanmar showed keen interest in melamine products, tea, sanitary ware, biscuit, cosmetics, handicrafts, ball pen, tooth brush etc. in the interest of expanding trade, Bangladeshi traders should be encouraged to utilize the new avenue for purchasing goods from Myanmar and selling goods to Myanmar as Myanmar government prefers to deal with private parties in the field of trade. It can be argued that the trades relations may be expand further as Myanmar is keen to open a direct road link with Bangladesh. The government is now implementing a road link up to Cox's Bazar under foreign private investment to facilitate bilateral trade. The road could be linked with the Asian Highway. This was disclosed by Industry and Commerce Minister Tofael Ahmed who visited Yangon during 28-30 October 1996 to discuss bilateral issues with the Myanmar government.⁴² The project has been included the Asian Highway Network up to Cox's Bazar from Yangon. On the other hand, the Bangladesh government plans to extend the railway in Southern corridor from Darshana border to Myanmar under a proposal of ESCAP and Trans Asian Railway. Communications Minister Anwar Hossain stated this in parliament on 4 November 1996 that Darshana–Myanmar rail route will touch Sirajgong ghat, Jagannathganj, ghat, Tongi, Dhaka, Chittagong, Dohajari, Ramu, Cox's Bazar, Ukhia and Gundum.⁴³

However, the volume of bilateral trade between the two countries did not increase as expected due to lack of imaginative initiatives and efforts and non-implementation of shipping agreement. Presently, both the countries signed a shipping agreement in 2014. However, the balance of trade had always been in favour on Myanmar over the past decades. Despite of having positive perception and formal trade agreements, two-way trades have not developed as expected. According to information, total bilateral trade between the two countries touched \$36.61 million in the fiscal year of 2004-2005 with the balance greatly tilting towards Myanmar.⁴⁴

⁴² *Daily Independent*, 7 November 1996.

⁴³ Yunus Ali Sheik, *Op. cit.*, p. 494.

⁴⁴ Kamal Uddin Ahmed, *Op. cit.*, p. 109.

Bangladesh imported goods worth \$32.43 million against its export of goods worth \$ 4.18 million only during the period.⁴⁵

3.2.1 Present Trade flow

The trade between Bangladesh and Myanmar is low with Myanmar recording a bilateral trade surplus. An interesting reality is that the trade balance used to be in favour of Bangladesh till the mid-1990. Subsequently, the trade balance used to be in the favour of Myanmar. Bangladesh's total exports in FY 2011-2012 (July to December) stood at USD 11.8 billion. China, India and Myanmar recorded a very low share of Bangladesh's exports. Exports to Myanmar recorded USD 5.8 million, which is less than one per cent of Bangladesh's total exports to the world. However, the same does not hold true in the case of import activities. Bangladesh imported goods worth USD 79 billion in the 2011-2012 (July to December) fiscal year. China and India together accounted for 33 per cent of total imports. Share of imports from Myanmar recorded slightly better at 0.2 per cent compared to Bangladesh's exports to Myanmar.⁴⁶

In January 2012, direct bilateral export and import, that is, opening of letters of credit (LCs) was initiated between Bangladesh and Myanmar, which previously operated through Singapore or Thailand. Measures are also being taken by some of the government banks and private banks to facilitate and expand trade between the nations. The state-owned Sonali Bank Ltd. has already taken the initiative by opening LCs and two other private banks were given the permission to extent their LC facility to Myanmar.

Table 3.5 presents Bangladesh-Myanmar's top 5 traded goods from the perspective of Bangladesh for the period 2009-2010. This is a comprehensive indicator of the type of ongoing trade between Myanmar and Bangladesh. The top 5 export products accounted for 94.6 per cent of total exports to Myanmar and the top 5 imported products accounted for 99.7 per cent of total imports. Bangladesh's exports to Myanmar are predominantly pharmaceutical products. Pharmaceuticals accounted for

⁴⁵ *Daily Star*, 18 May 2006.

⁴⁶ Debapriya Bhattacharya, "Recent Development in Myanmar and new opportunities for Sub-Regional Cooperation: A Bangladesh Perspectives", *Centre for Policy Dialogue*, (September 2012), p. 13.

more than 50 per cent of total exports to Myanmar. Iron and steel rank second in the category of exports. On the other hand, Bangladesh relies heavily on Myanmar in importing wood and articles of wood which recorded USD 41.3 million (59.3 per cent) in 2009-2010, when the aggregate was USD 69.6 million. It is followed by vegetable products and then prepared food and live animals and fish.

Table 3.5:

Bangladesh-Myanmar Trade (goods)

Products	Exports in 2009-10 (USD million)	Products	Imports in 2009-10 (USD million)
Exports from Myanmar	10.0	Imports from Myanmar	69.6
Pharmaceutical products	5.6	Wood and articles of wood	41.3
Iron and steel	3.3	Vegetable products	25.3
Salt, sulphur, earth, stone, plaster, lime and cement	0.3	Prepared foodstuffs; beverages, sprints and vinegar; tobacco	1.4
Miscellaneous articles of base metal	0.2	Live animals; animal products	1.2
Mineral fuels, oils, distillation products, etc	0.1	Animal or vegetable fats and oils	0.3
Sub-total - Top 5 products	9.5	Sub-total - Top 5 products	69.4
Top 5 share in total export to Myanmar	94.6	Top 5 share in total import from Myanmar	99.7

Source: Export Promotion Bureau (EPB) Data, 2011

At that time, to enhance the economic relations with Myanmar, On 1 June 1989 three more MOUs were signed on border trade and economic cooperation providing for joint ventures at the government-to-government, government-to-private, and private-to-private levels and also on cooperation between private sectors like FBCCI and UMCCI. Premised upon these, the border trade protocol was signed on 18 May 1994. But, border trade formally began on 5 September 1995.

Although the potentials for cooperation between Bangladesh and Myanmar are significant, the focus is on border trade. However, the important elements of infrastructure and administrative machinery which are being set up in place will greatly encourage enhanced trade not only across Teknaf and Maungdaw, but also through coastal shipping and other channels. Bangladesh Trade fairs and exhibitions in Yangon

in 1995 and 1996 helped a great deal in creating demand for products from Bangladesh. In March 2003, three Agreements, namely, Coastal Shipping, Trade Account and Joint Business Council, were concluded. In the same year, the second Bangladesh Trade Fair took place in Myanmar. Myanmar exports to Bangladesh such items as marine products, beans and pulses, and kitchen crops, while it imports from Bangladesh pharmaceuticals, ceramic, cotton fabric, raw jute, kitchenware, and cosmetic. Reportedly, bilateral trade between Myanmar and Bangladesh stood at US\$ 140 million in 2008, which the two countries would try to take to 500 million dollars in the fiscal year 2009-2010. Bilateral talks between Bangladesh and Myanmar were held on 06 December 2011 Sheikh Hasina, the Prime Minister of Bangladesh, met with U Thein Sein, the President of the Republic of the Union of Myanmar. The two reaffirmed their satisfaction at the excellent relations that have developed over the years based on geographic proximity, rich historic and cultural traditions, people-to-people interactions as well as common aspiration for development. They expressed happiness that Bangladesh-Myanmar friendship is growing stronger and emphasized on the need to further accelerate the relations in the best interest of the two peoples.

Table 3.6

Bangladesh-Myanmar Bilateral Trade

Value in million Tk. (Value in Million US \$)

	Export	Import	Ratio
2005-06	346.13 (5.14)	1983.6 (29.57)	1: 5.75
2006-07	409.35 (5.93)	1419.4 (20.56)	1:3.46
2007-08	658.56 (9.6)	7944.5 (115.81)	1:12.06
2008-09	632.96 (9.2)	4885.5 (71.01)	1:7.72
2009-10	693.87 (10.03)	4885.5 (71.01)	1:6.94
2010-11	688.14 (9.65)	12847 (180.51)	1:18.67
2011-12	1063.97 (13.45)	5161.5 (65.25)	1: 4.85
2012-13	1092.51 (13.67)	6703 (84)	1:6.14

Source: Import Payment, Bangladesh Bank & Export Statistics, Export Promotion Bureau & Bangladesh Bank, 2013

3.2.2 Major Export Items in 2011-2012 (In million US \$)

Frozen Food (0.067), Agri-Products (0.044), Chemical products (10.235), Leather (0.049), Jute goods (0.025), Knitwear (0.705), Woven Garments (0.006), others (2.54)

3.2.3 Major Import Items in 2011-2012 (In million US \$)

Live animals; animal products (0.92), Vegetable products (7.838), Prepared foodstuffs; beverages, sprits and vinegar; tobacco and manufactured tobacco substitutes (0.023), Products of the chemical or allied industries (0.017), Plastics and articles thereof; rubber and articles thereof (0.131), Raw hides and skins (other than furskins) and leather (0.001), Wood and articles of wood; wood charcoal (55.906), Pulp of wood or of other fibrous cellulosic material; recovered (waste and scrap) paper or paperboard; paper and paperboard and articles thereof (0.179), Textiles and textile articles (0.003), Footwear, headgear, umbrellas, sun umbrellas, walking sticks, seat-sticks, whips, riding-crops and parts thereof; prepared feathers and articles made therewith; artificial flowers; articles of human hair (0.002).

3.3 Bilateral Agreements

3.3.1 General Trade Agreement

According to her foreign policy, Bangladesh, always tries to keep up good relation with her neighbouring country Burma. Moreover, after the independent, Bangladesh wanted to formulate a closer tie with its neighbor. In the process of it, to foster as well as enhance the new born Bangladesh's trade with its neighbouring country, in 1973, a general trade agreement signed with Burma. Dr. Maung L Win, The trade Minister of Burma and the visiting foreign Minister of Bangladesh, Abul Hasanat Mohammad Kamruzzaman were the representatives of the agreement ceremony and signed on behalf of their respective Government.⁴⁷ The aim of the agreement was to promote as well as enhance economic relations between the two countries. There are eight articles in the agreement, which has provided the general basis for trade between the two countries in any convertible currency.⁴⁸ Under this agreement both countries will cooperate each other in every sector of their economic aspects. Under this agreement Burma exports rice to Bangladesh. At that time, Burma has shown their enthusiasm to maintain neighbourly as well as friendly relations with Bangladesh. Moreover, Burma wants to send their students to learn on Science, technology and Agricultural Science

⁴⁷ *Daily Observer*, 4 August 1973.

⁴⁸ Kamal Uddin Ahmed, *Op. Cit.*, p. 107.

from the reputed University of Bangladesh. On the other hand Bangladesh will co-operate Burma on making agricultural products, medicine, boats.⁴⁹

3.3.2 Air Service Agreement

At first and concrete step toward the establishment of economic relations between the two countries was signing of Air Service Agreement in 1977. It marked the dawn of a new era of development between the two countries. However, on Tuesday, 3rd August 1977 an air connectivity agreement was signed between the two countries. A three member Burmese civil aviation delegation led by Col. Khin. Ohn, deputy Minister for Transport and Communication and Mr. Hedayet, the additional secretary of the Bangladesh Ministry of airlines and tourism signed the agreement. The bilateral Air agreement between the two countries was negotiated during the visit of President Major General Ziaur Rahman to Burma.

However, under the agreement Biman Bangladesh Airlines and the Burmese Airways Corporation got the opportunity to go from Dhaka to Rangoon as well as from Rangoon to Dhaka. Under the treaty, Biman Bangladesh Airline will go to Rangoon on the way of going Tokyo, passing through Kualalampur to Singapore in on hand and on the other hand the Burmese Airways Corporation will go to Dhaka on the way of going Calcutta to Katmandu to Delhi. Under this agreement, the airlines of both the countries are to operate weekly services on their respective routes. After end of the treaty both parties show their pleasure. The initial stage, there were no limitation of flights and added the number of flights fixed later depended on traffic flow and later Bangladesh sent a technical team to Rangoon for the development of Air technology of Bangladesh.⁵⁰ During this time co-operation as well as relations between Bangladesh and Myanmar increased sharply. But it is unpleasantly shocking that air service between the two countries is closed downed in October 29, 2006, by both sides due to the shortage of passenger. Presently, realizing the importance of globalization, to advance as well as enhance trade and commerce and cultural relation both Bangladesh and Myanmar resume their air connectivity by signing a bilateral air connectivity agreement on 29 August 2013. Chairman of Civil Aviation Authority Air Vice Marshal

⁴⁹ *Daily Sangbad*, 8 August 1973.

⁵⁰ *Daily Observer*, 3 August 1977.

Mahmud Hussain and Deputy Director of Civil Aviation department of Myanmar, Win Swe Tun signed the deal. As per this air services agreement, air flights can be operated every day on the Dhaka-Yangon route, which will boost the trade and tourism sectors. Due to the agreement, all the private air flights of Bangladesh are benefited and according to the agreement the flights operating on Dhaka-Bangkok and Dhaka-Kuala Lumpur routes can use Yangon as a transit.

Civil Aviation Minister Faruk Khan, MP, foreign secretary Mohammad Shahidul Haque, civil aviation and tourism secretary Khorshed Alam Chowdhury, Director of Civil Aviation Department of Myanmar Tike Aung, Deputy Director Ne Win, and Executive Director of Myanmar Airways International Myo Chit were, among others, present at the signing ceremony. Due to this revive of air connectivity between Bangladesh – Myanmar, people to people contact between both countries has increased significantly. Moreover, through the air linkage people of both sides have interested to visit each other for learning agricultural, technological and medical science as well as knowing culture and cultural events of both sides.

3.3.3 Agreement on the Repatriation of the Rohingya Refugee

On July 9, 1978 Bangladesh and Myanmar signed an agreement on the Repatriation of the Rohingya Refugees. Mr. Tobarak Hossain, the then Foreign Secretary of Bangladesh from Bangladesh side and U Tin Ohn, the then Foreign Minister of Burma from Burma side signed that treaty on behalf their respective governments.

The main articles of that treaty were that

1. (a) the Government of the Socialist Republic of the Union of Burma agrees to the repatriation at the earliest of the lawful residents of Burma who are now sheltered in the camps in Bangladesh on the presentation of Burmese National Registration cards along with the members of their families, such as husband, wife, parents, parents-in-law, children, foster-children, grandchild, son-in-law, daughter-in-law and widowed sisters.

(b) The Government of the Socialist Republic of the Union of Burma also agrees in the second phase to the repatriation of the people who are able to present their documents issued in Burma with indication their residence in Burma, along with the

members of their families such as, husband, wife, parents, parents-in-law, children, foster-children, grandchild, son-in-law, daughter-in-law and widowed sisters, who will be able to furnish evidence of their residence in Burma, such as address or any other particulars.

2. The residence of Burma mentioned in paragraph 1 above will be received on the border by the authorities of the Government of Burma in batches from the authorities of the Government of Bangladesh. The process of repatriation of such residence will commence not later than August 31, 1978, and is expected to be completed within six months from the date first batch is received.⁵¹

Under this agreement the Burmese government is agreed to repatriate the Rohingya refugee who are fled from Burma. And consequently, most of the Rohingyas are repatriated to Burma.

3.3.4 Land Boundary Agreement

Bangladesh and Burma, both countries being a member of Non Alliance Movement (NAM) and also have common border and historical and economic ties and have exchanged views on importer matter included. Both Bangladesh and Burma are developing countries in south and Southeast Asia. Both countries have similar views on many of international issues and work closely in various international forums. However, both Bangladesh and Burma are committed to a policy of maintaining a peaceful border. To make their border peaceful from tension services, they interested to concentrate on serious nations building activities.

According to the pattern of thinking, during the visiting time of General Ne Win, President of Burma, in Bangladesh in May 1979 Bangladesh and Myanmar signed a land boundary treaty on 24 May 1979. Ziaur Rahman, president of Bangladesh and General Ne Win, President of Burma hoped that this treaty will be the symbol of peace and friendship between Bangladesh and Myanmar.⁵² They also hoped that under this treaty, ties between the two countries will be everlasting as well as closer. Moreover,

⁵¹ "Agreed Minutes signed between the government of Burma (Myanmar) and the Government of Bangladesh on Repatriation of the Refugees, 1978." *Ministry of Foreign Affairs*, SEA, M. Sec., file. 130, Repatriation Agreement.

⁵² *Daily Azad*, 25 May 1979.

under this treaty it is expected that border demarcation agreement and border ground rules would be concluded in the near future to control effectively the international boundary between the two countries. At the same time trade relations between the two are steadily growing. During this time, Bangladesh imports rice from Burma and exports jute products, newsprints and papers to Burma.⁵³

3.3.5 Agreement on Border Arrangement and Co-operation

The land border between Bangladesh and Burma is porous and also unpatrolled as well as smuggling is common from (Chinese) consumer products to drugs (from the Golden Triangle) and arms, insurgents smuggle to obtain money and arms. Since the situation in Arakan is fundamentally unchanged, a refugee influx is possible at any time. However, the movement of people across it is hardly monitored. In the difficult hilly terrain in the east, there are few border outposts and the state is largely absent. Moreover 100 km of this border remain unprotected because there are no border outposts at all.

Additionally, in the absence of effective state checks on spatial mobility, local people belonging to many border–straddling ethnic groups living near border area. They continue to move back and forth, cultivating land in two countries and maintaining strong cross-border webs of kinship sociability. The absence of state forces also exposes them to violence from across the border. Looting border land's property is common and when victims try to defend themselves, casualties easily occur. Such scenario is common in Bangladesh – Burma bordering area. However, to control such activities, on 19 December 1980, an agreement on border arrangement and cooperation between Bangladesh and Burma was signed on Friday at the State Guest House in Dhaka.⁵⁴

The visiting Burmese Minister for home and religious affair, Brigadier General Sein Lwin and the Bangladesh home Minister, Mr. Mustafizur Rahman signed this agreement on behalf of their respective governments. The purpose of signing the agreement is to maintain and promote peace and cooperation between the two countries along their common border and to amicably resolve such problems as may rise between

⁵³ *Bangladesh Observer*, 24 May 1979.

⁵⁴ *Bangladesh Observer*, 20 December 1980.

the two next-door neighbouring countries in the common border areas. To achieve the objectives, provision have been made in the agreement for creation of border authorities, ground rules and regular meeting between the representatives of the two nations, at the government sector command, sub-sector command land border outpost command levels. Additionally, for repatriation of citizens of either country who cross the border into the territory of the other in times of civil commission internal disturbance natural calamities or force measure.

The agreement also provided for action to be taken in case of unauthorised movement of persons across the border including anti-social elements or offenders or fugitives. After the signing ceremony the Burmese Minister said that the draft agreement had been successfully negotiated and under the agreement peace and stability in the border areas would be ensured. However, the agreement was a landmark in bilateral relations between Bangladesh and Burma.

3.3.6 Memorandum of Understandings

Bangladesh and Myanmar signed two memorandums of Understandings (MOUs) in 1 June 1989. One on implementation and long term development of Trade and Industrial Cooperation and another on Border Trade agreement at the end of the official levels talks. Mr. Khorshed Alam, secretary for commerce who led the four members of Bangladesh team and Mr. Maung Maung Kyaw, Director General of the Ministry of Trade of Myanmar signed the documents on behalf of their respective government. Beside a counter purchase agreement valued at 20 million dollar each way identifying different commodities for an exchange was also concluded.⁵⁵

The general MOU also covered Joint ventures in proximate areas between the neighbour based on respective resources and also the private sector participation in some extent enterprises. Mr. Khorshed Alam later addressing the foreign correspondents based in Rangoon said that Bangladesh exports to Burma included jute, paper, cable, medicine and construction materials while its imports rice, teak beans and fresh vegetables.⁵⁶

⁵⁵ *Daily Bangladesh Times*, 1 June 1989.

⁵⁶ *Ibid.*

In 1992, according to the Joint Statement, Myanmar agreed to take measures that would halt the outflow of Myanmar residents to Bangladesh and to accept after scrutiny all those carrying Myanmar identity cards, those able to present other documents issued by relevant Myanmar authorities and all those able to furnish evidence of their residence in Myanmar.⁵⁷ An important lacuna in the Memorandum is the role of the UNHCR-While it was agreed that the GOB would fully associate the representatives of the UNHCR to assist the process of safety and voluntary repatriation, the Government of Myanmar (GOM) agreed that the services of the UNHCR could be drawn upon as needed at an appropriate time (Author's emphasis). Thus, the MOU failed to assign any role to UNHCR in Myanmar. Another important limitation of the Memorandum was that it failed to specify that all refugees, without exception, would be taken back.

An important coincidence was that Bangladesh signed the Memorandum at a time when there were efforts by the UN to get access to Myanmar by the Mission of Undersecretary General of the United Nations, Mr. Eliasson. It has been reported that in later negotiations with Bangladesh SLORC's position, at least for some time, involvement of UN agencies has become obsolete, since both countries agreed on the terms of solution and repatriation.

Another important omission for Bangladesh was her failure to point out that most of the Rohingya refugees were stripped of their Myanmar documents prior to their crossing to Bangladesh and many of them were not in possession of any identity papers in the first place. It is difficult to assess the reasons for Bangladesh's rush in signing the Memorandum without mounting a concerted pressure of international community on Myanmar and particularly at a time when refugees were still arriving 'at the rate of about 1,500 per day'.

The next-door neighbouring countries Bangladesh and Myanmar again signed three memorandum of understanding (MOU) for cross-border road linking their capitals, cooperation in agriculture sector and exemption of visa fees for diplomats and government officials in 2004.⁵⁸ The three MOUs were signed following officials talks between the two governments, led by the then Prime Minister Khaleda Zia and the

⁵⁷ <http://www.ibiblio.org/obl/docs/Abrar-repatriation.htm>, accessed on 4 May, 2014.

⁵⁸ *Financial Express*, 5 April, 2004.

visiting Myanmar Prime Minister, General Khin Nyunt. The MOUs were signed by the respective Ministers and officials of the two countries in the presence of the Heads of the two countries. At that time, both the countries told about their discussion as very ‘successful and fruitful’. In addition, two countries agreed to expand bilateral relations in economic and other fields of common interest. During this time, the Prime Minister of Myanmar General Khin Nyunt, told that he is visiting not only as a neighbor country but also visiting my sister’s home.⁵⁹ Actually, this was the first visit of General Khin Nyunt after being the Prime Minister of Myanmar. At this time, Bangladesh offered to construct the bridge over the river Naaf bordering Myanmar as a gesture of friendship.

Under the first MOU, Dhaka and Yangon agreed to set up joint technical and financial taskforces to determine the details for early implementation of the road-link project.⁶⁰ The constitution of the taskforces follows the statement of intent signed by Prime Minister Khaleda Zia on her visit to Yangon in March 2002 to construct the direct road link as a part of the Asian Highway. It was mentioned that, Bangladesh will assist in the construction of a bridge over Naaf river to link the two countries. During the official talks, Dhaka and Yangon also agreed to release Bangladeshi and Myanmar citizens from each other’s prisons as a gesture of friendship. The two PM (Prime Minister) discussed trade, agriculture and repatriation of Rohingya refugees. Foreign Secretary of Bangladesh, Shomsher Mobin Chowdhury later at a press briefing at the foreign ministry said the repatriation of a “small number of Rohingya refugees” that remains in Bangladesh is not a big problem, as the two sides were keen on resolving the issue.⁶¹

General Nyunt also invited Khaleda to participate in the national reconciliation process in Myanmar, which is also known as the Bangkok Process. Bangladesh accepted the invitation and agreed to cooperate with Myanmar in its efforts to democratise the country. Myanmar pledged its support for Bangladesh’s bid to join the Association of South East Asian Nations (ASEAN) forum. General Nyunt termed his visit significant because it is his first visit to any country after he took office.

⁵⁹ *New Light of Myanmar*, 6 April 2004.

⁶⁰ *Daily Financial Express*, 5 April 2004.

⁶¹ *Daily Star*, 5 April 2004.

The two sides agreed to take steps in line with the 1994 agreement on narcotics control to combat drug trafficking and hold quarterly consultations to sort out border irritants and check cross-border crimes.

3.3.7 Border Trade Agreement

Bangladesh and Myanmar signed a bilateral border trade agreement 18 May 1994 under the cover of the existing general Trade agreement to boost trade between the two countries. Mr. M Shamsul Islam, Commerce Minister of Bangladesh and his Myanmar counterpart Lieutenant General Tun Kyi, Trade Minister of Myanmar signed the agreement. This border trade agreement was valid for one year and would be automatically renewed by one year unless either of the parties opposed it and this agreement reflected the desire of the two countries to boost their bilateral trade.⁶² During this time, it is hoped the economic and technical cooperation would enhance all round cooperation between the two states. At that time, Mr. M Shamsul Islam, Commerce Minister of Bangladesh said that border trade between the two countries would start by the middle of the next month and he hoped that the river of Naaf would be a 'river of friendship' between the two countries.⁶³ However, under this agreement, the route for the border trade would be via Teknaf on Bangladesh and Mangdow on Myanmar side across the Naar river and items identified by the two sides for trade are for imports by Bangladesh from Myanmar clinker, minerals, onions, marble, rice products, teak and rice as well as import by Myanmar from Bangladesh, jute goods, electrical wire, cables, PVC pipes, water pumps, construction materials, sanitary ware, melamine products, cosmetics, medicines and detergents.⁶⁴

3.3.8 Agreement for Preventing Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Controlled Precursors

On December 1, 1994 both Bangladesh and Myanmar signed an agreement for mutual cooperation for Preventing Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Controlled Precursors. Abdul Matin Chowdhury, the then Home

⁶² *Bangladesh Observer*, 18 May 1994.

⁶³ *Ibid.*

⁶⁴ *Ibid.*

Minister of Bangladesh and H.E. Lieutenant General Mya Thin, Ministry of Home Affairs of Myanmar signed this treaty on behalf of their respective Governments.

Taken into consideration the constitutional, legal and administrative system both the countries thereby agreed as followed.

(a) For exchange of information of operational, technical and general nature between nodal enforcement agencies of the people's Republic of Bangladesh and the Union of Myanmar.

(b) To assist one another upon request in operational matters, including employing such investigative techniques as may be necessary.

(c) To identify and destroy illegal drug processing sites and laboratories and to identify and eradicate illicit cultivation of cannabis and opium poppy wherever found.

(d) To regulate and monitor the production, importation, exportation storage, distribution and sale of precursors, essential chemicals and solvents which may be used in illicit manufacturing and production of narcotic drug.

(e) To reduce demand through prevention, treatment and public awareness activities.

3.3.9 Land Boundary Treaty

On the 12 November 1998 Bangladesh and Myanmar signed a Land Boundary Treaty. Abdus Samad Azad, the then Foreign Minister of Bangladesh from Bangladesh side and U Ohn Gyaw, Foreign Minister of Myanmar from Myanmar side signed that agreement on behalf of their respective government. The signing of the treaty was followed by officials talks between the two foreign minister. The talks at the meeting Hall of the Myanmar foreign ministry, covered the entire gamut of bilateral relations as well as regional and international issue of common concern. The agreement was an outcome of several years meetings discussions and negotiations between the survey department of the two countries. Among other things the question of repatriation of the remaining 21,000 Myanmar refugees was prominently discussed during this time. At that time, the foreign Minister of Bangladesh sought Myanmar's support for

Bangladesh's candidature to a non-permanent seat of the UN Security Council for 2000-2001.⁶⁵

3.3.10 Agreement on Direct Road Link

December 2002, Bangladesh and Myanmar agreed to establish a direct road link between them to promote Business and increase people to people contact. The agreement was reached at the officials talks between Khaleda Zia, the then Prime Minister of Bangladesh and the visiting Prime Minister and Chairman of the SPDC of Myanmar, General Than Shew.⁶⁶ The issue of Road link dominated the Dhaka-Yangon discussion. Under this agreement two countries would jointly sponsor technical and financial feasibility studies on the proposed cross-border road link. The meeting also decided to form two task forces, one for examining technical aspects and other for financial aspects of the proposed road way. At that time, both the countries also agreed to make coastal shipping arrangement, avoid double taxation and extend visa tenure for Bangladeshi businessman for at least six months. The two sides also agreed to set up a joint business council. At the end of the officials talks two agreements signed. One provided that Foreign Minister of the two countries would meet in the two capitals alternately at least once a year to discuss bilateral issue of all kinds. Such meeting would be held at official levels and then at foreign ministers levels.

The second accord aims to promote and strengthen relations in different fields including art, music, education, research, media and tourism. Foreign Ministers of the two countries signed the deals.⁶⁷ Moreover, in the meeting Dhaka reaffirmed its commitment to SAARC and BIMSTEC and sought cooperation of Myanmar in becoming a dialogue partner of ASEAN-Plus 4 by getting the membership of Asian Regional Forum (ARF). At that time, the Foreign Secretary of Myanmar told Khaleda Zia that, on international place Bangladesh renewed its commitment to international place and global fight against terrorism and the military regime of Myanmar has no intention of denying democracy to the people of Myanmar as “ state power belongs to the people”.⁶⁸ At that time the Prime Minister of Bangladesh told that the discussion

⁶⁵ *Daily Financial Express*, 12 November 1998.

⁶⁶ *Daily Star*, 17 December 2002.

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*

with General Than Shew was fruitful and both sides have agreed to further strengthen the existing good relations between the two countries. Moreover, they have also discussed the way of working together to expand economic and trade relations as well as communications network between the two next door neighbouring countries. Khaleda Zia also told that, ‘very soon work will start on the basis of consultations’ on the other hand General Than Shew termed his first visit to Bangladesh ‘a great pleasure to him and he wished the Myanmar-Bangladesh friendship would live-long.’⁶⁹

To make their friendship closer, Bangladesh and Myanmar signed an Agreement on Direct Road Link between Bangladesh and Myanmar on 27 July 2007. According to the Agreement, Bangladesh would finance construction of approximately 23kms of the road between Taungbro and Bawlibazar in Myanmar including bridges and culverts. The engineering Corps of the Armies of both the countries would jointly implement the construction. It has been noticed that the construction of the road will be extremely expensive involving building of huge number of tunnels and bridges through rough hilly terrain. In addition, Bangladesh submitted another proposal to the Myanmar authority to consider Teknaf-Maungdaw-Sittwelink road as the alternative route on the plain land across the coast of Bay of Bengal. The tri-nation direct road link among Bangladesh, Myanmar and China is an extension of the highway from Cox’s Bazar to Bawlibazar up to Kunming of China, which would contribute significantly to enhance the economic activities among the three countries. This direct road-link will improve bilateral relations and also facilitate Bangladesh’s access to the Asian Highway down to East Asia. In fact, the road may be used by Bangladesh to drive up to China. An initiative has been taken to develop the road-link system connecting Chittagong port with Kunming in southeast China.

A joint action plan will be made to process formalities and give approval to the various steps for implementing the project. The 25 km link-road includes two kilometers on the Teknaf side, and the remaining 23 km stretches from Gundum to Gualibazar inside Myanmar. Bangladesh will bear the cost of construction of the project. The road is very significant for both Bangladesh and Myanmar. It will create the possibility of a greater road network between Bangladesh and south East Asian countries including Thailand, Malaysia and Singapore, apart from Myanmar and China.

⁶⁹ *Daily Star*, 17 December 2002.

Strategically, the road is important because of our growing relationship with China. Needless to say that for achieving growth rate of 7% to become a middle-income country by 2016.⁷⁰ However, through this road Bangladesh-China trade must grow rapidly. In fact, some of Bangladeshi neighbours, including Thailand, Indonesia and Malaysia, have already been benefited immensely by bilateral trade with China. Apart from trade, there may be more fruitful interaction among the peoples of Bangladesh and Myanmar. Leasing of 50,000 acres of farming land has been offered by Myanmar to Bangladesh commercial enterprises. Such an offer will no doubt promote better relations between the two countries. Moreover, it may be pointed out in this regard that Myanmar allows each enterprise up to 5000 acres of land for plantation, 3000 acres for orchard, 1000 acres for seasonal crops, and 2000 acres for aquaculture.⁷¹ In the case of livestock, it is 5000 acres for buffalo rearing, 1000 acres for sheep and goat, and 500 acres for poultry. Among the importable items from Myanmar are mainly timber, fish, maize, livestock, pulses, and some handicraft items. Bangladesh may concentrate on export of items like leather products, finished leather, readymade garments, and some cottage industry products such as clay, straw, cane and jute products. Bangladeshi exporters may be encouraged to visit Myanmar and develop closer cooperation with the traders of that country. It has stated above that Bangladesh-Myanmar trade-link is historical. During the British regime a large number of traders used to import rice from Myanmar but, because of reduction of exportable surplus of rice in Myanmar, the country does not export the item in large quantities now. Bangladesh needs rapid increase in production of electricity to meet the deficit, and sharp increase due to industrialization and urbanization.

3.3.11 Bangladesh – Myanmar Business Promotion Council

Bangladesh – Myanmar Business Promotion Council is a private initiative set up in 1998. The central figure of the organization, Engr, R Maksud Khan, Chairman of Fine Group of Companies, visited Myanmar in 1995 as a member of business delegation. Myanmar counterpart is Myanmar International Business Council chaired by a governor of a private bank. For the purpose of deepening mutual understanding, they have been dispatching business delegations to each other's countries. In 2002 and 2003,

⁷⁰ *Daily Star*, 06 August 2007.

⁷¹ *Ibid.*

a trade fair of Bangladesh products held in Yangon. In the second trade fair held in 2003, more than 100 Bangladesh companies participated with the positive support by the Myanmar government. Prime Minister Khaleda Zia visited Yangon in March 2003.

As a consequence of the official talk with Myanmar Prime Minister and State Peace and Development Council Chairman Than Shwe, several important decisions were reached. The two sides approved the signing of the two Memorandum of Understanding (MOUs), one on Account Trading and the other was on the establishment of Joint Trade Commission. Both MOUs are aimed at bolstering bilateral economic cooperation. Account Trade is a kind of barter trade. The record keeping of trade is made in US dollar terms but the actual transaction is made in local currency. During the visit, the two governments agreed to establish road link between Dhaka and Yangon. Possibility of establishing a coastal shipping links between Myanmar and Bangladesh is also being looked.

3.3.12 Bangladesh Trade Fair in Myanmar

To foster as well as enhance the economic relations with Myanmar Bangladesh organized trade fair in Myanmar for several times. By organizing the trade fair and exhibition in Myanmar, people of Myanmar can easily be introduced with Bangladeshi products. Besides, the businessmen of Bangladesh can know the demands of the Bangladeshi products of Myanmar's people. Such as, Bangladesh Trade fairs and exhibition in Yangon in 1995 and 1996 helped a great deal in creating demand for products from Bangladesh. Furthermore, Bangladesh Trade Fair in Myanmar 2003, sponsored by the Ministry of Commerce of the Union of Myanmar and the Embassy of Bangladesh in Myanmar, was opened at Yangon Trade Centre in Mingala Taungnyunt Township on March 22, 2003 helped to enhance the demand for Bangladeshi products.⁷² Visiting Prime Minister of Bangladesh (former) Begum Khaleda Zia opened the trade fair. Such fairs are an effective tool for trade promotion and provide an opportunity to introduce products to each other's markets for mutual benefit.

Recently, in 2013 'Trade Fair 2013' kicked off at the office of the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI) in Yangon, aiming to popularise Bangladeshi products. The embassy of Bangladesh in Myanmar

⁷² *New light of Myanmar*, 22 March 2003.

and Export Promotion of Bureau (EPB), Bangladesh jointly organized this trade fair. Some 32 stalls are showcasing Bangladeshi products like food and drinks, handicrafts, household utensils, garments, ceramics, services, plastic ware, steel products, home electrical appliance, IT, security technology, construction and building materials, paper, pharmaceuticals, cosmetics and herbal products and the participants are expected to have one-to-one meetings with the Myanmar businessmen at the venue. The trade fair greatly introduced Bangladesh exportable products with the aim of strengthening trade and investment relations between Myanmar and Bangladesh, promoting Bangladesh exportable products in Myanmar market and enhancing existing normal and border trade between the two countries.

Myanmar and Bangladesh are close neighbours and trading partners. As members of BIMST-EC, and the World Trade Organization (WTO) Bangladesh is striving to enhance trade and investment for well-being of Bangladeshi peoples. The economies of Bangladesh are making steady progress and her trade links with the world is growing. There exist great potential for economic cooperation between Myanmar and Bangladesh. It is to be noted that the volume of trade between Bangladesh – Myanmar is gradually improving. However, full potential is yet to be realized. Bangladesh should therefore redouble her efforts to exploit existing potentials. In addition to the Normal Trade, Counter Trade, Transit Trade and also Account Trade should be considered for the promotion of trade between these two neighbouring countries. Holding of this kind of trade fair is an effective way of market development and to further expand trade.

The objective of such a trade fair is to promote intra-regional trade, investment and other economic activities between the two friendly neighbouring countries. Such fair displaying Bangladeshi exportable products would open up new opportunities for increasing trade between our two countries. Additionally, Bangladesh trade fair attracts quite a large number of visitors and familiarize them about Bangladesh's diversified products exported to both developed and developing countries. These trades fair further strengthen the existing bond of friendship, goodwill and cooperation between two next door countries.

3.3.13 Myanmar – Bangladesh Issue Joint Statement on Bilateral Ties

Myanmar and Bangladesh issued a joint statement at the end of a three-day goodwill visit of the Prime Minister of Bangladesh, Sheikh Hasina to Myanmar on December 2011. Both sides reaffirmed the satisfaction at the excellent bilateral relation that had developed over the years based on geographic proximity rich historic and cultural traditions, people to people interactions as well as common aspiration for development, the statement said.⁷³ The two leaders emphasized the need to further accelerate the relation in the best interest of the two peoples.

The Prime Minister expressed Bangladesh's willingness to import energy from Myanmar and requested Myanmar to import readymade garments, pharmaceutical products, knitwears, jute and jute goods, ceramics etc.⁷⁴ The two heads of governments stressed upon the establishment of direct banking arrangement under ACU (Asian Clearing Union) so that LCs can be opened directly between the two countries. They wished to launch direct air flight between Dhaka/Chittagong and Yangon and non-conventional vessels between the designated commercial routes of the two countries. The two leaders also emphasized on the increase of border trade.

Finally, both the countries signed the following agreement and Memorandum of Understanding:

- a. Agreement on the establishment of a Joint Commission for bilateral cooperation between Myanmar and Bangladesh.
- b. Memorandum of Understanding on establishment of Joint Business Council (JBC) between the Republic of the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI) and the Federation of Bangladesh Chambers of Commerce and Industry (FBCCI).

A foundation for a potential beginning has been laid by both the leaders; it is the bureaucracy to do its job to take the relationship to a new height. The people of Myanmar must be informed that they have the potential to win more from Bangladesh

⁷³ http://news.xinhuanet.com/english/world/2011-12/07/c_131293894.htm, accessed on 6 June 2013.

⁷⁴ *Daily Star*, 17 December 2011.

as we have a big market and an increasing middle-class society. Moreover, Bangladesh is planned deep-sea port at Sonadia will be a regional hub and will be of tremendous importance to Myanmar and other Asian nations.⁷⁵ Myanmar having natural resources like abundance of farm lands, woods, gas and hydro power has the potential to be a candid economic friend. A newly elected Chairman of ASEAN should be well aware that the solution to Rohingya refugee problem will give an additional mileage to enhance its human rights image to international community, which the General Thein Sein government is urgently seeking.⁷⁶ It is a matter to be seen how Bangladesh bureaucracy and diplomats capitalize such urgent needs of Myanmar.

Both Bangladesh and Myanmar should emphasize not only on connectivity through land, sea and air but should also increase people to people contact through various cultural exchanges, sports, educations, trade fairs, and other mutually beneficial activities. Therefore, both countries should recalibrate their relation for the common good of the people of this region.

3.3.14 Shipping Agreement

A direct shipping line between Bangladesh and Myanmar will begin formal operations soon as both the countries signed an agreement on January, 2012. The countries struck a deal on plying of coastal non-conventional vessels in the first meeting of the joint shipping committee between Bangladesh and Myanmar in Yangon to expedite bilateral trade through a formal channel, the official said. “Officials of both Bangladesh and Myanmar have agreed to start operations on the non-conventional shipping lines between the two nations. Now circular needs said the official requesting anonymity.”⁷⁷

However, the official did not specify when the ships will start formal operations. Generally, any ship with a less than 6,000 tons of cargo loading capacity is called a non-conventional vessel. Currently, trade between Bangladesh and Myanmar takes place by non-conventional vessels through informal channels in the absence of a state-level protocol in this regard. But both countries have maritime protocols under the guidelines of the International Maritime Organisation (IMO) to operate bigger ships

⁷⁵ *Ibid.*

⁷⁶ *Burma National News*, 17 December 2011.

⁷⁷ *Daily Star*, 7 February 2012.

between them. In the meeting last month, representatives of both the countries have marked Chittagong, Mongla, Khulna, Narayanganj and Teknaf ports in Bangladesh and Yangon, Patheingyi, Sittwe and Maungtaw ports in Myanmar to provide different facilities. The commerce ministry official also said another meeting between a government representative of Myanmar and Ghulam Hussain, commerce secretary of Bangladesh, would be held on February 12, 2012 in Dhaka to accelerate connectivity, mechanism in letter of credit payment, single country trade fair, border trade and other issues.⁷⁸

3.3.15 Bangladesh and Myanmar: Joint Trade Commission

To foster, enhance as well as promote bilateral trade jointly between Bangladesh and Myanmar, both the countries established joint trade commission in 2002. Since then several meetings held respectively through joint trade commission. The significant initiatives have been adopted in the years of 2002, 2004, 2009, 2010, 2011, 2012 and 2013.

In the first and the second JTC meeting, held in 2002 and 2004 and various issues like, trade, commerce and investment, direct road link, coastal and maritime shipping, exports and imports goods, and other bilateral issues were discussed significantly.

The third JTC meeting was held at Naypyitaw, Myanmar on April 7-8, 2009. Establishment of a direct banking arrangement for the simplification of payments between the two countries was the top of the agenda. Another agenda was to seek further access to the Burmese market for the country's ceramic and pharmaceutical products. The Commerce Secretary of Bangladesh, Firoz Ahmed led 11 Bangladeshi member delegations to the meeting to discuss the different issues, including the establishment of a direct shipping link and the easing of visa regulations for Bangladeshi businessmen.⁷⁹ Through joint trade commission, Bangladesh exported goods and Commodities worth US\$ 9.6 million to Yangon in 2007-08, while import

⁷⁸ *Daily Star*, 7 February 2012.

⁷⁹ Siddique Islam, "Burma and Bangladesh look to boost trade", *Mizzima*, Vol.7, No. 4, (April 2009), p.5.

during the period totaled some US\$ 82.2 million.⁸⁰ Bangladesh primarily exports pharmaceutical products, leather, woven garments and other manufacturing goods to Burma and imports timber, vegetable products, prepared food and fish.

Extending cooperation in the areas of trade and energy is likely to figure prominently during the two-day Bangladesh-Myanmar fourth Joint Trade Commission (JTC) meeting to be held in Dhaka on the 22 September 2010. Establishing a direct air link between Dhaka and Yangon, eliminating problems relating to business visa, introducing direct letter of credit (L/C), and narrowing bilateral trade gap were some of the major issues to be discussed between the two foreign secretaries. Another most important area for discussion was the possibility of establishing a hydroelectric plant in Myanmar. At this time, Dhaka expected to attach highest importance to the issue of hydropower plant as the country is in dire need of electricity. Establishing a direct road link between Myanmar and Bangladesh was the priority not only for the two neighbours but also for many regional countries. Bilateral trade between the two neighbouring countries took place under the general trade agreement and border trade agreement signed in 1973 and 1994 respectively. Trade between the two countries took place mostly under the provisions of border trade arrangement.

Bangladesh's prime agenda at the meeting was to request Yangon to increase import from Bangladesh. At that time, exporters and importers of both the countries face problems due to the absence of direct L/C opening opportunity between banks of the two countries. The scheduled banks of Bangladesh usually open L/C with Myanmar banks via third country banks. The process takes time and raises transaction costs. To facilitate trade, a decision on examining and devising of a mechanism for opening L/Cs directly between the two countries was taken in 2007. Another agenda of the meeting was the problems of business visa issued from Myanmar Embassy in Dhaka. Bangladeshi businessmen get only 14 days visa and that allows them to travel only the bordering Rakhaine State of Myanmar. Moreover, with one single entry in the border pass, they are not allowed to move beyond Maundough.

To increase trade, the joint trade commission (JTC) of Bangladesh and Myanmar held its 5th meeting on July 2011. At the JTC meeting both countries agreed

⁸⁰ *Ibid.*

to increase the ceiling for transaction value to \$50,000 per consignment from \$30,000. Officials also discussed the potential for setting up wholesale border markets at Bangladesh's Teknaf and Myanmar's Maungdaw, a border town. They also discussed how to complete border transactions through the Asian Clearing Union payment system as Bangladeshi importers now settle their payments for bulk shipments through bank drafts issued by foreign banks to a third country.

The sixth meeting of the Bangladesh-Myanmar joint trade commission (JTC) was held on 11 November 2012. Meeting specially focused on bilateral increased trade, and collaboration in the areas of power and gas between the two close door neighbours.⁸¹ The 7th joint trade commission meeting was held in Nay Pyi Taw, Myanmar in January 2013. In the meeting the issues discussed such as border trade, cooperation in agriculture, food, fisheries, power and mineral resources sectors, shipping arrangement, exchange of business delegation, participation in trade fairs, popularizing business through letter of credit, exploring possibility of reducing duty on certain products under PTA and finalization of bilateral investment agreement. In the meeting, Mahbub Ahmed highlighted the importance of connectivity and expressed satisfaction over completion of air service and operation of flight between Dhaka-Rangoon-Dhaka and finalized the draft of shipping agreement between the two countries. The JTC meeting also decided to form two joint-working groups, one on cooperation in agriculture and another on cooperation in the fisheries sector.

⁸¹ *Financial Express*, 12 November 2012.

Chapter- 4

Bangladesh – Myanmar Relations: Maritime Boundary Disputes; Motivations, Potential Solutions and Implications

Bangladesh and Myanmar are generally considered as friendly neighbouring countries and the relations between the peoples of the two nations exist independently of governments and their policies since their independence. But, few of tribulations like maritime boundary disputes have made their relations unpleasant. Both the governments have tried to solve this problem by mutual as well as bilateral cooperation. Although, the talks on maritime boundary have taken place between the two countries on an official level but maritime delimitation has been made difficult because of their geographical positions. Hence the problem has been taken to international relevant court. However, The International Tribunal for the Law of the Sea (ITLOS) issued its judgment in the dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar and finally the longstanding maritime dispute between the two countries is settled after the International Tribunal for the Law of the Sea has been given its final verdict on 14 March 2012.¹ The dispute was related to the delimitation of the territorial seas, exclusive economic zones and continental shelves of these two states in the Bay of Bengal. The government of Bangladesh is delighted taking the verdict a victory however, it is rather to some extent difficult to make the people understand about the substance of the entire dispute and what Bangladesh as well as Myanmar have achieved from this judgement. The proceedings are no doubt novel and there has an advantage for both Bangladesh and Myanmar on several counts. Never before had any international court or tribunal directly addressed such a case like this towards the delimitation of the continental shelf beyond 200 nautical miles. In fact, this is the first time that ITLOS intervened and settled a maritime dispute between the two countries like Bangladesh and Myanmar.

¹ Ravi. A, Balaram, “Case Study: The Myanmar and Bangladesh Maritime Boundary Dispute in the Bay of Bengal and its implications for South China Sea claims”, *Journal of Current Southeast Asian Affairs*, vol. 31. No. 3 (May 2012), p. 86.

4.1 Maritime Boundary

Maritime boundary is a conceptual means of division of the water surface of the planet into maritime areas that are defined through surrounding physical geography or by human geography. As such it usually includes areas of exclusive national rights over the mineral and biological resources, encompassing maritime features, limits and zones. Although in some countries the term maritime boundaries represents borders of a maritime nation and are recognized by the United Nations Convention on the Law of the Sea. They usually serve to identify it as international waters. Maritime boundaries exist in the context of territorial waters; which indicates 12 nautical miles (22 kilometers; 14 miles) from the baseline of a country, the coastal state is free to set laws, regulate use, and use any resource. Nations can also temporarily suspend innocent passage in specific areas of their territorial seas, if doing so is essential for the protection of its security. Contiguous zones, beyond the 12 nautical miles limit, there is a further 12 nautical miles from the territorial sea baseline limit, the contiguous zone, in which a state can continue to enforce laws in four specific areas: customs, taxation, immigration and pollution. This makes the contiguous zone a hot pursuit area and exclusive economic zones; these extend from the edge of the territorial sea out to 200 nautical miles (370 kilometers; 230 miles) from the baseline of a country. Within this area, the coastal nation has solitary exploitation rights over all natural resources. In casual use, the term may include the territorial sea and even the continental shelf. However, the terminology does not cover lake or river boundaries, which are considered within the context of land boundaries. Some maritime boundaries have remained indeterminate despite efforts to clarify them. This is explained by an array of factors, some of which illustrate regional problems.

4.2 United Nations Convention on the Law of the Sea (UNCLOS)

UNCLOS is, indeed not just another treaty it is often qualified as the most important modern treaty after the United Nations (UN) Charter. It is the treaty that established for the first time, a comprehensive set of rules for the Ocean bringing order to more than 70% of the surface of the earth. It provides the constitutional backbone for all the ocean related regulations. Moreover, UNCLOS defines the rights and responsibilities of nations in their use of the world's oceans, establishing guidelines for businesses, the

environment and the management of marine natural resources.² However, it is called the Law of the Sea Convention or the Law of the Sea Treaty. It is the international agreement that resulted from the third United Nations Conference on the Law of the Sea (UNCLOS III), which took place since 1973 to 1982. It is one of the greatest achievements of the last century in the field of the international maritime law. The Convention covers all ocean space, putting emphasis on using of its resources, living and non-living, in the territorial seas, in the EEZ (Exclusive Economic Zone), on the Continental shelf, on the high seas and on the seabed and ocean floor beyond national jurisdictions.³ It also sets four rules for the protection of marine environment, marine scientific research and constitutes a framework for the peaceful use, protection and preservation of the oceans. The convention has categorically defined various maritime zones, rights and obligations of coastal states to those zones. The convention has focused substantially on the sustainable exploitation of marine fisheries as well as the seabed's natural and non-renewable resources.⁴

4.3 Background of UNCLOS

Historically, naval powers dictated the use of sea by other nations. Undemarcated maritime zones created chaos everywhere since the scientific advancements and the economic opportunities allowed drilling for oil and gas at sea by 1927. To control such competition and minimize conflicts at sea among the nations, in 1956, United Nations took the initiative to adopt an international instrument on the law of the sea. Four conventions were adopted in Geneva in 1958. In 1960, another Conference was convened to fulfil the blanks left out in 1958, however without success.⁵ Finally, in 3rd UN Conference on the law of the sea which continued for 9 years (1973-1982) and a comprehensive document was produced by the State parties to the United Nations. The treaty was an outcome of most exhaustive and painstaking negotiations in the history of the United Nations. During that time, the highest number of State

² <http://www.lawteacher.net/transportation-law/essays/law-of-sea-convention.php>, Accessed on 23 May 2013.

³ Bangladesh Ministry of Foreign Affairs, Commemoration Ceremony of the 30th Anniversary of the United Nations Convention on the Law of the Sea (UNCLOS) 1982; 1982-2012. (December 2012), p. 15.

⁴ *Ibid*, pp. 15-16.

⁵ *Ibid*, p. 15.

parties participated. After much vacillation, the Convention was finally adopted in 1982. The Convention was a substantive document manifesting the hopes, aspiration and expectations of almost all nations of this world, small and large. About thirty two years ago, in 1982 the UNCLOS was opened for signature and by opening this Convention, a landmark addition was made to international law. Together with 119 countries, Bangladesh signed the Convention and subsequently ratified it in July 2001.⁶ However, the Convention covers all ocean space, uses of its resources, living and non-living in the territorial sea, in the EEZ, on the Continental shelf, on the high sea and on the seabed as well as ocean floor beyond national jurisdictions. It also sets forth rules for the protection of marine environment, marine scientific research and constitutes a framework for the peaceful and preservation of the oceans. The convention has categorically defined various marine zones, rights and obligations of coastal states to those zones. The Convention has focused substantially on the sustainable exploration of marine fisheries as well as the seabed's natural and non-renewable resources. It has done much to level the playing field by allowing each country to sustainably exploit the resources of the world's ocean.

4.4 Urgency of Maritime Boundary

From the ancient time sea has been used for fishing, maritime trade and commerce. As a result the oceans of the world have gained greater and greater prominence with the vast growth in global seaborne trade. Today no nation can afford to turn away from the sea and that's why it is now called the unexplored frontier of the last frontier. Because, only sea can now provide the alternative to land resources. However, maritime security is a broad concept from the aspects of present competitive globalization. It includes panoply of notions such as maritime security, freedom of navigation, sea lines of communication security, protection of sea resources and territorial disputes. Another key argument of security dynamics is needed to understand the huge dependency on the seaborne trade as well as the development of regional navies. However, maritime security is therefore becoming increasingly important to the stability and economic growth of Bangladesh. The two main maritime security challenges include ensuring that the sea-lanes remain open to the flow of goods and resources and preventing inter-state maritime conflict that might arise out of exploration and exploitation of sea

⁶ Bangladesh Ministry of Foreign Affairs, *Op. cit.*, p. 15.

resources. It is very much evident from the geography of Bangladesh, naval and shipbuilding traditions and commercial ties with the countries of the region that Bangladesh is an important maritime state. The lengthy coastline, SLOC in the Bay of Bengal and as per the UNCLOS, 1982, which provide Bangladesh with a vast maritime area consisting of Internal water (IW), Territorial sea (TS), Contiguous Zone (CZ), Exclusive Economic Zone (EEZ) and Continental Shelf (CS) bears testimony to the fact. In the emerging security environment, Bangladesh's dependence on the sea is increased in terms of trade, energy resources, shipping, sustainable exploitation of marine resources, research and exploration and maritime boundary issues could be seen as critical dimensions of maritime security. The military and intelligence gathering activities by foreign nations in or over EEZ are becoming more needed due to the accelerating pace of globalization. Moreover, the tremendous increase of world trade also demanded the delimitation of maritime boundary. Furthermore, the rise in the size and quality of the navies of many nations as well as technological development that allow navies to better utilize oceanic areas.

Others concern has created from the increasing scarcity of maritime resources, the growing threat to the maritime environment and concerns with safety of sea tracks. At the same time, coastal states are increasingly important towards the control of their EEZs. Indeed, because of the sea 'rush' atmosphere which surrounds the exploitation of maritime resources, jurisdictional claims have even tended to 'creep' beyond and the 1982 UNCLOS has introduced new uncertainties and conflict points into the region particularly, in regard to claims on EEZ, CS and related maritime boundaries. Maritime boundaries and territorial disputes are controversial and lack of agreed boundaries could hamper effective regional cooperation thus reducing maritime security. Such unresolved boundary issues will damage maritime security. It is likely to lead to misunderstandings and compromise sustainable use of natural resources to the detriment of all in the region. It is very important that various methods of defining and delimiting boundaries are applied to the benefit of all. Moreover, as the extension of maritime jurisdiction and resultant boundary dispute and competing claims and uncertain jurisdiction and geopolitics are creating inequities and adding unnecessary stress to relations between states. As states struggle to protect their sovereignty, sudden changes to maritime force structures can convert into a more insecure maritime security environment. Conflicting claims can interrupt on perceptions of security and can be

applied to both maritime space and disputed territory. Unresolved maritime boundary creates a threat to maritime security. And the scope and dimension of such threat are becoming more complex and serious with the passage of unexplained and undue delay. On the other hand, the recent incursion of Myanmar's naval warships escorting oil and gas drilling platforms into Bangladesh's territorial waters in the Bay of Bengal that was an alarming as well as threatening posture of Myanmar on the issue.⁷

Additionally, others urgency for delimitation of maritime boundary by Bangladesh with neighbouring India and Myanmar- arises from the following factors;

First, it has risen that the domestic demand for oil and gas for production of electricity in the country. The energy crisis has aggravated people's sufferings, slowed down industrial production, and hampered trade. The finance minister of Bangladesh stated that "in May 2010 the average monthly actual production did not exceed 4070 MW."⁸ It is believe that the demand is likely to grow almost 50% in the next 15 years and Bangladesh needs to increase the capacity to 8,000 MW by 2015 according to one estimate.⁹ Bangladesh has been facing shortage of gas, currently produces 2,000 million cubic feet in its daily domestic consumption. As constitutes almost 85% of the country's electricity. Generally wherever gas is found oil is also likely to be present.

Second, strong prospects for oil and gas in the Bangladesh maritime areas exist in the Bay of Bengal. The most remarkable off-shore technology that has progressed in the 15 years is the three-fold increase in the maximum operational depth of off-shore rigs which has opened up thousands of square miles in the Bay of Bengal.¹⁰

⁷ C.M. Khurshed Alam, 'Maritime Security of Bangladesh: Traditional Issues, Impinging on Maritime Boundary Delimitation' A paper presented in a seminar, organized by BIISS, 2009. See also, http://www.biiss.org/seminar_2009/papers/ckp.pdf accessed on June 2011.

⁸ Barrister Harun-ur Rashid, "Sea boundary disputes with India and Myanmar before the international tribunal" *Dhaka Courier*, vol.26 (July 2010), p. 7.

⁹ *Ibid*, p. 7.

¹⁰ *Ibid*. p. 8.

Third, the availability of limited land natural resources in the country needs to be vastly augmented with marine resources (living and non-living) which are according to the scientists, richer in content than those found in the land.

Fourth, this verdict will help increase the number of skilled workers capable of extracting much-needed resources from the sea. This issue has already been discussed between Bangladesh's foreign ministry and the education ministry, which have agreed to open oceanography departments at Dhaka and Chittagong Universities.

Fifth, these developments could also help Bangladesh for winning the maritime dispute with India, which concerns the western side of the Bay of Bengal. India is insisting on the principle of equidistance instead of equality in demarcating the maritime boundary. By this time we have got a verdict which has delimited the sea shore between the two countries.

4.5 Background of the Proceedings

Bangladesh is located in the North-east corner of the Bay of Bengal. For that reasons, the people of Bangladesh have different interest in the Bay of Bengal because of its numerous natural resources. But unfortunately, the areas of Bangladesh in the Bay of Bengal were not marked. Like Bangladesh both Myanmar as well as India has a partnership of maritime boundary in the Bay of Bengal. So, it is almost impossible for Bangladesh to set up her legal as well as unpreventable rights in the area of the Bay of Bengal with the consultation of both Myanmar and India. Due to undemarcated maritime boundary, the peoples of Bangladesh could not take any initiative to acquire maritime resources, both living and nonliving, existing in the Bay of Bengal. Moreover, due to the absence of accurate maritime boundary the fishermen community of Bangladesh use to face scores of impediments to catch fishes in the one hand and on the other the fishermen of other countries used to catch fishes from Bangladesh's huge resources of fishes without any interruption.

Even so, the coastguard as well as others armed forces of Bangladesh use to face various obstacle of doing their regular activities due to undemarcated maritime boundary. Whereas, it was considered more necessary for Bangladesh than Myanmar to demarcate the maritime boundary in the Bay of Bengal. Because, Myanmar has obtained their maritime areas from the Andaman sea as well as Indian Ocean. Whereas,

the Bay of Bengal is the only sea of Bangladesh. As a result, the demarcation of maritime boundary was a vital aspect for the people of Bangladesh.

However, the longstanding (around four decades) maritime boundary dispute between Bangladesh and Myanmar came to an end after the International Tribunal for the Law of the Sea gave its final verdict on 14 March 2012. This judgment is a milestone not only for both Bangladesh and Myanmar but also in the history of the international maritime act.

In the process of it, the first step in border delimitation between present-day Bangladesh (before its independence from Pakistan in 1971) and Burma occurred on the 9 May 1966 with the Naaf river boundary agreement. This agreement established a border only along the Naaf river delta, ending at the river's mouth into the Bay of Bengal. Between 1974 and 1986, a series of eight rounds of bilateral negotiations convened between Bangladesh and Burma to delimit the maritime boundary including territorial waters, exclusive economic zones (EEZ) and continental shelf boundaries. In the meantime, Bangladesh by drawing up an act on the Territorial Waters and Maritime Zones Act, 1974 has able to declare a straight baseline, territorial sea, economic zones and a continental shelf (See, Map 4.1).¹¹

At the second round of talks on 23 November 1974, the respective delegates signed the Agreed Minutes between the Bangladesh Delegation and the Burmese Delegation regarding the Delimitation of the Maritime Boundary between the two countries. Commodore Chit Hliang, Navy Vice Chief-of-Staff, led the Burma delegation, while the Ambassador to Myanmar, Kwaja Mohammad Kaiser, led the delegation of Bangladesh. Special Chart 114 was attached to the 1974 Agreed Minutes and graphically illustrated the boundary, which followed a line parallel to the Myanmar Rakhine state coast and equidistant between that coast and St. Martin's Island. Over 30 years later, the dispute re-emerged. The dispute resurfaced because of two primary factors like new discoveries of hydrocarbon gas reserves in the Bay of Bengal and increased demand for natural gas in both countries. The majority of the hydrocarbon

¹¹ Riddhi Shah, "Possible Repercussions of ITLOS Verdict in Bangladesh-Myanmar Maritime Boundary Disputes for India", *Insight South-East Asia*, vol. 1, No. 3 (July 2012), p. 15.

gas reserves in the Bay of Bengal were discovered between 2002 and 2007.¹² While Bangladesh is plagued by frequent power outages, is searching energy sources to alleviate its domestic power shortage. In addition, Myanmar is more likely to export the natural gas to both China and India. The second period of six rounds of negotiations, from 2008 to 2010, was characterized by rising tensions.¹³ In April 2008, the parties jointly signed a document similar to that of 1974 agreed minutes. The agreed minutes of the meeting held between the Bangladesh Delegation and the Myanmar Delegation regarding the Delimitation of the Maritime Boundaries between the two countries. This document, referred to subsequently as ‘the 2008 Agreed Minutes’, was signed on the Myanmar side by Commodore Maung Oo Lwin, commander of the Irrawaddy Navy Regional Command and on the Bangladesh side by the Additional Foreign Secretary Mr. A. K. Mahmood. The salient points of the 2008 Agreed Minutes concern the classification of Islands in accordance with Article 121 of UNCLOS and further reaffirmed and clarified the line proposed in the 1974 Agreed Minutes, by assigning a series of specific latitudinal and longitudinal points.¹⁴

Additionally, it was proposed that the area of land known as St. Martin’s Island be considered as an island, in accordance with Article 121 of UNCLOS (UNCLOS 1982). However, Oyster Island off the coast of Myanmar would not be considered an island, because it was deemed uninhabitable due to its lack of fresh water and its inability to sustain economic life or any permanent population. According to Article 121 UNCLOS, only islands as noted above, that are able to sustain human habitation or economic life of their own would be subject to the Convention in considerations dealing with EEZ and continental shelf.¹⁵

¹² Jared, Bissinger, “Maritime Boundary Disputes: Motivations, Potential Solutions and Implications”, *National Bureau of Asian Research*, No. 10 (July 2010), p. 113.

¹³ Dispute Concerning Delimitation of the Maritime Boundary between Bangladesh and Myanmar in the Bay of Bengal, Judgment, *International Tribunal for the Law of the Sea*, Case No.16, 2012: Para. 21.

¹⁴ Ravi. A, Balaram, *Op. cit.*, p. 88.

¹⁵ Dispute Concerning Delimitation of the Maritime Boundary between Bangladesh and Myanmar in the Bay of Bengal, Judgment, *International Tribunal for the Law of the Sea*, Case No.16, 2012: Para. 27.

The prospect of natural gas exploration as the proximate cause leading to the concomitant second period of bilateral negotiations in 2008 has similarities with the most recent April 2012 standoff between Chinese and Philippine vessels over the disputed Spratly Islands in the South China Sea. On 17 October 2008, two Myanmar Navy vessels escorted four survey ships to begin exploratory drilling approximately 50 nautical miles Southwest of St. Martin's Island in the contested area. Bangladesh responded by calling for a suspension of Myanmar's exploratory drilling until the delimitation of maritime boundaries had been determined and also threatened the use of force against Myanmar with the dispatch of three Bangladesh Naval vessels.¹⁶ Although, the weeklong stand-off did not result in any direct conflict. Moreover, Bangladesh is tucked between Myanmar and India in the concave north coast of the Bay of Bengal added to that is the concavity of Bangladesh's own coast. Thus, the equidistant lines with Myanmar in the eastern side and with India in the western side practically cut-off Bangladesh's maritime area within 130 nm as against Bangladesh's claim for 200 nm EEZ and 350 nm CS (see annex, map 4.2). For delimitation of maritime boundary between Bangladesh and Myanmar dates back to 1974. Bangladesh legally argued with its neighbours to agree to an alternative formula so that the 'cut-off' could be avoided. Unfortunately, Myanmar never considered any other alternative formula and continued its adherence to equidistance for which an agreement for equitable delimitation of maritime zones between the countries was never reached. The disagreement created a deadlock in the negotiations which eventually obstructed the exploration of natural resources in the Bay by both the countries.

Lastly to solve the issue bilaterally, the Government of Bangladesh took a bold and timely decision for the settlement of this issue through compulsory dispute settlement procedures under UNCLOS. On, 08 October 2009, both parties thereafter accepted the jurisdiction of ITLOS for resolution of the dispute and transferred the case to the ITLOS. On 14 December 2009, the case entered the docket of ITOLOS as the 16th case. Nevertheless, Myanmar and Bangladesh decided to pursue a settlement through ITLOS in the process which discussed below.

¹⁶ *Daily Star*, 22 October 2008.

4.6 Issues before the Tribunal

Bangladesh requested the Tribunal to delimit the maritime boundary of the Territorial Sea (TS) 12nm, Exclusive Economic Zone (EEZ) and Continental Shelf (CS) up to 200nm and the continental shelf beyond 200nm between Bangladesh and Myanmar in the Bay of Bengal.

The main issues before the Tribunal in the preset case were as,

- Delimitation of 12nm TS and as Article 15 of UNCLOS provides for delimitation to be effective by equidistance adjusted for special circumstances historical titles (if any).
- Delimitation of EEZ and continental shelf up to 200nm as per article 74 of UNCLOS provides for delimitation to be effected to achieve an equitable solution, which is practically done by drawing a provisional equidistance line from the selected base points from the coastlines of the parties and then adjusting the line for relevant circumstances to ensure 'equity'.
- Delimitation of continental shelf beyond 200 nm as per Article 83 UNCLOS provides for same provision like article 74.
- Delimitation of Tribunal's jurisdiction, in general, to delimit the continental shelf beyond 200nm pending recommendations from the UN Commission on the Limits of the continental shelf (CLCS) under article 76 of UNCLOS with regards to entitlement, in Bangladesh's maritime area could be stretched beyond 200 nm gives 'cut off' bilateral boundaries with Myanmar and India.
- Finally, determination of 'equitableness' by proportionality test, done in the light of the ratio between the relevant coasts of the two states and the ratio between the areas attributed to each.

4.7 The Territorial Sea Boundary

The macro-geographical situation described above is not directly relevant to the territorial sea boundary, although (as will be seen) it was of great relevance to the delimitation of the single maritime boundary. For delimitation of the territorial sea boundary, it was the geography in the immediate vicinity of the terminus of the Bangladesh-Myanmar land border that was relevant. The last part of the land border

between Bangladesh and Myanmar follows the Naaf river and terminates at its mouth. The mainland coasts of Bangladesh and Myanmar on either side of the mouth of the Naaf river are relatively straight. Lying off the mouth of the Naaf river and extending South-eastwards roughly parallel to, and some five or six miles out from, the coast of Myanmar is St. Martin's Island, which belongs to Bangladesh. The island is about five miles long, has an area of 8 square km and a population of about 7,000.¹⁷

In considering the territorial sea boundary, the ITLOS had first to deal with Bangladesh's argument that the boundary had already been delimited in Agreed Minutes of 1974, signed by the two heads of delegation following their second round of negotiations over maritime boundaries. The ITLOS rejected this argument, holding that the Agreed Minutes were no more than a record of a conditional understanding. Furthermore, the Agreed Minutes were not intended to create legal obligations; the head of the Myanmar delegation did not have the authority to engage his State in accordance with Article 7 of the Vienna Convention on the Law of Treaties; and the Agreed Minutes had not been submitted to the procedure required by their respective constitutions for binding international agreements.¹⁸ The ITLOS also rejected Bangladesh's argument that there was a tacit agreement on the territorial sea boundary resulting from the consistent conduct of the parties over three decades and finding that there was no convincing evidence to this effect.¹⁹ Despite, Bangladesh's argument that Myanmar and Bangladesh have jointly behaved in accordance with the boundary stated in Special Chart 114 attached to the 1974 Agreed Minutes, ITLOS ruled that this failed to meet the requirements of a tacit agreement because the submitted affidavits reflect fishermen's opinions and naval officers' bias. The test for historical tacit agreement in Article 15 UNCLOS states:

Where the coasts of two states are opposite or adjacent to each other, neither of the two states is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two states is measured. The above provision does not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit

¹⁷ Judgment, Paras. 143–44 and 314.

¹⁸ Judgment, Paras. 92–98.

¹⁹ Judgment, Paras. 112–18.

the territorial seas of the two states in a way which is at variance therewith (UNCLOS 1982: Art. 15).

In the absence of a pre-existing and legally-binding agreement, the Tribunal then looked to determine if any “historic title or other special circumstances” were relevant to this specific case. The Tribunal determined, with no contest from either party, that no historical titles were relevant to this case. Neither Bangladesh nor Myanmar had suggested that it had a historic title to any of the waters concerned, but Myanmar argued that St. Martin’s Island was a special circumstance, in particular that it would be on the ‘wrong side’ of an equidistance line drawn between the mainland coasts of Bangladesh and Myanmar. The ITLOS rejected that argument, observing that while it was not unprecedented in the case law of international courts and tribunals for Islands to be given less than full effect in the delimitation of the territorial sea, the Islands subject to such treatment were usually ‘insignificant maritime features’.²⁰ St. Martin’s Island, however, was a significant maritime feature by virtue of its size and population and the extent of the economic and other activities connected with it, and there were therefore no compelling reasons that would justify treating the island as a special circumstance or preventing it from being given full effect in drawing the territorial sea boundary.²¹

Accordingly, the ITLOS drew the boundary as an equidistance line, utilising as base points used by the parties, which were the low– water lines along their coasts.²² The boundary begins at the terminus of the land frontier in the mouth of the Naaf river. Then proceeds south-westwards equidistant between the parties mainland coasts for a short distance. Before turning south-eastwards equidistant between the mainland coast of Myanmar and the coast of St. Martin’s Island to a point 12 miles from both those coasts (see annex, Map 4.3). According to Judges *ad hoc* Mensah and Oxman, this line is ‘essentially the same as that contemplated by’ the parties in the 1974 Agreed Minutes.

²⁰ Judgment, Paras. 151.

²¹ Judgment, Paras. 151–52.

²² Judgment, Paras. 154–6.

4.8 Single Maritime Boundary Delimitation

The process of the single maritime boundary delimitation between Bangladesh and Myanmar was a difficult one but was not impossible. Previously, similar maritime delimitation case has been solved, such as between Greenland and Janmayen in the year of 1993,²³ Nicaragua and Honduras in the year of 2007.²⁴ They adopted a fairly consistent methodology in delimiting the single maritime boundary between the overlapping EEZs and continental shelves of opposite of adjacent states, known as 'equidistance or relevant circumstances' method.²⁵ There are three steps process here; first, a court of tribunal constructs an equidistance line as the provisional boundary. Second, it then examines that line in the light of any relevant circumstances to see whether it requires adjustment to produce an equitable result. The third as well as final, it checks to see a result of the delimitation and lengths of their respective relevant coasts. This is the process and it has mentioned above because the present maritime boundary delimitation between Bangladesh and Myanmar the ITLOS endorsed and used this methodology.

However, in the process of the delimitation of the single maritime boundary or Exclusive Economic Zone, Bangladesh maintained its previous position and argued that, the equidistance method does not ensure an equitable result, as required by article 74 of UNCLOS. It considered all options available under the law and jurisprudence so far developed to reach to 200nm and beyond removing cut-off effect at 130nm produced by applying strict equidistance lines measures by India and Myanmar. Bangladesh calculated the coastal facade of both countries and proposed an angle Bisector having produced an angle of 215° from the mouth Point of Naaf river as the delimitation line up to 200 nm.²⁶

²³ Case Concerning Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark vs. Norway), Judgment, ICJ Reports 1993, p. 38.

²⁴ Case Concerning Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua vs. Honduras), Judgment, ICJ Reports 2007, p. 659.

²⁵ Robin Churchill, "The Bangladesh/Myanmar Case: Continuity and novelty in the law of maritime boundary delimitation", Cambridge Journal of International and Comparative Law [online], Vol. 1, No.1 (April 2012), pp. 137-152, <<https://mail-attachment.googleusercontent.com/attachment/u/0/>> Accessed on, 20 July 2012.

²⁶ *Ibid*,

Bangladesh raised three main geographical and geological features to justify an adjustment of the provisional equidistance line: (i) its location at the northern limit of the Bay of Bengal in a broad and deep concavity between Myanmar and India, (ii) St. Martin's Island and (iii) the Bengal depositional system. The principal focus of argument was 'concavity' other two were supporting strategic argument. Myanmar selected two base points on Bangladesh's coasts and three base points on Myanmar's coastline and opted for equidistance or relevant circumstances formula. Regarding concavity, Myanmar's argument was concavity on any other geographical feature which is given by the nature cannot be a special factor.

4.9 Tribunals Order

In approaching the first stage and drawing an equidistance line, the ITLOS had first to select the base points for the construction of that line. The ITLOS noted that it was not obliged to follow the base points indicated by the parties but could select its own base points "on the basis of the geographical facts of the case".²⁷ The ITLOS decided not to use St. Martin's Island as a base point because the island was located immediately in front of Myanmar's mainland coast and so its use as a base point would result in a line that blocked the seaward projection from Myanmar's coast, resulting "in an unwarranted distortion of the delimitation line".²⁸ Instead the ITLOS chose two base points on Bangladesh's coast and four on the coast of Myanmar.²⁹ Beginning from a point midway in the mouth of the Naaf River, the ITLOS then constructed an equidistance line using its selected base points.³⁰

The second stage was for the ITLOS to consider whether there were any relevant circumstances that would require an adjustment of the equidistance line. Myanmar had argued that there were no such circumstances, Bangladesh that there were three the concave shape of its coastline, St. Martin's Island and the Bengal depositional system. As to the first of these, the ITLOS observed that in the delimitation of EEZ and continental shelf boundaries:

²⁷ Judgment, Para. 264.

²⁸ Judgment, Para. 265.

²⁹ Judgment, Para. 266.

³⁰ Robin Churchill, *Op. cit.*, <<https://mail-attachment.googleusercontent.com/attachment/u/0/?>

“Concavity per se is not necessarily a relevant circumstances. However, when an equidistance line drawn between two States produces a cut-off effect on the maritime entitlement of one of those states, as a result of the concavity of the coast, then an adjustment of that line may be necessary in order to reach an equitable result”.³¹

That was the situation here. As to St. Martin’s Island, the ITLOS, while accepting that in principle Islands could be considered to be relevant circumstances depending on “on the geographic realities and the circumstances of the specific case”,³² held that St. Martin’s Island was not a relevant circumstance in this case for the same reason that it was not used as a base point in constructing the equidistance line.³³ This seems a little confusing as it suggests that Islands are a factor to be taken into account both in constructing the equidistance line as the provisional boundary and as a relevant circumstance for adjusting that line.

One might have thought that they would be considered for only one of those exercises. Bangladesh’s third suggested relevant circumstance, the Bengal depositional system, was summarily rejected by the ITLOS on the basis that a single maritime boundary within 200 nautical miles was to be determined “on the basis of geography of the coasts of the Parties in relation to each other and not on the geology or geomorphology of the seabed of the delimitation area”.³⁴ When it came to adjusting the line to take account of the concavity of Bangladesh’s coast, it was noted that there was no single solution that was mandated but that various adjustments could be made that would produce an equitable result.³⁵ It decided that the adjustment would begin at point 11 “where the equidistance line begins to cut off the southward projection of the coast of Bangladesh”.³⁶

³¹ Judgment, Para. 292.

³² Judgment, Para. 317.

³³ Judgment, Para. 318.

³⁴ Shi. Jiuyong, “Maritime Delimitation in the jurisprudence of the International Court of Justice”. See also, <http://chinesejil.oxfordjournals.org/content/9/2/271.full>, accessed on 03, May 2014.

³⁵ Judgment, Para. 327.

³⁶http://www.academia.edu/5939358/States_rights_and_obligations_in_the_grey_area_in_the_Bay_of_Bengal, accessed on 03 May, 2014.

From this point, the ITLOS decided in a passage that is rather laconic in its interpretation that the boundary should be the azimuth of 215° (which, as it happens, is the same as the angle-bisector proposed by Bangladesh as the boundary), since this would cut-off the seaward projection of the coasts of neither Bangladesh nor Myanmar.³⁷ This boundary line would continue until it reached a point that was located 200 nautical miles from “the baselines from which the breadth of the territorial sea of Bangladesh is measured”.³⁸ The ITLOS decided that the single maritime boundary would commence where the outer limit of the 12 nautical miles territorial sea around St. Martin’s Island intersected with the equidistance line drawn by the ITLOS.³⁹ Thus, the Island was given a full 12 nautical miles territorial sea at the expense of a small part of Myanmar’s EEZ and continental shelf and so turned out not to be wholly irrelevant to the construction of the single maritime boundary.

The ITLOS delayed carrying out the third stage of delimiting the single maritime boundary, the proportionality test until after it had delimited the boundary of the continental shelf beyond 200 nautical miles. This test involves comparing the ratio of the areas accruing to each party from the provisional delimitation resulting from the first two stages of the process with the ratio of their respective relevant coasts. The areas accruing to each party are those areas located within the ‘relevant area’, namely “the area of overlapping entitlements of the Parties that is relevant to this delimitation”.⁴⁰ From the language of the judgment it is not clear whether the ‘relevant area’ was limited to the area within 200 nautical miles or included areas beyond, but the map of the relevant area of the judgment clearly includes areas beyond 200 nautical miles.

One question was what account should be taken of the fact that the size of the area accruing to Bangladesh could be affected by the location of its eventual boundary with India. On this point the ITLOS decided simply that “the fact that a third party may claim the same maritime area does not prevent its inclusion in the relevant maritime

³⁷ Judgment, Para. 334–35.

³⁸ Judgment, Para. 340.

³⁹ Judgment, Para. 337.

⁴⁰ Judgment, Para. 477.

area for the purposes of the disproportionality test”.⁴¹ The ITLOS determined that the ‘relevant area’ was 283,471 square km. This is considerably larger than any of the four figures suggested by the parties as the size of the relevant area. It is perhaps just as well that determining the size of the relevant area is not, according to the ITLOS, an exercise requiring ‘mathematical precision’. Be that as it may, the ITLOS found that the relevant area was divided between the parties in the ratio of 1:1.54 in favour of Myanmar and that the ratio of the relevant coasts of the parties was 1:1.42, also in favour of Myanmar. Thus, there was no “significant disproportion in the allocation of maritime area to the parties relative to the respective lengths of their coasts that would require the shifting of the adjusted equidistance line in order to ensure an equitable solution”.

4.10 The Continental Shelf Boundary beyond 200 Nautical Miles

The first issue for the ITLOS was whether it had jurisdiction to delimit the continental shelf boundary beyond 200 nautical miles, and if it did, whether it would be appropriate to exercise that jurisdiction. The ITLOS dealt fairly briefly with the first point, simply noting that because there was in law only a single continental shelf, whether within 200 nautical miles or beyond, its jurisdiction to delimit the continental shelf applied to the shelf in its entirety. However, the question is whether it should exercise that jurisdiction was much less straightforward. UNCLOS provides that a State’s continental shelf may extend beyond 200 nautical miles if certain geological and geomorphologic criteria set out in Article 76 are fulfilled. A state that consider that its continental shelf extends beyond 200 nautical miles must make a submission setting out its view as to the outer limit of its shelf to the Commission on the Limits of the Continental Shelf (CLCS), a body of independent experts in geology, geophysics and hydrography established by UNCLOS. The CLCS is to make recommendations to the coastal state regarding its submission.

The outer limit of the shelf established on the basis of those recommendations is final and binding. UNCLOS is less than clear on the relationship between the establishment of the outer limit of the continental shelf according to the procedure just described and the delimitation of the boundary between overlapping continental shelves

⁴¹ Judgment, Para. 494.

beyond 200 nautical miles. Article 76 (10) states that the provisions of the preceding paragraphs of the article are “without prejudice to the question of delimitation of the continental shelf between states with opposite and adjacent coasts”.⁴² Likewise, Article 9 of Annex II provides that the actions of the CLCS “shall not prejudice matters relating to the delimitation of boundaries between states with opposite and adjacent coasts”.⁴³ The rules of procedure of the CLCS provide that the CLCS shall not consider submission relating to an area where there is a dispute unless both or all parties to such a dispute give their consent. Both Bangladesh and Myanmar have made submission to the CLCS. Bangladesh has not given its consent in consideration of Myanmar’s submission by the CLCS. In the past international courts and tribunals have taken different views as to whether they may delimit the continental shelf beyond 200 nautical miles in areas where the CLCS has not made a recommendation to the coastal states concerned. In the Canada-France and Nicaragua-Honduras case the arbitral tribunal and ICJ respectively, took the view that they could not delimit the continental shelf boundary beyond 200 nautical miles. Whereas in the Barbados-Trinidad and Tobago case the arbitral tribunal decided that it could (although in practice it did not do so as there were no overlapping continental shelves beyond 200 nautical miles).⁴⁴

In the present case, the ITLOS decided that it was competent to, and should, delimit the continental shelf beyond 200 nautical miles. It pointed out that such delimitation would not impede the CLCS in carrying out its functions and that without delimitation, the establishment of the outer limits of the continental shelves of Bangladesh and Myanmar might remain unresolved. Before delimiting the boundary, the ITLOS had first to assure itself that the parties had overlapping entitlements to the continental shelf beyond 200 nautical miles. Otherwise there was no boundary to determine. It rejected Bangladesh’s argument that natural prolongation was the primary criterion in establishing an entitlement to a continental shelf beyond 200 nautical miles. And consequently, Myanmar had no such entitlement because of a fundamental discontinuity between Myanmar’s landmass and the seabed of the Bay of Bengal

⁴² Robin Churchill, *Op. cit.*, <<https://mail-attachment.googleusercontent.com/attachment/u/0/?>
Accessed on 20 July 2012.

⁴³ *Ibid*,

⁴⁴ http://www.un.org/depts/los/nippon/unff_programme_home/fellows_pages/fellows_papers/curiel_0910_venezuela.pdf. Accessed on, 20 July 2013.

beyond 200 nautical miles. Instead, the ITLOS assumed that entitlement to a continental shelf depended primarily on satisfying the criteria of Article 76(4) of UNCLOS.

It noted that, the floor of the Bay of Bengal was covered by a thick layer of sediment some 14–22 km deep. Thus each state could claim a continental shelf beyond 200 nautical miles based on the thickness of sedimentary rocks criterion in Article 76(4) (a) (i). The origin of such sediments (the Himalayas and Tibetan plateau) was irrelevant. It was also clear that those entitlements overlapped as to how those entitlements should be delimited (an issue never previously considered by an international court); the ITLOS observed that Article 83 of UNCLOS (on delimitation of the continental shelf) does not distinguish between delimitation within 200 nautical miles and delimitation beyond 200 nautical miles. Thus, “the delimitation method to be employed in the present case for the continental shelf beyond 200 nautical miles should not differ from that within 200 nautical miles. Accordingly, the equidistance or relevant circumstances method continues to apply for the delimitation of the continental shelf beyond 200 nautical miles.”⁴⁵ This view appears to take no account of the fact that the delimitation undertaken by the ITLOS within 200 nautical miles was not solely of the continental shelf but was a single maritime boundary for both the continental shelf and the EEZ. As a consequence of its view, the ITLOS had little hesitation in rejecting Bangladesh’s arguments that geological and geomorphologic factors were relevant. On the other hand, the concavity of Bangladesh’s coastline continued to be a relevant circumstances. The ITLOS therefore decided that the boundary between the parties’ overlapping continental shelves beyond 200 nautical miles should be a continuation of the single maritime boundary line until it reached the area where the rights of third states (i.e. India) might be affected.

The ITLOS would appear to have been justified in delimiting the continental shelf beyond 200 nautical miles in this case. Given the unique geological characteristics of the Bay of Bengal, there seems little doubt that Bangladesh and Myanmar both have entitlements to a continental shelf beyond 200 nautical miles that overlaps. However, in future cases it may be advisable for an international court to proceed more cautiously in deciding whether to delimit a continental shelf boundary beyond 200 nautical miles. It

⁴⁵ Judgment, Para. 455.

may not be obvious that the states concerned have entitlements to a continental shelf beyond 200 nautical miles and that such entitlements overlap. To determine such matters may involve a court in having to make judgments about complex geological and geomorphologic facts which it is ill-equipped to do.

If a court does refrain from delimiting a continental shelf boundary, that may mean that the CLCS will not be able to consider the submissions of the states concerned because of a lack of consent. If that situation is not to turn into a jurisdictional black hole, as Bangladesh memorably characterized it, the parties will have to redouble their efforts to remove the impasse by diplomatic means. In the present case, however, the judgment of the ITLOS has resolved the impasse before the CLCS. Since there is no longer a dispute between Bangladesh and Myanmar, the CLCS can now go ahead and consider the submissions of each state. As regards the methodology of the delimitation, the decision of the ITLOS to exclude geological and geomorphological factors as relevant to the determination of the boundary line would seem to be correct in this case. Once the ITLOS had decided that the origin of the sediments in the Bay of Bengal was irrelevant which was surely right, otherwise Nepal and China might have as much claim to the seabed of the Bay of Bengal and perhaps arguably, that natural prolongation was not relevant, the geological and geomorphological factors at issue appear to apply equally to Bangladesh and Myanmar. However, the decision of the ITLOS in this case does not mean that in future cases geological and geomorphological factors may not be relevant circumstances that should be taken into account in delimiting a continental shelf boundary beyond 200 nautical miles. The primary reason for excluding such factors when delimiting a single maritime boundary is because they have no relevance to the water column that is also being delimited. That rationale does not apply beyond 200 nautical miles.

4.11 The Grey Zone Issue

A grey zone (or 'grey area', as it is referred to in the judgment) in the context of maritime boundary delimitation refers to the situation where an area on one side of a maritime boundary is beyond 200 nautical miles from the state on the same side of the boundary but within 200 nautical miles of the state on the other side of the boundary. Grey zones are liable to occur whenever a single maritime boundary is not an equidistance line, and especially where such a line is extended to form the boundary of

the continental shelf beyond 200 nautical miles. The result of the delimitation of the boundary by ITLOS in this case was to create a grey zone on Bangladesh's side of the boundary. The ITLOS noted that the boundary adjacent to the grey zone delimited the continental shelf only (since the EEZs of the parties in this area did not overlap), but did not 'otherwise limit Myanmar's rights with respect to' the EEZ, particularly as regards the super-jacent waters. In that case the tribunal decides that the seabed of the grey zone is Bangladesh's continental shelf and the super-jacent waters Myanmar's EEZ. It is up to each state, acting in accordance with UNCLOS (especially Articles 56, 58, 78 and 79) to 'exercise its rights and perform its duties with due regard to the rights and duties of the other'. This is the first occasion on which an international court has pronounced on the status of grey zones. What the ITLOS says is therefore important. The logic of its position seems difficult to question, although it may pose challenges to states to act with the necessary due regard when exercising their rights in a grey zone.

4.12 Proportionality Test

Myanmar proposed that the proportion of length of the relevant area of coast would be 1:2 for the both countries (364km for Bangladesh and 740km for Myanmar). Finally, the Tribunal measured the length to be 413km for Bangladesh and 587km for Myanmar. The ratio of the length of the relevant coasts of the countries is 1:1.42 in favour of Myanmar. The ratio of allocated areas is approximately 1:1.54 in favour of Myanmar.⁴⁶ So according to the Tribunal's judgment, the coast line of Myanmar is about 171,832 square km compare to the same of Bangladesh is about 1, 11,631 square km which was declared to be equitable as well as the verdict prove the proportionality test successfully for both the parties.

4.13 Verdict of ITLOS: Expectations and Achievements of Bangladesh

The International Tribunal for the Law of the Sea today sustained Bangladesh's claims to a full 200 nautical miles exclusive economic zone in the Bay of Bengal and to a substantial share of the outer continental shelf beyond 200 nautical miles.⁴⁷ The ruling, by a vote of 21 to 1, brings to a conclusion the case initiated by Bangladesh against

⁴⁶ Shahidul Islam Chowdhury, "Dithering over maritime boundary puts Bangladesh at disadvantage", *New Age*, 22 March 2012.

⁴⁷ "Bangladesh wins maritime suit against Myanmar" *Financial Express*, 15 March 2012.

Myanmar in December 2009 to resolve a longstanding dispute in regard to the maritime boundary between the two neighbouring states. Bangladesh demanded 107,000 square km in the Bay of Bengal but the ITLOS verdict awarded the country with 111,000 square km⁴⁸, The Tribunal also awarded Bangladesh a full 12 nautical miles territorial sea around St. Martin's Island, overruling Myanmar's argument that it should be cut in half. The biggest and most important achievement for Bangladesh, that it has received a verdict to delimit its boundary. By this verdict, the second achievement of Bangladesh that she can now explore its mineral resources in the disputes frees area. Bangladesh has started working to re-blocking its deep sea area and will award those for exploration. The third advantage is that it will have an impact on the maritime boundary case with India. The fourth advantage is that it will help Bangladesh to develop skilled human resources to tap the resources. Under sea exploration requires advanced technology and skilled human resources which Bangladesh lacks. Foreign ministry has already discussed the issue with education ministry. The Education Ministry of Bangladesh has opened two Oceanography Departments in Dhaka and Chittagong Universities. Bangladesh achieved all her strategic objectives and got full access to the high seas out to 200 nautical miles and beyond in a mode recognized and guaranteed with the right to fishes in waters and minerals as well as other natural resources beneath the seabed.

Bangladesh advocated with the principles based on 'equity' while Myanmar did on 'equidistance' before the Tribunal. But the Tribunal dealt with the case on equitable basis or, in other words, on the basis of 'equity', rather than 'equidistance.' Taking into account the manifest realities of Bangladesh regarding its needs, population, economic status, GDP growth, income per capita, regional vulnerability and so forth and finally resolved it in accordance with the international law by maintaining international standards. According to the United Nations Charter, the principle of 'equity' takes into account a country's needs, population size, economic status, GDP growth etc. while that of 'equidistance' defines the boundary through geometric calculations.

⁴⁸ "Bangladesh: victory claim over maritime boundary with Myanmar". *Energy Asia*, 16 March 2012.

The 151-page ruling handed down by the UN Body (Tribunal) is the first of its kind by any court or tribunal to delimit the maritime boundary beyond 200 nautical miles, known as 'outer continental shelf' which shows a plain victory for Bangladesh and is certain to establish an important precedent in the relevant perspective. Myanmar is, in addition, administered a harsher blow when the Tribunal gave Bangladesh control of an area of over 12 nautical miles around the Island of Saint Martin's. Bangladesh is pleased enough with the expertise, fairness and efficiency of ITLOS and its judges in discharging their functions and resolving the case within a time span of little more than two years. This is really a new addition to judicial efficiency in maritime boundary.

4.14 Who Won, Who Lost?

So who won the case? There has already been 'Declaration of Historic Victory' in the case⁴⁹. However, in the context of maritime boundary delimitation disputes, this is probably not an appropriate question to ask. However, throughout the judgment, the tribunal stressed that the goal of maritime boundary delimitation (beyond the territorial sea) was an equitable solution thus, the outcome of any decision is unlikely to be a 'winner takes all' scenario. Actually, the verdict is a win-win situation for both parties.⁵⁰ The claim of Bangladesh foreign minister that it won more than what the country asked for cannot be established without having strong arguments.

This is perhaps clear in relation to the single maritime boundary drawn for the exclusive economic zone and continental shelf within 200 nautical miles. Bangladesh had argued that the Tribunal should use the angle-bisector method in drawing the boundary, as the equidistance line would, in its opinion, lead to inequitable result. Bangladesh argument was rejected by the Tribunal which accepted that the equidistance or relevant circumstances method was appropriate in this case, as had been argued by Myanmar.

Yet, the Tribunal did not fully accept all of the arguments by Myanmar. The Tribunal stressed that it was not bound by the base points suggested by Myanmar in its proposed equidistance line and the Tribunal added its own base point to lead to a more

⁴⁹ Khondkar Abdus Saleque, "End of Maritime Dispute No. 1", *Fortnightly Magazine*, Vol. 9, No. 20 (April 2012), P. 13.

⁵⁰ *Ibid*, P. 13.

equitable provisional equidistance line. Moreover, the Tribunal also rejected the argument of Myanmar that there were no relevant circumstances. Bangladesh had identified several possible relevant circumstances.

The Tribunal accepted that it was necessary to adjust the equidistance line to take into account the concavity of the coast. But it denied the relevance of the other circumstances, put forward by Bangladesh, including the position of St. Martins Island (subject to the sovereignty of Bangladesh) which was given no effect in the delimitation.⁵¹ The adjustment of the line is largely done at the discretion of the Tribunal, with the Tribunal itself noting that “there are no magic formulas.”⁵² Arguably, the final delimitation line for this part of the boundary gives something to both parties. Here also it is a win-win solution for both. The equitable nature of the solution is also apparent in relation to the settlement of the boundary beyond 200 nautical miles. On this point, Myanmar had argued that the Tribunal should not exercise its jurisdiction, but the Tribunal was clear that it had the right to decide on the delimitation, regardless of whether the extension of the outer continental shelf had been approved by the Commission on the outer limits of the Continental Shelf. The tribunal also rejected Myanmar’s argument that Bangladesh has no continental shelf beyond 200 nautical miles.

At the same time, the tribunal rejected the argument of Bangladesh that there was no natural prolongation from the coast of Myanmar because of the geological discontinuity where the Indian tectonic plate meets the Burma tectonic plate about 50 nautical miles from the coast of Myanmar. In an important clarification of the law, the Tribunal held that natural prolongation refers to the extension of the continental margin and there was therefore no need for geological continuity.⁵³ Nor did the Tribunal accept that the geographic origin of the sedimentary rocks had any relevance for the delimitation of the outer continental shelf. In the end, the Tribunal simply extends the adjusted equidistance line that it had already drawn for the exclusive economic zone and continental shelf within 200 nautical miles. Again, this solution can be seen as

⁵¹ Judgment, Para. 319.

⁵² Judgment, Para. 327.

⁵³ Judgment, Para. 437.

giving something to both parties, but it certainly does not give either of them everything they had asked for.

4.15 Resources and Prospects in the Bay of Bengal Region

The Bay of Bengal is supposed to be highly rich in hydrocarbon resources. It was proved by the Indian discoveries in the Krishna Godavari Basins and also by massive oil and gas finds in Myanmar. Two main basins in the Bay-Krishna-Godavari and Mahanadi have shown a potential of nearly 18 billion barrels of oil equivalent gas in place. While official sources quote a figure of 100 trillion cubic feet of gas reserves in the region, unofficial estimates peg the reserves at 200 trillion cubic feet of gas. Myanmar had 21.19 trillion cubic feet of gas reserves, or 0.3 percent of the world's total, while Bangladesh had 13.77 trillion cubic feet, or 0.2 percent, at the end of 2007, according to BP Plc. Most of it is located in the Bay of Bengal.

The disputed area could contain billions of dollars of undiscovered natural gas that these countries can finally access. The economic and political motivations pushing Myanmar and Bangladesh to settle have never been stronger. Speculation about gas in the overlapping claims is bolstered by sizable gas reserves already discovered in Myanmar and Bangladesh (see Table 4.1). Myanmar has independently confirmed reserves of between 10-21.89 tcf of gas. Official statistics for Myanmar shows three largest offshore and nineteen onshore oil and gas fields put total gas reserves (proven and otherwise) at 87 tcf, although this figure deserves scrutiny. Estimates of Bangladesh's proven gas reserves are between 5-13.773 tcf; however, the U.S. Geological Survey (USGS) has estimated that Bangladesh possesses an additional 32.1 tcf in undiscovered reserves. Both Myanmar and Bangladesh also have potential for additional natural gas discoveries, especially in offshore areas, though sparse survey work means that the size of any reserves is difficult to quantify (see Table 4.2).

TABLE -4.1

Proven Natural Gas Reserves in Bangladesh and Myanmar (tcf)

	BP Statistical Review (year-end 2007)	CEDIGAZ (January 1, 2008)	Oil & Gas Journal (January1, 2009)
Bangladesh	13,773	13.208	5.000
Myanmar	21.189	21.189	10.000

Source: Energy Information Administration, "World Proved Reserves of Oil and Natural Gas, Most Recent Estimates," 2010

TABLE 4.2

Prospective Gas Reserves in

Assessed Offshore Portions of Bangladesh and Myanmar (tcf)

	Probability			Mean
	95%	50%	5%	
Bangladesh	4,776	16,560	36,247	18,107
Myanmar	3,883	15,051	35,808	16,865

Source: USGS, "Bangladesh: Assessment Results Summary - Allocated Resources; and USGS, "Burma: Assessment Results Summary - Allocated Resources. 2010.

The pursuit of prospective energy resources, namely natural gas, is the key catalyst of the boundary dispute between Myanmar and Bangladesh. Without the prospect of trillions of cubic feet (tcf) of natural gas and the technology to exploit it, the dispute would not have the same urgency and importance. The statements and actions of both countries illustrate the centrality of energy in this dispute. Bangladeshi officials in particular have been vocal about their motivations for an agreement. In Indian waters, the closest gas discoveries to the overlapping claims of Bangladesh and Myanmar are fields in the NEC-25 block of the Bengal Basin. These discoveries lie just over 100 km to the west of Bangladesh's claimed EEZ, or about 300 km from the overlapping claims of Bangladesh and Myanmar. The NEC-25 discoveries are estimated to hold between 3-5 tcf. Some of the fields are especially appealing because they lie in water as shallow as 60 meters, making them easier to extract. Like the overlapping claims of Myanmar and Bangladesh, the Bengal Basin is seen as having significant potential because of the scant level of exploration work there. As the litany

of recent events indicates, the maritime boundary between Myanmar and Bangladesh is an issue of high priority for both countries. Yet, historically there has been scant mention of these overlapping claims; the rise in prominence of the dispute is new and largely unprecedented.

4.16 Economic Incentives for Natural Gas Production in Bangladesh

Bangladesh desperately needs more natural gas for its domestic electricity sector, which is struggling to keep up with rapid economic growth. Bangladesh's need is amplified by its dependence on gas, which produces about 85 percent of the country's electricity. Bangladesh's gas shortfall is about 20 percent of demand, and its current gas wells cannot make up this difference because they are already running at full capacity.

Pressure has been put on the government to find out a solution to the power crisis, and the Bay of Bengal could play a central role in this regard. Natural gas is the key source of power for Bangladesh, as its economy is growing at an ever quickening pace. The resultant growth in electricity demand has largely been met by natural gas, which generates almost 85% of the country's electricity. Bangladesh desperately needs more natural gas for its domestic electricity sector, which is struggling to keep up with rapid economic growth.

The demand for natural gas from the electricity sector is compounded by increased demand from industries such as fertilizer production that use gas as a key input. Moreover, Bangladesh lacks the capacity to import gas; the country relies solely on domestic production to solve its power crisis. Economic growth and the resultant increase in the electricity demand have brought the picture open on a serious crisis on gas sector, because domestic production has failed to keep up with demand. The shortfall has expanded rapidly in recent years. Even so, the country also cannot import gas to make up for this deficit because it lacks the necessary infrastructure of pipelines and liquid natural gas facilities. A 2008 estimate placed demand somewhere near 1,900-1,950 mmcf per day. But the production was approximately 200mmcf. An estimate of 2009 shows a shortage of nearly 400 mmcf with demand of 2,200 mmcf out-packing supply of 1,800 mmcf. This shortfall in supply also led to disruptions in industrial operations as production of electricity is mainly dependent on natural gas.

It is predicted that natural gas usage will triple by 2025 to between 5,606-7,441mmcf. According to energy sources, about 18% of the population has currently access to electricity. Gas shortage is so acute that the country was taking steps to import liquefied natural gas in 2010. In the hopes of saving up to 40 mmcf per day, there are weekly holidays for industries. In these circumstances, currently proven gas of Bay of Bengal could help to mitigate the crises.

4.17 Economic Incentives for Natural Gas Production in Myanmar

Exporting of Gas has already been considered as the biggest foreign currency earning sector of Myanmar. In 2009 it brought in an estimated US \$2.5 billion, about two-thirds of the regime's total reserves for the year. 70% of Myanmar's foreign exchange revenues were from gas exports Thailand imports significant quantities of natural gas through pipeline and the supply is approximately 850-950 mmcf. Other regional energy importers are India and China. Both countries are rapidly increasing their energy imports. China for example, went from being an oil exporter early 1990s to the world third largest by 2006.⁵⁴ These countries have been building their capacity to import natural gas. Yet little of this money made its way into Myanmar's official accounts, the junta excludes more than 99 percent of the country's actual gas revenues from the official budget. In august 2010 natural gas accounted for 66.5 percent of Myanmar's total monthly export revenue.⁵⁵ A confidential IMF report leaked to Earth Rights International stated that 70 percent of Myanmar's foreign exchange revenues were from gas exports.⁵⁶ Short-term variations aside, the overall trajectory of Myanmar's natural gas export revenue has been steadily upward, (as Table 4.3) illustrates.

⁵⁴ Jared, Bissinger, *Op. cit.*, p. 120.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*, p. 119.

Table 4.3
 Natural Gas Export Volume and Earnings
 Per Myanmar Fiscal Year (April- March)

Year	Export Volumes (bcf)	Export earnings from Myanmar CSO (in \$m)	Export earnings from Thai customs (in bhat billion)
2003-04	200.04	-	37.72
2004-05	335.53	-	47.73
2005-06	322.72	959.18	63.58
2006-07	460.09	1,793.58	79.62
2007-08	515.69	2,140.86	73.42
2008-09	376.97	1,996.26	101.22
2009-10	297.53	1,596.31	105.26

Source: Sean Turnell, "Burma's Economy 2011: Current Situation and Prospects for Reform," May 2011, <http://www.custom.go.th/customs-eng/indexing.jsp>,

4.18 Implications

The demarcation of maritime boundaries has strategic, economic and environmental implications. Energy-starved Bangladesh's exploration for petroleum and natural gas in the Bay of Bengal, long delayed by conflicting boundary claims, can now proceed.

One may wonder whether the March 2012 verdict will have any broader implications for the bilateral relationship between Bangladesh and Myanmar. It is hoped that the verdict will not negatively affect their bilateral relationship and that it can be seen as a victory for both countries. The verdict has given brought an end to a problem that has hampered the economic development of both countries for more than four decades.

Now Bangladesh should consider its relationship strategically with Myanmar. Myanmar has become the talk of the world today. It has recently witnessed significant political development which moved the country from policy of isolation to policy of engagement. Political development includes release of political prisoners, initiatives to resume dialogues with other political parties. Thus it has elevated its position in international politics. Through the general election of 2012 Myanmar entered into

democratic era. International community welcomed this change. It is to be mentioned that Myanmar experienced significant official visits of leaders of several countries. The Prime Minister of Bangladesh had paid a visit to Myanmar and expressed her intention to import Myanmar's energy, both hydro and natural gas and other resources and to build a rail link to increase trade, while the joint trade commission of Bangladesh and Myanmar held its Fifth meeting in July 21-22, 2011. It was agreed that the two countries would raise bilateral trade to 550 million US dollar from 160 million US dollar within two years. The verdict would allow more trade between these two countries.

Presently, the bilateral trade of Bangladesh is only USD 100 million with Bangladesh exporting only USD 3-4 million. This needs to be definitely enhanced with Bangladesh introducing new items like pharmaceuticals, jute, cosmetics, consumer ware especially white goods, leather products, computer and IT ware into Myanmar. In return, Bangladesh should consider importing food grains, agro products, timber, and gas into Bangladesh. For this increased trade Bangladesh need to ask Myanmar to ease issue of visas and also to deregulate currency restrictions. Bangladesh may allow Myanmar bank to operate in Chittagong while Bangladesh operates her bank in Yangon. Some dynamic bank should start operating there. Coastal shipping especially cargo vessels should put on a regular basis between Chittagong and their ports to carry products easily. Myanmar is the 77th economy of the world, with a GDP size of about USD 80 billion and a population of 60 million plus.⁵⁷ Its main attraction is its huge agricultural land and large natural resource reserve from forest to gas and gas to possible oil reserve. Its rivers are also good and provide very good upside for navigation and river transportation. It offers opportunity spaces available, especially in service sector investment in finance, telecom, tourism as well as industries like cement, fertilizer, readymade garments, sugar and petro-chemicals. Myanmar's official export is USD 9.55 billion.⁵⁸ It exports natural gas, wood products, pulses, beans, fish, rice, clothing, jade and gems mostly to Thailand, India, China and Japan. In the same way,

⁵⁷ *Daily Financial Express*, 28 February 2012.

⁵⁸ <http://hasanuzzamanhasan.blogspot.com/2012/05/delimitation-of-maritime-boundary.html>, Accessed on 20 May 2013.

its imports figure officially quoted at USD 5.5 billion.⁵⁹ Bangladesh as a next door neighbour to Myanmar, can improve its economic relation with Myanmar.

Bangladesh can proceed with Myanmar in joint investment to build a hydroelectric project from where electricity could be supplied to Bangladesh. It can also set up a fertilizer plant under a joint investment where Myanmar might supply its natural gas.⁶⁰ Myanmar financial and education sector being in primitive stage, there is tremendous opportunity space available, where Bangladesh entrepreneurs can also tie up with Chinese, Malaysian and Indian counter parts. With the delimitation of Maritime Boundary dispute the following outcome may be pursued:

First, Energy-starved Bangladesh's exploration for petroleum and natural gas in the Bay of Bengal, long delayed by conflicting boundary claims, can now proceed. There are strong prospects for newly accessible gas in the overlapping claims. Former foreign Minister of Bangladesh, Dipu Moni stated that the main catalyst boundary demarcation was to "explore and exploit oil, gas and other natural resources, in the bay to meet our challenges".⁶¹ Speculation about gas prospects results from advances in offshore drilling technology that allows exploration in new swathes of the geologically promising but disputed ocean.

Second, there is heightened demand for natural gas by the two countries. The growing demand for natural gas in Bangladesh, which has experienced power shortages, constitutes a major domestic political issue.

Third, the delineation of the maritime boundary could also have implications for regional energy importers such as China and India, who have competed previously to secure gas from Myanmar.

⁵⁹ *Daily Financial Express*, 28 February 2012.

⁶⁰ *Daily Star*, 3 December 2011.

⁶¹ Siddique. 'Islam, Dhaka Goes to UN Tribunal on Maritime Boundary Dispute', *Mizzima*, www.mizzima.com/news/regional/2884-dhaka-goes-to-un-tribunal-on-maritime-boundary-dispute-.html, accessed on 15 April 2012.

Fourth, Boundary delineation could encourage more (International Oil Companies) IOCs to bids for blocks, especially in Bangladesh. If natural gas is discovered in commercially viable quantities, such discoveries could help alleviate the power crisis in Bangladesh and encourage economic growth.

Fifth, the verdict will contribute in strengthening regional cooperation and the region will play more important role than predicted. An important economic dimension of the relationship is to develop connectivity between the two countries.

At present, besides air connection, there are no road links or passenger shipping links. Historically, these links were there, but remain disconnected for decades together. It is imperative that Bangladesh will re-establish road link soon. An understanding has already been reached to build 25 km road (2 km in Bangladesh and 23 km in Myanmar) by Bangladesh. The Myanmar government has at last given permission for the survey team of Bangladesh to visit Myanmar and do the needful. This must be taken up early in order to have the connecting road established. 25 km should be done within 2 years if the Bangladesh government is keen. From the Myanmar side at the end of 25 km there is another stretch of 100 km that needs to be upgraded. Bangladesh needs to encourage donors especially Asian Development Bank to take up this project. It then can link up with Yangon as well as with Kunming in China through Myanmar's internal road links. The Asian Highway controversy is a different issue, as it would simply be senseless for any international traveller to take a roundabout way through North East India to link up with highway inside Myanmar. Maritime boundary expansion would enable Bangladesh to take initiatives to maximize the use of most of the natural resources in the sea and bring impetus to our trade and economy to achieve our goal of becoming a middle income country by 2021 and 30th largest economy by 2030. Bangladesh's economy has the bright prospect of expansion through trade and exploration of resources like oil and gas.

However, 14 March 2012 judgment is significant for both Bangladesh and Myanmar. It is a peaceful settlement or resolution that allows both countries to begin exploration and infrastructure development that necessary for the extraction of potentially highly profitable hydrocarbon gas which reserves in the Bay of Bengal.

However, both sides are claiming victory in the disputes.⁶² ITLOS has set precedence in adjudicating its first maritime boundary claim. Its relatively light docket and attendant pragmatism in adjudication, as well as expertise in maritime law. The April 2012 formal diplomatic message from the Philippines to China requesting that the current South China Sea dispute be settled by ITLOS portends a future means of resolution.⁶³ However, it is unfortunate that this specific case has failed to address further the proper characteristics of the Islands and the requirements for respective exclusive economic zones and continental shelf. Nevertheless, the case has been built on the International Court of Justice (ICJ) as precedence for maritime territorial claims.

⁶² *Financial Express*, 15 March 2012.

⁶³ Ravi. A, Balaram, *Op. cit.*, p. 96.

Chapter- 5

Bangladesh-Myanmar Relations: Rohingya Issue

The Rohingyas are ethnic, linguistic and Muslim minority group belonging of no state since the Myanmar government constitutionally excluded them from Burmese citizenship by the Burmese citizenship law in 1982. The United Nations (UN) describes them as among the world's most persecuted people and despite having lived in Myanmar for generations, they are denied citizenship, need permission to marry or have more than two children and are required to notify authorities if they wish to travel outside their villages.¹ They have been suffered from oppression under the Burmese government and the Burmese Army since 1978. Due to alleged persecution committed by the government of Myanmar on them, they have become illegal migrants to neighboring countries taking refugee mainly in Bangladesh since 1978. Later, between 1991-1992 a mass exodus of more than 250,000 Rohingya refugees fled persecution in the Union of Myanmar and arrived in Bangladesh. They are living in temporary camps and completely dependent on outside support from the United Nations (UN), the Government of Bangladesh (GOB) and numerous Non-Governmental Organizations (NGOs). These exodus problems largely were resolved through agreements on their repatriation between the two governments, and consequently the relief operations by the United Nations as well as the United Nations High Commissioner for Refugees (UNHCR) continued among the refugees. However, Myanmar's military government has no intention to accept those returnees as a national minority and instead classifies them as foreigners or illegal immigrants. The Government of Bangladesh which fears accepting another mass exodus of refugees has been strengthening the border patrol system, but has actually not been able to stop the daily continuous infiltration of the Rohingyas from Arakan to Bangladesh. There seems no guarantee that another exodus may not happen in the future. Moreover, in Bangladesh the Rohingyas are doing countless illegal activities that making Bangladesh as a vulnerable county as well as hindrance the progress towards Bangladesh – Myanmar relations. Taking these facts into consideration, this chapter has been attempted to deal with the present situation of

¹ "Burma's Rohingya Muslims: Aung san Suu Kyi's blind Spot".

the Rohingyas by presenting a historical background of the issue, which is an obstacle in the normalization of relations between Bangladesh and Myanmar.

5.1 Who are the Rohingya Muslims?

The Arab Muslims first came into contact with Arakan through trade and commerce during the 8th century and since then Islam started spreading in the region. After the advent of Islam in Arabia, the Muslims followed the footprints of their fore-fathers in trade and commerce. These Muslim Arab merchants made contact with Arakan. In those days the Arabs were very much active in sea-trade, they even monopolised trade and commerce in the East. “In the 8th and 9th centuries of the Christian era, the Arabs were foremost sea-faring and maritime people of the world and the Arab merchants sailed across all waters to far off countries of the East and the West.... The eastern trade of the Arab merchants flourished so much so that the Indian Ocean and Bay of Bengal turned into Arab lakes”.²

In the family history of the Arakanese kings Ra-dz-Wang, it is recorded that during the reign of Arakanese King Mahatoing Tsandaya (788-810) several Kula or foreign ships were wrecked upon the Island of Ramree. The Muslims sailors and crews fortunately somehow escaped and swam into the shore. They were taken by the people of administration and produced before the king.³ The king observed the capability and developed cultural life of the sailors. He allotted a piece of land for them and they were allowed to settle there. This is an important piece of evidence in support of the assumption that the Arab traders had contacted with Arakan, just adjacent to Bengal, as early as the 8th century. R.B. Smart writes in the British Burma Gazetteer as follows:

“The local histories relate that in the ninth century several ships were wrecked on Ramree Island and the *Mussalman* crews sent to Arakan and placed in villages there. They differ but little from the Arakanese except in their religion and in the social customs which their religion directs; in the writing they use Burmese, but amongst themselves employs colloquially the language of their ancestors.”⁴

² Muhammed Abdur Rahim *Social & Cultural History of Bengal*, Vol. 1, Karachi, 1963, P. 37.

³ Abdul Karim. *The Rohingyas: A Short Account of their History and Culture*, (Chittagong: Arakan Historical Society, 2000), p. 13.

⁴ R.B. Smart. *British Burma Gazetteers: Akyab District*, Vol. A., Rangoon, 1917, p. 90.

Abdul karim, an eminent historian of this sub-continent explains, analyses and comments on the above facts and events of the history of Arakan in the following lines:

“This is a very important piece of evidence regarding the origin of the Rohingyas. These shipwrecked Arab Muslims became the nucleus of the Muslim population of Arakan; later other Muslims from Arabia, Persia and other countries entered into Arakan. The important point to be noticed about these shipwrecked Muslims is that they have stuck to their religion, i. e. Islam and Islamic social customs. Though they used Burmese language and also adopted other local customs, they have retained the language of their ancestors (probably with mixture of local words) in dealing among themselves. Another point to be noted is that the Arab shipwrecked Muslims have retained their religion, language and their social customs for more than thousand years. Later on, of course other Arabs also come in the trading and other pursuits and some of them have stayed on in Arkan and in this way people of Arab blood increased as time passed by. So the Rohingyas have been staying in Arakan for more than a thousand years”⁵

It may at best say that the Arabs made the port of Chittagong either a halting place or a commercial station, convenient to the purpose of trade in the neighbouring areas. It is obvious that if the traders had trade contact with Chittagong, then of course, the Arakanese coast was not excluded.⁶

With the passing of time, the number of Muslims in Arakan began to increase. Gradually these Muslims have established very good and cordial relations with the local people and intermixed by marrying with local women. It was a long established custom that foreign residents and even visitors to Burma and Arakan, either by shipwreck or for commercial reasons, were encouraged to form marital alliances with the women of the country. But on the strict understanding that when they left the country their wives and children might not be taken away with them. However, it is known that hundreds of saints and their followers came, in different times, to Bengal and the Arakan region, from Persia and other Muslim lands along the old

⁵ Abdul Karim, *Op. cit.*, p. 14.

⁶ Mohammed Ali Chowdhury, “The Advent of Islam in Arakan and the Rohingyas”, *Kaladan PressNetwork*, http://www.kaladanpress.org/v3/index.php?option=com_context&view=article&id=217:the-advent-of-islam-arakan-and-the-rohingyas&catid=36:Rohingya&Itemid=36, Accessed on 6 June, 2013.

established sea- route and spread themselves in towns and remote villages.⁷ These Sufi-saints used to call the masses to the fold of Islam and their influence in this region is deep rooted. The Arakanese chronicle gives reference to the travelling of Sufis in that country at the time of the king Anawarhta (1044-1077) during Pagan period.

The chronicle states, “When he (one attendant of the king) entered the forest he found a *fakir*, possessed a mystic wisdom, dead with the marks of violence upon him.”⁸ This is an important piece of evidence that some *Sufis* are believed to have come to the region of the coast of the Bay as early as the 11th century. It is quite probable that these dervishes were mainly Arabs and that at this time some Indian Muslim have settled in these places.

Moreover, the legendary Hanifar Tanki and Khayafurir Tanki (both are shrines) in the Mayu territory between the rivers Kaladan and Naaf, the shrines of ‘Babazi shah Monayam of Ambari’ and ‘Pir Bader Shah’ (Badr-al-Din Allamah), situated on the coast of the Bay of Bengal at Akyab. All bear evidence of the arrival of Muslim saints in Arakan in the early period of history. So they have played a very important role in the growth of Muslim population and in the development of a Muslim society.

However, the Muslims made their first major political and cultural impact during the early 15th century through Naramekhla alias Min Sowa Mun who was the grandson or great grandson of Minthi king of Arakan. In 1404/1406 the king of Arakan, Naramekhla (1404- 1434) was forced to be driven out by the Burmese invasion. The expelled king fled to Gaur, capital of the Bengal Sultanate, and had taken refuge in the court of the Bengal. The dethroned king was received very courteously and allowed to stay in Bengal. Accordingly, the Arakanese king, had to spend a good portion of his life in Bengal, leaving his country in the hands of the Burmese. At last in the year 1430, he was restored to the throne of Arakan with the help of a Bengal army, sent by Sultan Jalaiuddin Mohammed Shah (1415-1432).

⁷ Mohammed Ali Chowdhury, “The Advent of Islam in Arakan and the Rohingyas”, *KaladanPressNetwork*, http://www.kaladanpress.org/v3/index.php?option=com_context&view=article&id=217:the-advent-of-islam-arakan-and-the-rohingyas&catid=36:Rohingya&Itemid=36, Accessed on 6 June, 2013.

⁸ Pe Maung Tin and C.H. Luce, *The Glass Palace Chronicle of the Kings of Burma*, (London: Humphrey, Milford, 1913), P. 75.

The restored king, Naramaikhia, took the title Solaiman Shah and established a new dynasty, known as Maruk-u-dynasty, with its capital at Mrohaung. With effect from the year of 1430 the kingdom of Arakan became tributary to Bengal and the kings assume a Muslim name and struck coins with *Kalima*. This practice was prevalent among the Arakanese kings till the first half of the seventeenth century. This was because they not only wished to be thought of as sultans in their own rights, but also because there were Muslims in ever larger numbers among their subjects. So the Muslim influence in Arakan may be said to date from 1430 the year of Naramaikhia's restoration. During his reign an unexpected development took place, which paved the way for a period of Muslim domination in the land of Arakan. From this time onwards the relation of Muslims with the Arakanese became more intimate and for about two centuries Arakan was united in a bond of friendship with Islamic lands. As a result of the impact of the civilization of the Muslims, Arakanese culture also progressed and thus began the 'Golden Age' in the history of Arakan.⁹

It is known that for nearly a century, from about 1580 to till 1666, Chittagong was under almost uninterrupted Arakanese rule and while the Arakanese held these possessions in Bengal, they appear to have sent numbers of the inhabitants into Arakan as agricultural labour. Moreover during the 16th and 17th centuries the Arakanese, (were known in Bengal as Maghs) who, in alliance with the Portuguese adventures constituted a plundering party. By dominating the reverie tracts they plundered and devastated large parts of Southern and Eastern Bengal. They carried a large number of men, women and children from the coastal districts of Bengal as captives. And the Maghs (Arakanese) employed them as agricultural labour, it is well known that the kingdom of Arakan was a sparsely populated area, which required huge amount of human labour for agriculture. With this intention the Arakanese employed a large number of captives in the tillage of land on the bank of the Kaladan river to the river of Naaf. This Kula population of the country form about 15 percent of the whole population.

⁹ Mohammed Ali Chowdhury, "The advent of Islam in Arakan and the Rohingya", presented at the Seminar organised by *Arakan Historical Society* at Chittagong Zila Parishad Hall, Chittagong, on 31 December 1995, <http://www.kaladanpress.org/index.php/scholar-column-mainmenu-36/36-rohingya/217-the-advent-of-islam-in-arakan-and-the-rohingyas.html>, Accessed on 5 June 2013.

The next and last event was the flight of Prince Shah Shuja, the brother of Emperor Aurangzeb, to Arakan in 1660 which brought a new wave of Muslim immigrants to the kingdom of Arakan and also caused political changes. Defeated and pursued by Mir Jumla, Subadar of Bengal, Prince Shah Shuja had to leave Bengal for Arakan. Among those who accompanied the Prince were his entire family and a body of his faithful soldiers. The Prince was given a cordial reception at Arakan and was allowed to stay there under the royal protection. But as days rolled on it seemed that the attitude of the Raja Sonda Thudamma was becoming colder and ultimately became hostile to the refugee Prince. Whatever might be the reason, Prince Shah Shuja, his wife, sons, daughters and other family members were also ignominiously murdered at Mrohaung (Mrauk-U), the capital of Arakan, in 1661, But those escaped the massacre were later admitted into the king's bodyguard as a special archers unit called *Kamans or Kamanci*.¹⁰ From 1666 to 1710 the political rule of Arakan was completely in their hands, during which the Muslim *Kaman* units played a decisive role of king makers and king breakers. Their numbers increased from time to time by fresh arrivals from upper India. Their descendants still survive in Island of Ramree and in few villages near Akyab. Their language is Arakanese and their customs are similar to Arakan customs in everything except the religion Islam.

5.2 The identity of the Rohingya Muslims

The Muslims in Arakan are the direct progeny of the early Muslim as an ethnic race. They are the descendants of the Muslim Arabs, Moors, Persians, Turks, Mughals and Bengalis who came mostly as traders, warriors and saints through overland and sea-route. Many settled in Arakan and mixing with the local people developed the present stock of people known as 'Rohingyas'.

Some people say that the term 'Rohingya' is derived from the Arabic word 'Raham' meaning sympathy. They say that it was during the reign of king Mahayn-at-chandra some Arab ships were wrecked along the shores of Arakan and the ill-fated people who boarded on them, begged for help by uttering Raham, Raham, Raham. Gradually it changed from Raham to Rhohang and finally they were named Rohingya.

¹⁰ Mohammed Ali Chowdhury, *Op. cit.*,

Hence the Muslim populations around Mrohaung, the capital of Arakan, are known to be Rohingyas.

It is true that the term Roang / Rohang / Roshang is the corrupt form of the old name of Mrohaung, the capital of Arakan. Later on, the inhabitants who lived in Rohang or Roshang are treated as Roshangee or Rohingya. Among the Muslim population of Chittagong two distinct groups are found; one is known as 'Chatganiya' and the other is 'Rohai'. Even the latter form half the total population of Chittagong, who trace their origin to Arakan or Mrohaung. Since Chittagong was an integral part of the Arakanese kingdom till the first half of the seventeenth century. The natives of Chittagong had to live in the capital to serve the kings in various capacities, such as: nobles, merchants and workers etc. As the South Chittagong is close to Arakan, the inhabitants of this area are called Rosangi or Ruhaingya by the people of North Chittagong. In course of time these Rosang (Rohang) and Rosangi (Rohingya) are treated for Arakan and people of Arakan respectively. So it is clear that Rosanga is infact, a corruption form of Mrohanga > Rohang > Rosang or Rosanga.

The history of the Rohingyas reveals that they developed from different stocks of people who concentrated in a common geographical location. They have a more than 1200 years old tradition, cultural, history and civilization of their own expressed in their shrines, cemeteries, sanctuaries, social and cultural institutions found scattered even today in every nook and corner of the land. Moshe Yegar notes that "the Rohingyas preserved their own heritage from the impact of the Buddhist environment, not only as far as their religion is concerned, but also in their culture."¹¹ Language is the main foundation of culture and the Rohingyas have developed a language of their own from Arabic, Sanskrit, Bengali and Urdu which serves as common source of contact with in the Rohingya community. They have also songs and music of their own.¹²

¹¹ Moshe Yegar. *The Muslims of Burma. A study of Minority groups*, (Weesbaden: Otto Harrassowitz, 1972), p. 25.

¹² A.S.Bahar, *The Arakani Rahingyas in Burmese Society*, M.A. Thesis, University of Windsor, Ontario, Canada, p. 27.

In the 1911 census, the Rohingyas were included with the Indian population as an ethnic group Indian origin. The reason given was that they looked more like Indians than like Burmese. On the other, the census of 1921 mentions the Rohingyas as really Arakanese. But so close to Indians that the phenomenon is as much an annexation of India.¹³ However, this census anomaly of counting the Rohingyas as Indians no doubt contributed to the present controversy over the Rohingyas origin in Burma. But the Rohingyas claim that in terms of their culture they are neither Indian nor Burmese. A British army officer, who served in the Arakan front during the Second World War remarked about the ethnic character of the Arakan Muslims as follows:

“to look at, they are quite unlike any other product of India and Burma that I have seen. They resemble the Arab in name, in dress and in habit. The women and more particularly the young girls, have a distinctive Arab touch about them.”¹⁴

So the ethnic origin of Rohingyas is traced as far back as the later part of the 7th century, when the first Muslim settlement was established in Arakan. Moreover, different kinds of sources have defined Rohingya Muslims as such; The Rohingyas are a Muslim minority population living mainly in the state of Arakan, in Burma. Although, approximately 800,000 Rohingya live in Burma, and apparently their ancestors were in the country for centuries. The Burmese government does not recognize Rohingya people as citizens. People without a state, the Rohingyas face harsh persecution in Burma, and in refugee camps in neighboring Bangladesh and Thailand as well.¹⁵ Rohingya is the name given to Sunni Muslims originating from the Arakan (now Rakhine state) region of Myanmar (formerly called Burma). The name Rohingya dates back to around the 7th century, and was originally a term used to refer to people with dark skin.¹⁶

¹³ S. G. Grantham, *Census of India, 1921*, Vol. X, Burma, Rangoon, 1923, p. 220.

¹⁴ Anthony Irwin, *Burmese Outpost*, London: Collins, 1945, p. 22.

¹⁵ “Who Are the Rohingyas?” http://asianhistory.about.com/od/Asian_HistoryTermsNQ/g/Who-Are-The-Rohingya.htm, Accessed on 5 June, 2013.

¹⁶ “Fact box: Who Are the Rohingyas?” <http://www.sbs.com.au/news/article/1772042/Factbox-Who-are-the-Rohingya>, Accessed on 5 June, 2013.

The UNHCR describes Rohingya as virtually friendless among Myanmar's other ethnic and religious communities.¹⁷ The U.N. has long characterized the Rohingya Muslims, a religious and ethnic minority's community numbering approximately 1 million in Myanmar, as one of the world's most persecuted minorities. Anti-Rohingya and anti-Muslim sentiment has long tainted the nation's political and social spheres. During the country's more than 60-year military rule since 1962 the Burmese army committed numerous human rights violations, for instance, including killing, raping and torturing its Rohingya Muslim population culminating at times in mass expulsions and a chronic refugee crisis in neighboring Bangladesh. Such deplorable human rights and humanitarian conditions are further frustrated by the Rohingya and other Muslims official 'statelessness'. Despite the fact that the Universal Declaration of Human Rights guarantees the right to a nationality, prohibiting its arbitrary deprivation, the Burmese Citizenship Act, enacted back in 1982 codified the legal exclusion of the Rohingya denying them equal citizenship rights. To be sure, this denial of Burmese citizenship has resulted in additional injustices and inequalities, including the group's lack of access to identity documents, education and employment. It has also rendered group members vulnerable to arbitrary detention, forced labour and discriminatory taxation. The Burmese government has further restricted their rights to marry, own property and move freely rights guaranteed to non-citizens as well as citizens under international law. Unfortunately, Burmese President Thein Sein remains steadfastly opposed to repealing or amending the 1982 Citizenship Act. And the plight of the Rohingya Muslims will not improve until the law is stripped of its discriminatory provisions.

5.3 What is the Rohingya Issue?

The Rohingyas are a Muslim ethnic group residing in the Buthidaung and Maungdaw Townships of the Northwestern part of the Rakhaine State, Myanmar. This area, which is adjacent to the Naaf river as boundary from Bangladesh, is also called Mayu region. They live here as the majority together with the Buddhist Arakanese and Burmese. Since no accurate census has ever been taken, the population of Rohingyas is unknown. The exact date of the naming 'Rohingya' is unknown, but one of the first uses of Rohingya can be found in the official address presented by a group called the Rohingya Elders of North Arakan to the Prime Minister U Nu on his visit to Maungdaw on 10

¹⁷ "Fact box: Who Are the Rohingya?" *Op. cit.*

March, 1950¹⁸ The Rohingya Muslims in Arakan have a long history since the beginning of the Mrauk-U dynasty (1430-1785) of the Arakan Kingdom. They even resided there before the emergence of the kingdom. However, since Arakan were occupied by the British after the first Anglo-Burmese War (1824 – 1826), the confrontation between the Muslims residing in the North-western part of Arakan and the Buddhists as the majority in central and Southern Arakan became tense. Because a large scale of Indian immigration was encouraged by the British. The immigrants coming into Arakan included many Muslims from Chittagong. They were classified as the Chittagonians or the Mahomedan by the British officials.¹⁹ The confrontation came to a head during the Japanese occupation period (1942 – 1945), when Japan armed the Buddhist Arakanese in order to fight against the British and the British used Muslim forces for counter attack. It resulted in serious clashes between the Muslims and the Buddhists. As a result both communities experienced heavy damage. The situation did not change even after independence of Burma In 1948. There were some attempts at building a stable and peaceful coexistence of the Muslims and Buddhists in Arakan, but it ended in vain after General Ne Win's coup in 1962.

The present military government of Myanmar (SPDC) authorizes altogether 135 ethnic groups as Burmese nationals. Among them the Burmans are the majority groups of 69% of the whole population in 2013 and the rest are Shan, Karen, kachin, Chin, kayas and Mon. In the Rakhine state, though the rakhines are the majority, there are also other authorized ethnic groups, which are Kamans, Kamis, Daingnets, Mayagyis, Myoes, and thets, but Rohingyas are excluded. The Rohingyas are considered as illegal migrants who had settled in Burma during the British colonial rule. Treating the Rohingyas in this way began at first under the rule of Ne Win government (1962-1988).

Though the U Nu government (1948-1958 and 1960-1962) recognized the Rohingyas as an ethnic national group of Burma,²⁰ the Ne Win regime stripped the Rohingyas of their nationality and rendered them foreigners by enacting the 1974

¹⁸ Kei Nemoto. "The Rohingya Issue: A Thorny Obstacle between Burma (Myanmar) and Bangladesh." http://www.burmalibrary.org/docs14/Kei_Nemoto-Rohingya.pdf accessed on 12 March, 2014.

¹⁹ Kei Nemoto. *Op. cit.*

²⁰ *Ibid.*

Emergency Immigration Act. The government also enforced the 1982 Burmese Citizenship Law, which introduced three categories of citizenship in Burma. But the Rohingyas are excluded from these three categories whereas they were considered as foreigners and are given Foreign Registration Certificates (FRC) instead of issuing them National Registration Certificates (NRC).²¹ Some of the Rohingyas tactically receive NRC by registering themselves as a people of other authorized Muslim ethnic groups, such as *Kamans*. However, Bangladesh experienced unprecedented Rohingya refugee exodus for the first time in 1978 when the Burmese immigration and military authorities conducted an operation known as “Operation Dragon King”. It was carried out in order to register and classify all the residents considering whether they were Burmese citizens, legally residing foreigners or had entered the country illegally.²² The result of the Dragon king operation in Arakan actually led to the flight of 200,000 to 250,000 Muslims to Bangladesh and become refugees.²³ In the end of the April 1978 Ziaur Rahman, the president of Bangladesh, criticized the Burmese government for the inhuman removal of Burmese Muslims from their country. But the Burmese government insisted continuously that those who were expelled were Bangladesh citizens who had illegally entered Burma.²⁴ After then on 9 July 1979 under the strong pressure of the United Nations (UN), UNHCR, government of Saudi Arabia and India, and the world Muslim League, bilateral agreement were made between Bangladesh and Burma. By the agreement Burma government agreed to the repatriation of 200,000 refugees to Arakan.

However, the situation of the Rohingyas in Burma had not changed upon their return to home towns, since they were still denied their Burmese citizenship and many of them became landless. After the failure of nationwide movement for democracy in 1988 which brought the birth of Burmese military government, the Army’s presence in North-western Arakan increased dramatically. The Burmese Army commandeered the Rohingyas for road constructions and the military government initiated to settle the Buddhist Arakans into the townships of Buthidaung and Maungdaw. Inevitably,

²¹ Kei Nemoto. *Op. cit.*

²² Moshe Yegar, *Between Integration and Secession: The Muslims of the Southern Philippines, Southern Thailand, and Western Burma/Myanmar*, Oxford: Lexington Books, 2002, p. 55.

²³ Moshe Yegar, *Op. cit.*, p. 56.

²⁴ *Ibid.*

confrontations occurred between the Muslims and the Buddhists communities in those townships and the Burmese Army backed the Buddhists by committing robbery, rape, murder against the Muslims and the burning of mosques. This brought the second Rohingya exodus, which occurred between April 1991 and May 1992. The numbers of the refugees this time rose to over 250,000. In February 1992 corresponding to the strong request of international assistance given by the Government of Bangladesh, UNHCR started a broad relief operation in 20 camps along the road between Teknaf and Cox's Bazar. In April 1992 the Governments of Myanmar and Bangladesh signed the Memorandum of Understanding (MOU) on setting the terms of the repatriation program and allowing limited involvement of UNHCR.²⁵ Consequently, the Government of Bangladesh carried out repatriation by force without UNHCR involvement from September to December 1992 which brought protests from the international community. Although Bangladesh provided asylum to the Rohingya refugees, they intended to encourage their immediate return. In May 1993 MOU was signed between UNHCR and the Government of Bangladesh, which guaranteed protection of the refugees in the camps and voluntary repatriation through private interviewing of refugees. Another MOU was signed between UNHCR and the Government of Myanmar, allowing the UNHCR access to the returnees, the issuance of identity cards, and freedom of movement for the Rohingyas.²⁶

But presently, on the 10th of June 2012 more than 500 members of the Rohingya community, a historically persecuted ethnic group originating from the Rakhine State in Western Myanmar crossed the Naaf river into South-east Bangladesh to seek refugee from large scale sectarian strife that was originally identified as an ethnic conflict between the minority Rohingyas and the Buddhist majority. Ethnic tensions that evolved over time to be a perpetual trait of relations between the Rohingyas and the Rakhine exploded into communal violence in late May 2012 following the rape and murder of a Rakhine woman, allegedly by three Rohingya men. With at least 50 casualties 30,000 displaced and continued indifference by the Myanmar authorities, the Rohingyas were forced to seek refuge in Bangladesh, with the first large groups

²⁵ "USCR Report on the Repatriation of the Rohingya Refugee," 25 October 1995, <http://www.burmalibrary.org/reg.burma/archives/199510/msg00201.html>, accessed on 12 March, 2014.

²⁶ *Ibid.*

arriving by boat in June and intermittent influxes in the next few months. The exodus of Rohingyas from Myanmar to Bangladesh in June 2012 instigated a diverse range of conflicting as well as parallel reactions by Regional and Western Governments, International and National Media, Multilateral Organizations and International Non-Government Organizations (INGOs). The decision by the Government of Bangladesh to provide initial relief to Rohingyas fleeing violence but not provided to them with medium to long-term accommodation was unprecedented in the country's history and resulted in a large number of national, regional and global implications. Although, Bangladesh's decision to turn back more than 500 Rohingya refugees was portrayed as emanating from a nationalistic and statist approach, in reality. Even though, some criticisms of adopting a neo-realistic approach to a humanitarian crisis are well directed, the government's decision has been greatly influenced by socio-economic issues that have emerged due to the presence of Rohingya refugees in South-eastern Bangladesh. Thus, the national administration's policy was partly a reaction to significant local perceptions, but this underlying factor was not widely publicized.

On the other hand, the Government of Bangladesh insisted on the authenticity of widely speculative reports of the presence of militants among the fleeing Rohingyas, to secure international acceptance for its policy. Emphasis was also made on Bangladesh's non-obligation to accommodate refugees, due to the supposedly 'internal' nature of the issue. Unlike previous incidents that led to the influx of Rohingyas into Bangladesh, initial reports suggested that the June 2012, crisis was exclusively an ethnic conflict. Reports of state complicity and participation emerged later.

Although, it was an improvement for the Rohingyas that the continuous monitoring of the returnees by UNHCR was at least allowed by the Myanmar's military government. However, the situation which they were put into did not change fundamentally. The Rohingyas have been treated as special foreigners who are just allowed to stay in the limited space as un-welcomed guest by the military government of Myanmar. National Registration Certificates have not been issued to them yet. They are not allowed to move from the townships of Maungdaw and Buthidaung unless they pay a large deposit.

Moreover, the settlement of Buddhist Arakanese into the Mayu region has been still going on through government sponsorship. The recent news tells us that there is much trespassing by the Rohingyas yet from Arakan to Bangladesh, which produces a problem for the security force and police in Teknaf.²⁷ There even exist illegal human trafficking businesses in Bangladesh, which support the Rohingya refugees and trespassers to move to India and other countries.²⁸

5.4 Situation for Rohingya Registered in Refugee Camps in Bangladesh

Bangladesh has hosted the Rohingya refugees for a long period, and it is still unknown how long it will continue, as it depends on the situation in Myanmar and the attitude of the government of Myanmar. According to the information of the Deputy Refugee Relief and Repatriation Commissioner (DRRRC), in Bangladesh the refugees are maintained as per international standard. However, there is a gap between the number of refugees registered by GOB and by UNHCR. In this connection, the so called ‘linked family members’ registered by UNHCR and not by GOB are qualified to receive health care and attend education facilities but cannot receive food rations.

Additionally, GOB and UNHCR recently have undertaken an exercise to equalize the numbers, and GOB is now considering how to deal with this issue. The Camp-in-Charge (CIC) of Nayapara Refugee Camp, explained that the present refugee population was the residual part of more than 250,000 refugees who were sheltered in Bangladesh during the 1992 influx.²⁹ Nayapara and Kutupalong refugee camps were originally the two camps out of the former 20 after the influx of refugees in 1991-1992. Now, they are the only remaining camps with a total of 24, 797 refugees (14,701 in Nayapara and 10,096 in Kutupalong).³⁰ The Kutupalong camp is situated 37 kms South of Cox’s Bazar and Nayapara is situated another 48 kms further South, 5 kms from the

²⁷ *Daily Star*, 23 June 2004.

²⁸ *Daily Star*, 9 July 2004.

²⁹ “The Rohingya Refugee in Bangladesh and Thailand: Fact Finding Mission to Bangladesh and Thailand”, *Danish Immigration Service*, Copenhagen, May 2011. Available at, <http://www.nydanmark.dk/NR/rdonyres/B08D834453224F2F960444F6C340167A/0/FactfindingrapportRohingya180411.pdf>, Accessed on 12 March 2013.

³⁰ “Rohingya Refugee in Bangladesh and Thailand: Fact Finding Mission to Bangladesh and Thailand”, *Op. cit.*

Bangladesh – Myanmar land border. According to UNHCR (Bangladesh) there are in total 29,050 registered refugees in two camps - Kutupalong (11,476) and Nayapara (17,574) as of 31 January 2011.³¹

However, there is a discrepancy between the number registered with UNHCR and the Government of Bangladesh (GOB) is around 5,000 persons. UNHCR is presently working with the GOB to merge their data with the GOB registration. UNHCR informed that the Government of Bangladesh (GOB) has been, since October 2010 reviewing its policy on the refugees from northern Rakhine State of Myanmar, commonly referred to as the Rohingya.

5.5 Organisation of the Camps

The Camp-in-charge (CIC) is the representative of GOB in the refugee camps and is responsible for implementation of government policies on refugee matters. The overall activities of the two camps are coordinated by the Refugee Relief and Repatriation Commissioner's office at Cox's Bazar. A Camp management committee and block committee activities are established with elected inhabitants of the camps. As a rule, the refugees are not allowed to leave the camps, however, permission can be granted at various occasions, as for instance a court case, a day in advance. It is government policy to train the refugees in self-reliance activities, including sewing, carpentry, mushroom cultivation, soap making etc.

In Nayapara Refugee Camp there is no underground water, instead of there is a dam (surface water and a treatment plant) for distribution of water two times daily. As regards primary education in the camps a total of 21 schools for children and a school for adults are running in the two camps, teaching in the schools is in Bangla and they follow the Bangladeshi national curriculum.³² As regards the local organisation of the registered camps UNHCR mentioned that formerly the power structure of the camps was in the hands of the so-called *Majhees* who helped in the management of the camps.³³ However, the system became corrupt over the years. In 2007 the system was

³¹ "Rohingya Refugee in Bangladesh and Thailand: Fact Finding Mission to Bangladesh and Thailand", *Op. cit.*

³² *Ibid.*

³³ *Ibid.*

disbanded by the GOB and UNHCR although the former *Majhees* still exert power as they are economically better off than the average Rohingyas. Currently, the new refugee representation system has a committee of refugees representing each block in the camps. Over and above that, a camp management committee represents the interest of each camp. UNHCR added that they were trying to improve this system as the leadership remains weak. People are not allowed to leave the camps and are not allowed to work officially, however, some of them do. They work as day labourers at the construction sites. The former Programme Manager for Governance and Human Rights of the EU Delegation, Mr. Fabrizio Senesi, similarly explained that the power structure in the camps used to be dominated by the *Majhees*.³⁴ The *Majhees* in the registered camps are now replaced by committees elected by the refugees since 2008. Moreover, the GOB made a remarkable change in attitude towards registered Rohingya since 2007 in the sense that there is a new concept of self reliance imposed in the camps. The refugees in the registered camps are being trained in order to start up small businesses in the camps. Furthermore, it became possible to rebuilt houses, and a football court was let built. At the same time, the mobility in and out of the camps for the refugees increased even though it is still not officially permitted for the registered Rohingya. The increased mobility created tensions with the local Bangladeshi society with regard to competition on the labour market in the Cox's Bazar area.³⁵

5.6 Relation between Camp Refugees and Rohingya Living Outside the Camps

Rohingyas in the camps who registered before in 1991 and 1992 have relatives living outside the registered camps. Many of those residing outside the camps are among the 230,000 who repatriated between 1993 and 2000 but have since returned to Bangladesh. For this reason, there is a close network between some of the camp residents and the Rohingya residing outside the camps. There are tight connections between the three groups, registered, unregistered and the Rohingya living in the villages.³⁶ People are walking in and out of the camps bringing food and other necessities.

³⁴ "Rohingya Refugee in Bangladesh and Thailand: Fact Finding Mission to Bangladesh and Thailand", *Op. cit.*,

³⁵ *Ibid.*

³⁶ *Ibid.*

5.7 Possession of ID Documents from Myanmar

UNHCR (Bangladesh) informed that the most common document among the Rohingya who were in Myanmar is the Temporary Residence Cards (TRC). Individual birth certificates are not generally used. A well informed diplomatic source mentioned that Rohingya who have resided in the refugee camps in addition to their Family Book could have documents from Myanmar like a marriage certificate (the ones who get married in the camp get a marriage certificate and an affidavit), inheritance documents or may be a family household list.³⁷

5.8 ID Documents for Camp Residents

UNHCR (Bangladesh) provided a detailed historical overview of the developments in the Rohingya Refugee documents, including the following documents;

The Master Registration Card (MRC) was introduced as the first document used for Rohingya refugees after the main influx coming from Myanmar in 1991-1992. It contained three copies, one for the refugee, one for UNHCR and the third for the GOB. The Master Registration Card (MRC) number was introduced in this registration form referred to as 'pink form' due to the colour of the sheet. Individual family members and their respective basic bio-data were also mentioned on the form. The pink form was replaced by the family book. In 1992 UNHCR introduced another card, known as Family Book (FB). UNHCR explained that FB was introduced as a registration form of Rohingya refugees in Bangladesh. FB was issued by GOB authorized by Camp in Charge (CIC) with office seal and signature. The issue of FB ended in 1999; however they are still in use in the camps and are the basis for registered Rohingya refugees to receive food rations in the camps.

UNHCR informed that FB is a government document and only Government staff/CIC can make changes to the FB. On the cover page of FB, the name of the camp and Master Registration Card (MRC) number are stated. Moreover, each FB contains a record of all food rations given to the family. The dates of distribution (bi-weekly) as

³⁷ "Rohingya Refugee in Bangladesh and Thailand: Fact Finding Mission to Bangladesh and Thailand", *Op. cit.*

well as the signature of the distributor are mentioned. Finally, there is a health information page where individual treatment is listed. Additionally, Non Food Item (NFI) distribution sheet, Yellow Sheet was issued in mid-2007 to all refugee families registered in the UNHCR database. Among the registered refugees around 5,000 were identified as only registered on UNHCR's list but not in GOB's list. This group is only receiving non-food items which are noted in the NFI sheet. The key element in this document is the individual photograph (with the exception of newborns). NFI sheets are due to their colour also referred to as 'yellow sheet'. It has basic individual bio-data (serial number, name, age, gender, relationship, refugee status) and other information such as camp address and linked MRC numbers. NFI sheets contain a round seal of UNHCR. Some fraud with NFI sheets was discovered in attempts to copy the seal, replace photographs, MRC numbers etc.³⁸ In 2007, Medical Data Sheet was also conducted by UNHCR. This sheet was issued in July 2007 to all refugee families registered in UNHCR progress database. The sheet shows individual photograph (with the exception of newborns) similar to the NFI sheet. The Medical Data Sheet has basic individual bio-data (serial number, name, age, gender, relationship, refugee status) and other information such as camp address and linked MRC numbers. Furthermore, the individual ID cards for the refugees were issued in July 2008 to all refugee individuals registered in UNHCR database. The basic information on the refugee card is MRC number, name, gender, year of birth, country of origin and, issuance year. On the reverse side some other information is mentioned (including address of UNHCR written in English and Bengali). Finally, UNCHR has developed a proposal for a ration card to the refugees in order to replace FB and NFI sheet which will link the food distribution to the database. It has one unique serial number which is updated in progress database. It is distributed family wise.

5.9 UNHCR Updating of Registers

An update of all the registered refugees was undertaken in 1994. This update is in the UNHCR data base.

³⁸ "Rohingya Refugee in Bangladesh and Thailand: Fact Finding Mission to Bangladesh and Thailand", *Op. cit.*,

5.10 Individual Family Questionnaires (IFQ)

Interviews based on a questionnaire were undertaken during 1998 and 1999. In this document the first photographs of the refugees were introduced. One photo with all family members is included in the file with the questionnaire. On the photo the MRC number can be identified and the name of the head of family. At the back of the photo there is a UNHCR square stamp along with date and camp address. The UNHCR database was updated in 2001 with the information in these files.³⁹

5.11 Profiling Exercise

In 2005 during this exercise data on individual refugees were updated and individual photos were taken and stored in the database. The exercise included new lists of families, including newborns. Some newborns, which were only registered by UNHCR and not by the government, were only eligible for non-food items. The purpose of this exercise was aimed at ensuring a more credible database of refugees in the camps. Based on these data the new UNHCR progress database was updated.

In 2009 another more comprehensive profiling exercise was conducted using the UNHCR Heightened Risk Assessment Tool with a view to better identify vulnerable refugees and also to verify family relations in the camps in 2009.⁴⁰ Following this, in 2010 the Government of Bangladesh and UNHCR agreed to merge the UNHCR data with the GOB registration and to solve the discrepancy of 5,000 refugees who are registered with UNHCR and not with GOB and 1,600 who are on the GOB list and not on the UNHCR list.⁴¹

³⁹ *Bangladesh Today*, 16 September 2012.

⁴⁰ Report of the WFR – UNHCR Joint Assessment Mission Bangladesh, 30 May – 14 June 2010, See, <http://www.refworld.org/pdfid/4cdd31062.pdf>, accessed on 12 March, 2014.

⁴¹ “Rohingya Refugee in Bangladesh and Thailand: Fact Finding Mission to Bangladesh and Thailand”, *Op. cit.*,

5.12 Situation for Unregistered or illegal Rohingya in Bangladesh; Unregistered Rohingya outside the Camps and their Activities

According to the Government of Bangladesh (GOB) the Rohingya inside the refugee camps are Myanmarese refugees whereas, the Rohingya people staying outside the camps are undocumented Myanmarese nationals.⁴² Bangladesh Ministry of Foreign Affairs informed that there is no exact figure on the number of undocumented people, but there may be 300,000 or more.⁴³ The then Deputy Refugee Relief and Repatriation Commissioner, Mr. Shah Ariar said that there are more than 250,000 undocumented Rohingya in Cox's Bazar and other places including Chittagong as well as few in Dhaka and the general election in 2010 many unregistered people were removed from the voters list. In Cox's Bazar alone, more than 30,000 people were excluded from the list. The excluded people were not all Rohingya but there were many. UNHCR (Bangladesh) told that the organization had not been permitted to register newly arriving Rohingya since mid-1992 but according to GOB an estimated 200,000-400,000 undocumented Rohingya are currently residing in various villages and towns outside the refugee camps in the Cox's Bazar district.⁴⁴ They include many refugees who had initially fled to Bangladesh in 1991 but subsequently returned to Myanmar. According to UNHCR 236,618 Rohingya who sought safety in Bangladesh and registered as refugees with UNHCR in 1991-1992 had repatriated to Myanmar as of December 2005. Since then no repatriation has taken place in to account.

UNHCR pointed out that since mid-1992 as UNHCR was prevented from registering Rohingya. A number of them remain undocumented. UNHCR is not allowed to work with the undocumented Rohingya and that the group had survived without any support or assistance from the international community. UNHCR noted that the majority of the Rohingya would reside in the districts of Cox's Bazar and Chittagong. However, as it does not have access to them, it cannot verify exactly where they are and how many there are. Even so, it does not know how many undocumented

⁴² *Bangladesh Today*, 16 September 2012.

⁴³ "Rohingya Refugee in Bangladesh and Thailand: Fact Finding Mission to Bangladesh and Thailand", *Op. cit.*,

⁴⁴ "World Report 2012", *Human Rights watch*, Events of 2011, Available from, www.hrw.org/sites/default/files/reports/wr2012.pdf, Accessed on 12 March 2013.

Rohingya are settled elsewhere in the country. International Organization of Migration (IOM), Bangladesh underlined that it is difficult to assist the unregistered Rohingya as they are undocumented migrants according to GOB.

Some NGO's are working with assistance to the unregistered Rohingya and their programmes include the local Bangladeshi population as well as the Rohingya. There are 200,000 to 500,000 undocumented Rohingya in Bangladesh, but data on the actual numbers is a grey area.⁴⁵ Undocumented Rohingya do not share information due to their fragile situation, and it is difficult to get information on the group outside the camps. Similarly, Mr. Andrew Barnard, First Secretary, EU Delegation underlined that the vast majority of the Rohingya are not in the camps. Moreover, they are in general tolerated by the local people. Furthermore, there is a competition for jobs at the local labour market, but there is also an interest by some powerful people to have cheap labour available. Many of the 250,000 Rohingya who were repatriated after 1992 have come back to Bangladesh but the exact number is not well known. The Rohingyas are coming as a combination of 'push' and 'pull' factors conditions in Myanmar are pushing them out and they hope to be able to integrate and get assistance in Bangladesh.⁴⁶ Support for the Rohingya is complicated and could be a pull factor from the point of view of the GOB. Some NGO's are working in the area with support to the local population as well as unregistered Rohingya. Supporting the Rohingya would put them in a better position than local Bangladeshi people. Similarly, a well-informed diplomatic source found that the GOB is concerned about the pull factor related to the Rohingya's arrival for which reason the government does not want to provide assistance to development activities targeting the Rohingya.⁴⁷

Moreover, the Rohingya have managed to 'disappear' in the host community and are living in the villages around the border. Some of them managed to get Bangladeshi ID-cards but after the latest voter registration in 2008 and some have lost their ID-cards and are now living under poor conditions.⁴⁸ The unregistered Rohingya

⁴⁵ "World Report 2012", *Op. cit.*

⁴⁶ http://www.nydanmark.dk/NR/rdonyres/B08D8344_53224F2F960444F6C340167A/0/FactfingingrapportRohingya180411.pdf, Accessed on 12 March 2013.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

constitute an invisible community outside the camps. They are not pushed back to Myanmar. If the Rohingya are not recognised as such, they are going into the mainstream Bangladeshi society but staying illegally. If the Rohingya are subject to violence or other forms of criminal activities as for instance traffickers, they will not be able to go to the police or to have their case taken to the court. Some international NGO's are working with various forms of assistance, including health care, in the Cox's Bazar area since 2009.

The beneficiaries of the project are the local population but as it is very difficult to distinguish between the Rohingyas and the local Bangladeshis, the project also benefits the Rohingya outside the registered refugee camps. In this regard, GOB is considering any assistance to the Rohingya as problematic be it to the refugee camps or outside as the government is concerned that the assistance will be a pull factor for more Rohingya to come. In addition, one of the push factors for the Rohingya to leave Myanmar is the fact that it is difficult for them to marry, they are not allowed to have more than two children, and they can worship but are not allowed to maintain their mosques. However, the experience of Rohingya refugee is not pleasant for any society especially when it becomes the cause of deterioration of socio-economic situation. And the arrival of outsiders problems cause the disturbance of social life and created economic burden for the local people and make the country unsafe as well as destroy the country's national and international reputation. The Rohingya refugee problem is no exception in this regard. Because, the Rohingya refugee and illegal migrants have changed the demographic profile of the South-east Bangladesh. Currently, more than 29,000 Rohingya refugees registered with the UNHCR are living in Bangladesh, while more than 200,000 Rohingyas are living in Bangladesh as illegal migrants.⁴⁹ The registered refugees are known as documented or registered Rohingya refugee and the rest all are known as undocumented Rohingya refugee.

Nonetheless, they have taken shelter in the Cox's Bazar and Bandarban, districts of Bangladesh. The place where they have taken shelter after arrival is one of the poverty prone areas of Bangladesh. Due to the mountainous region and lack of

⁴⁹ Iftekharul Bashar. "Rohingyas in Bangladesh and Myanmar: Quest for a sustainable Solution", *S. Rajaratnam School of International Studies (RSIS)*, Vol. 108, No.12 Singapore, (June 2012), p. 2.

availability of cultivable land, most of the local people depend on day labour. This situation creates pressure on the job market and simultaneously makes the eco-system vulnerable. After the influx of Rohingya, available reports indicate that the Rohingyas are destroying the forest resources of Bangladesh.⁵⁰ Moreover, the degradation of law and order situation is another anxiety for which the illegal Rohingya migrants are mostly responsible.⁵¹ The Rohingyas are creating various social problems like arms and drug peddling in Cox's Bazar and Bandarban district. The overall situation is that the Rohingyas are not only doing unlawful activities but also destroying the peace of the peaceful city Cox's Bazar. The Rohingyas are not only illegally capturing as well as destroying trees and land. They are also degrading the law and order situation. Available reports point out that some of them have gone abroad as Bangladeshi nationals by managing to obtain fake passports illegally from Bangladesh.⁵² This has cast a negative impact on the country's image. Though it was the reality of about one decade ago, the present situation remains unchanged. It has been reported that the empowerment of the illegally staying Rohingya because of easy usage of them in different illicit activities.

Moreover, Bangladesh itself one of the least developed as well as over populated country in the world. The density of population of Bangladesh is more than 900 per square Kilometers. The Rohingya refugees add to the mounting pressure on Bangladesh's scarce resources like land and water. Researcher has mentioned before that Bangladesh shares 271 kilometers both land and water border with Myanmar. The border cuts through hills forests, rivers, canals, and the sea which makes border management difficult. The porous border is rapidly becoming a conduit of transnational crime like the smuggling of arms and drug as well as human trafficking. Moreover, the Bangladesh–Myanmar border region has been identified by the Bangladesh department

⁵⁰ Parnini, Syeda Naushin, Mohammad Redzuan Othman, and Amer Saifude Ghazali. "The Rohingya Refugee Crisis and Bangladesh-Myanmar Relations." *Asian and Pacific migration journal*, Vol. 22, No. 1, (May 2013), p. 15.

⁵¹ "The Rohingya Refugee in Bangladesh and Thailand: Fact Finding Mission to Bangladesh and Thailand", *Danish Immigration Service*, Copenhagen, May 2011. Available at, <http://www.nydanmark.dk/NR/rdonyres/B08D834453224F2F960444F6C340167A/0/FactfindingrapportRohingya180411.pdf>, Accessed on 12 March 2013.

⁵² *Daily Star*, 12 August 2012.

of Narcotics Control as an important point of trafficking in the famous eastern route. There are at least 10 factories in the border area inside Myanmar that produce illegal drugs that are being smuggled in to Bangladesh.⁵³

The Rohingyas are recruited as carriers, intermediaries as well as traffickers. But some reports indicate that Rohingya women and girls also were tortured by the security officials and local people. In some cases, Rohingya women are forced to become sex workers by the local criminals or by reasons of livelihood.⁵⁴ Refugee International report Bangladesh: the silent crisis stated that the Rohingyas have exhausted their coping mechanisms and are forced into begging, prostitution and trafficking to survive. Women and girls are particularly vulnerable, and reports of sexual violence against unregistered refugees have increased in the last year.⁵⁵ On the other hand, smuggling of arms and ammunitions is considered another concern area in which both Bangladesh and Myanmar need to cooperate each other so that the border can be protected from doing same. The Rohingya militant groups are major security concerns for Bangladesh. Among the groups, the Arakan Rohingya Islamic Front (ARIF), Rohingya Solidarity Organizations (RSO), Rohingya National Alliance (RNA) and Arakan Rohingya National Organization (ARNO) are considered to be the major posing threat to Bangladesh's international security.⁵⁶ The groups have members, supporters and sympathizers within the Rohingya refugee and illegal migrants in Bangladesh. They have evidently collaborated with Bangladeshi militant groups such as the Harkat ul Jihad al Islami Bangladeshi (HuJI-B).⁵⁷

Moreover, factors like recovering of arms and ammunitions of the insurgent group the Arakan Rohingya Solidarity Organization (ARSO) by the Bangladeshi army and Bangladesh Rifles (BDR), now Border Guard Bangladesh (BGB) in September

⁵³ Iftekharul Bashar. *Op. cit.*,

⁵⁴ Imtiaz Ahmed. *The Plight of the Stateless Rohingyas: Responses of the State, Society & the International Community*, Dhaka, University Press Limited, 2010, p. 37.

⁵⁵ "Bangladesh: The Silent Crisis", *The Refugees International*, 19 April 2011, Available from, <http://www.refugeesinternational.org/policy/field-report/bangladesh-silent-crisis>, accessed on 31 May, 2014.

⁵⁶ Hashmi, Taj. "Islamism beyond the Islamic Heartland." *The Politics of Religion in South and Southeast Asia*, (Taylor & Francis: 2011), p. 26.

⁵⁷ Iftekharul Bashar. *Op. cit.*,

2005 and the recovering of a large amount heavy weapons from the Naikhangchari (Upzillah) in Bangladesh in 2011 clearly indicates lack of cooperation and co-ordination between Bangladesh and Myanmar in tackling smuggling issue.⁵⁸

Apart from it, many Arakanese militants are said to have established training camps and militant outlets in the CHT region so that they can continue their insurgent activities in Arakan state living in Bangladeshi territory.⁵⁹ Bangladesh military troops, Rapid Action Battalion (RAB), BDR or BGB and police forces in many times found the camps and recovered huge arms from various locations of deep forest and jungles of the CHT during the last ten years.⁶⁰ Other Islamist, ethno-nationalist and Norco-terrorist groups such as Democratic Party of Arakan (DPA) and Norco terrorist Arakan Liberation Party (ALP) often coerces Bangladeshi local communities into growing poppy in the interior of Chittagong Hill Tracts. The RSO and RNA are in league with the DPA and beyond the control of any government.

5.13 Attitude of Local Authorities towards the Unregistered Rohingya Group

The Ministry of Foreign Affairs (MFA) and the GOB have been very patient with the Myanmar people. GOB has followed the principle of non-refoulement as the government is concerned with the security of the people. Bangladesh is a peace loving country and has excellent relations with its neighbors, including Myanmar, but it takes a lot of prudence to deal with these refugees. MFA has recently reviewed its policy with regard to the Myanmar nationals and GOB is concerned that the resettlement programme will attract an influx of people from Myanmar.

Although, it is difficult for a poor country like Bangladesh to host all these people and the international community should also get involved in a dialogue with the Government of Myanmar.⁶¹ The Myanmar nationals who have arrived in Bangladesh are desperate people who have been persecuted due to their religion and ethnicity. But Bangladesh is in a dilemma as the Government also has to deal with the

⁵⁸ Nasir Uddin (ed.), *To Host or To Hurt: Counter Narratives on Rohingya Refugee Issue in Bangladesh*. Dhaka: Institute of Culture and Development Research, 2012, p. 43.

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*

⁶¹ "Silent Views on Myanmar Violence", *Dawn*, 27 July 2012.

existing poverty in Bangladesh. Bangladeshi people in the border area live from hand to mouth and the influx from Myanmar put pressure on local resources, including the environment. There is a competition for jobs and the Myanmarese is threatening the security in the area. Some of the sentiments expressed about the Rohingya include that they are creating law and order problems in the district that they are taking jobs that local people should be doing.

Besides, they are adversely affecting the environment that they are registered as Bangladeshi voters illegally and that they are using Bangladeshi passports to leave the country. In relation to the law and order problems, according to UNHCR, there have been a few cases in which homemade weapons were found in the camps as well as cases in which drugs and foreign currency were found. These refugees have been charged under the national laws of Bangladesh.⁶² However, for the most part, there are no serious security issues inside the camps and that most of the residents are women and children. UNHCR has also taken measures to mitigate the impact of refugees on the environment by set up solar street lights, distribution of energy saving stoves and compressed risk husks to replace firewood. UNHCR (Bangladesh) does not have access to the prisons or the borders. However, based on public documentation, UNHCR noted that there are 407 people from Myanmar (who are not Rohingya) detained in Cox's Bazar Jail as of December 2010.⁶³

Some of them remain imprisoned also after they served their sentence until they can be repatriated to Myanmar. However, the anti-Rohingya sentiments starting after 2008 could be related to the voter registration drive for the elections in 2008. Prior to 2008 some Rohingyas had managed to get registered for elections which meant they could support local politicians. With the new and more efficient system in place in 2008 Rohingya could no longer get registered and as a result were no longer enjoying any protection from local politicians who would not get any votes from them. This situation had created tensions between local people and the Rohingyas. There have been riots but the riots have been organized by local politicians or local leaders. These

⁶² "The Rohingya Refugee in Bangladesh and Thailand: Fact Finding Mission to Bangladesh and Thailand", *Op. cit.*

⁶³ *Ibid.*

riots were planned and manufactured and was not a spontaneously reaction against the Rohingyas.

In April 2010 political leaders in Cox's Bazar had made demonstrations against Rohingya. As regards the crackdown on the Rohingya by the local authorities, the Bangladeshi authorities do normally not take independent initiatives such as pushing them back. The crackdown was meant to intimidate or insult the Rohingya and was mainly executed by local Members of Parliament. In the year of 2010 around 8,000 Rohingya had been displaced and the population of the Kutupalong makeshift camp had grown from 24,000 to 32,000 within a short period.⁶⁴ Some had been forcefully expelled from their villages while others had taken refuge in the camps out of fear from reprisals from the local society. In addition, 400 Rohingya were arrested in Cox's Bazar in January 2010 alone. The reason behind this crack down on the Rohingya, was that the efficient voter registration exercise undertaken by the caretaker government in 2007-2008. The result of this registration had removed 10 million non existing people from the voter role, including some Rohingya. In such case, there is nobody to protect the unregistered Rohingya.

5.14 Possibility to Cross the Border between Bangladesh and Myanmar

Bangladesh is trying to assure vigilance. But, it is difficult for Bangladesh to ensure the coastline border. Recently, the government has decided to enhance the border security. Although, many business people from Myanmar are crossing the border in Teknaf every day. They do not need a passport but can stay in Bangladesh for ten days with a special permission. Among these business people there are also some Rohingya, who have their own special business corner in Teknaf. In the opposite direction, there are also some Bangladeshi people travelling to Myanmar for trading. The trip from Teknaf to Maungdaw takes 20 minutes by boat. The land border is well protected by Myanmar that has put up a fence along the border to send a strong signal.

The border is not intensively guarded by the Bangladesh authorities. Generally, the Bangladesh border guards will not open fire, if somebody is trying to cross illegally. Within the last ten years there have been no episodes involving shooting at the

⁶⁴ "The Rohingya Refugee in Bangladesh and Thailand: Fact Finding Mission to Bangladesh and Thailand", *Op. cit.*

land border (in May-June 2014 both BGB and NASAKA involved shooting on each other). According to UNHCR (Bangladesh) it is fairly easy to cross the border legally between Bangladesh and Myanmar and there is constant traffic of local business people and family members from both sides crossing over on a daily basis. In this regard, UNHCR informed that it takes approximately 20 minutes to cross over by boat from Teknaf to Maungdaw, and it will take another 45 minutes to one hour to travel from Maungdaw to Buthidaung by road.⁶⁵

However, there are many check points along the road in Myanmar which require a travel pass. At the land border close to Ukhia, the Myanmar authorities have built a fence on their side. With respect to new arrivals, UNHCR estimates that the number of new arrivals (Rohingya) has not exceeded around 1,300 persons in 2010 given that a number of them remain in Myanmar to register and vote during the elections held on 7 November 2010. However, Rohingya, as well as others, are able to cross the border in many cases by boat. The border is porous and not well-patrolled by immigration officials. There are no difficulties for the Rohingya to get into Bangladesh.⁶⁶ Most of the border is a coastline and consists of the river Naaf which can be crossed easily. When there are tensions in Rakhine State, the Rohingya are coming across. It is not possible to stop this movement if the Myanmar authorities are not interested in stopping them. Although, it used to be easier to cross the border but now there is a fence in Myanmar.⁶⁷ Furthermore, there is no job market left in Myanmar which means that the Rohingya end up staying in Bangladesh as unregistered refugees.

Previously, there used to be a seasonal migration between Myanmar and Bangladesh going on. In winter the seasonal flow from Myanmar to Bangladesh went up. The reason was that during winter NASAKA engaged Rohingya as forced labour from which the Rohingya tried to escape by fleeing to Bangladesh. Now this flow has

⁶⁵ <http://www.scribd.com/doc/55501177/the-fact-finding-report-of-rohingya-refugee-in-bangladesh-and-thailand>, accessed on 12 March, 2014.

⁶⁶ “The Fact Finding Report of Rohingya Refugees in Bangladesh and Thailand, Available from, <http://www.scribd.com/doc/55501177/the-fact-finding-report-of-rohingya-refugees-in-bangladesh-and-thailand>, accessed on 12 March, 2014.

⁶⁷ Al Bawaba, “Rohingya Refugee forced to Build Fence”, *The Free Library Online*, 2009, Available at, <http://www.thefreelibrary.com/Rohingya+forced+to+build+fence.-a0210687116>, accessed on 12 March, 2012.

decreased as it is no longer so easy to cross, and the number of people migrating like this has decreased. The Executive Director of the Kaladan Press Network, Mr. Tin Soe (himself a Rohingya) said that since the Rohingya do not have access to health care in Myanmar, they will go to Bangladesh for treatment.⁶⁸

They will be able to pay bribe for a day pass to Bangladesh.⁶⁹ There are groups of smugglers who know their way through. In addition, it is more difficult for the Rohingya to return to Myanmar than it is to leave. It is also difficult for a Rohingya to obtain a passport, and the passport would not be valid without an exit stamp. For an individual Rohingya, it is complicate to bribe the way through the border, but for a smuggler it may be possible.

There are negotiators making money by assisting people at the border crossing. The border is fairly easy to cross, and there is a lively cross border trade in Teknaf. People from Myanmar need a travel authority which will lapse within a short period. The overall scenario is that, it is quite dangerous to cross the border between Bangladesh and Myanmar. As there is a risk of being killed, if someone crosses the border illegally, either by the Myanmar's border guard police or by the border guard Bangladesh.

5.15 Rohingya's Possibility to Go to Their Place of Origin in Myanmar and Come Back to Bangladesh

If it would be possible for a Rohingya refugee who had stayed for a long period in Bangladesh to go back to his or her place of origin, in this connection, UNHCR informed that this would only be possible after formal approval is obtained from the Government of Myanmar. It is not aware of any case that has done so without formal clearance by the government. Rohingya cannot go back once they have left Myanmar, as they will have their names removed from the family or household list. They may get a permission to travel for a limited period, but if they do not return within that period they will be deleted. It is possible to enter and exit the border in different pockets, but there is only little information available on this issue. Moreover, it would be risky for a

⁶⁸ "The Rohingya Refugee in Bangladesh and Thailand: Fact Finding Mission to Bangladesh and Thailand", *Op. cit.*,

⁶⁹ *Ibid.*

Rohingyas living in Bangladesh to go back to Myanmar to obtain Myanmar documents rather it would be easier to depend on a smuggler to fetch the documents. In order to bribe ones way through, a negotiator would be needed.

5.16 Rohingya's Possibility to Obtain Bangladeshi ID Documents and Passports

It has been reported that some Rohingya managed to acquire Bangladeshi passports. This has also been evident from some labour migrants who travelled to the Middle East and who tried to have their passports renewed at the Embassy of Bangladesh in the Saudi Arabia, but were caught with false passports. With the introduction of new machine readable passports in Bangladesh since 2010 and a computerized system to check national ID-cards, it has become more difficult to obtain a passport. So a Rohingya would no longer be able to obtain a Bangladeshi passport.

Previously, a passport could be obtained on the basis of national certificate from the Chairman of Union Council, but now a national ID card is required. The old passports are still valid but some countries as for instance United Arab Emirates have made it mandatory to present a machine readable passport in order to obtain a visa. Likewise, Bangladesh has now issued national ID cards and made an efficient registration of the voters which eliminate the possibility for the Rohingyas to obtain false documents. The passports are also being issued carefully. There is now a special form which has to be completed in the Cox's Bazar area, as they are currently issuing machine readable passports. The special form has to be supplemented by various documents, including documents for landownership, confirmation by five witnesses, local government certificate, electricity bills and telephone bills to certify the address etc. Although, some Rohingyas had managed to be recognized and have a national Bangladeshi ID card issued. However, it is also difficult for the local administration in Bangladesh to make different between Rohingyas and Bangladeshis.

There are many instances where Rohingyas may have obtained national Bangladeshi ID cards and passports, especially before 2008 when Bangladesh did not have a computerised system for ID cards. Bangladesh is at present moving towards 'machine readable passports' but the old passports are still valid. Rohingya have used Bangladeshi passports to travel often to the Middle East, Thailand and Malaysia. There are examples of registered Rohingya refugees who have left the country in this way. In

this vein, some Rohingya travel to the Middle East as migrant workers on counterfeit or fraudulent Bangladeshi travel documents, and those Bangladeshi passports are easy to copy.

But in August 2010 a machine readable passport was introduced which is more difficult to falsify than the old one. The old passports are still valid for 10 years after being issued. However, the British High Commission is actively involved in supporting the document checking procedures at the airport and so far there have been no incidents where Rohingyas have been caught with Bangladeshi passports. New comers may also attempt to use the identity of family members in Bangladesh to obtain a passport. Once, a Rohingya has a passport it cannot be proved that you are Rohingya. Some Rohingyas manage to get a Bangladeshi passport.

Earlier, it was easier and a passport could be acquired for approx. It is an issue for the unregistered Rohingya to obtain documents. A valid ID card is a requirement for obtaining legal jobs, registering children at schools and to have access to health care and micro-credit loans etc. Prior to 2007 some Rohingya had managed to get a valid Bangladeshi ID card and have their children registered in local schools. However, the voter registration undertaken by the caretaker government in 2007-2008 was excluding many Rohingya who had previously obtained an ID card. But presently, a new national ID card is planned to be rolled out from March 2011 with the assistance of the World Bank which will make it even more difficult for the unregistered Rohingya. As regards Rohingyas living in the villages, some of them who fled to Bangladesh and obtained Bangladeshi ID cards by bribe, but it have become more difficult now to obtain Bangladeshi documents.

5.17 Local Bangladeshi People's Possibility to Obtain Rohingya Documents

UNHCR (Bangladesh) informed that it is well known that the level of fraud with documents in Bangladesh is quite high and the Rohingya refugee documents, including the Family Books are also subject to being traded within the Rohingya refugees and even Bangladeshis.⁷⁰ Recently, the documents did not have any photos. Initially (1991),

⁷⁰ “The Fact Finding Report of Rohingya Refugees in Bangladesh and Thailand, Available from, <http://www.scribd.com/doc/55501177/the-fact-finding-report-of-rohingya-refugees-in-bangladesh-and-thailand>, accessed on 12 March, 2014.

the Rohingya refugees received a 'pink form' and later on (1992) a Family Book. According to UNHCR, the pink forms have often been copied, falsified and names have been added. UNHCR further explained that the old Family Books have often been purchased from refugees residing inside or outside the camp or from family members of repatriated refugees. Subsequently, used to claim fake identity or add names in order to claim refugee status abroad for receive rations. Sometimes, the official seals of UNHCR and Camp-in-Charge signatures have often been falsified.

Other documents such as the NFI distribution sheet and the Medical sheet have also often been photocopied to claim refugee status or to obtain bail to prove refugee status when in custody. However, the new refugee ID cards is more secure. As regards the provision of Myanmar documents, Myanmar business people might be selling documents from Bangladesh and Bangladeshi people would also be able to obtain Myanmar documents through these businessmen.

5.18 Rohingya Problems and the Interruptions of Bangladesh-Myanmar Relations

The Myanmar government views Rohingyas as the Muslims migrants from neighbouring East Bengal which is now Bangladesh. They settled in Myanmar during the British period. The Myanmar military dictatorial regimes in different periods of time adopted repressive policies against the Rohingyas. The military government treated the Rohingyas as foreigners in their own country. Due to this oppressive and differential treatment of the Myanmar government, the Rohingyas on several occasions were forced to flee from their country to the neighbouring country Bangladesh to save their lives. These Rohingya people provide their live hood as a refugee hood in Bangladesh. It is needed to mention that the people who are fleeing from Myanmar are not taking shelter only into Bangladesh but also into Malaysia, Thailand, India, and the middle east countries and Europe. But the majorities are taking shelter into Bangladesh. However, the exodus of the Rohingya created multifaceted problems in Bangladesh. Although, Bangladesh is the most densely populated as well as least developed country in the world. Moreover, Bangladesh has to face economic, socio-cultural and political problems due to the presence of the Rohingya refugee in its territory.

Crossing the border and taking refuge in Bangladesh was not something that was unexpected. But such crossing did not change their views on the state and also could not change their status. These Rohingya persons are officially living in refugee camps in bordering Cox's Bazar, district of Bangladesh. The Myanmar authorities have shown great reluctance in accepting these persons (about 2500 officially) as their citizens. Rather they think that they are foreigners. On the part of the Rohingya in Bangladesh, they are reported to be alarmed at the internal situation across the border. Moreover, the Rohingya are not happy to send back to their own country, Myanmar because they think that if they go back to Myanmar they would be persecuted from there. In the latest effort by Bangladesh, the foreign minister during her last visit to Myanmar again raised the Rohingya matter.

The Myanmar authorities have asked for an up to date list of the registered Rohingya so that they can easily scrutinize and see if they are their citizens. But such exercises have been done before many times. Due to this hesitation, Bangladesh has quite fed up and wants a quick resolution so that the relationship between the both countries can move on to the next higher level. Moreover, the frequent influx of Rohingya to Bangladesh created various and serious tension between the two countries, like political tension, economic tension, and strategic tension.

5.18.1 Political Tension

Right now, the political relation between Bangladesh and Myanmar basically depend on the Rohigyas issue. Whereas Bangladesh is more or less historically inclined more to a democratic in political system. On the other hand since its independence most of the time Myanmar has been not only under crude military rule but also under a ruthless doctorial regime. So according to such experience in Myanmar, there is little respect for human rights, absence of tolerance to the people of cultural difference and freedom of speech that feature the state's nature of Myanmar. Myanmar was subjugated by the British and ultimately integrating it with the British empire of India that began in 1824 and ending in 1948 when it was granted independence. After independence of Myanmar, it goes under the military in 1962 and till now the military government is ruling the country although in 2008 a national election held in Myanmar.

But presently, Myanmar has opened its door to the rest of the world and they are on the road to the democracy. On the other hand Bangladesh through many political ups and down returned to democratic rule in 1991 and has been continuing practices of democracy till now. However, a military regime in neighbouring Myanmar may naturally feel uneasy to deal with the unstable political situations in Bangladesh. Additionally, there are about 86 percent Muslims are living in Bangladesh while Myanmar is mostly Buddhist (about 89 percent). So the existing political situations in both the countries have contributed to a great extent to the growth and escalation of such problem.

If there were uninterrupted and continuous democratic government as well as political process in both the countries then the total situation would have been different. They could have been a friendly and mutually beneficial relationship between the two countries. Myanmar would have emerged as a pluralistic and tolerant society with economic dynamicity and political stability if it could have opened its door and could have maintained a collaborative and cooperative policy with its immediate neighbours such as Bangladesh.

However, the political developments in both the countries have contributed to such a situation now which is not good for both the countries. Notwithstanding, as far as the Rohingya refugee problem is concerned, Bangladesh has continuously pursued for a sustainable solution from the Rohingya refugee problem but has failed although some of the Rohingya refugees repatriated with the help of the UNHCR but most of them are still remaining in Bangladesh. Now the question is that why has Myanmar been able to continue a policy of ethnic cleansing with regards to the Rohingya in it? At least three factors may be attributed to the Myanmar policy which includes; (1) the security protection of Myanmar provided by its giant neighbor China, (2) the country affected by the refugee problem is Bangladesh is weak politically and militarily and which is not protected by any big power of neighbor like China, and (3) last but not least Myanmar's military dictatorial regime does not care for any rationalism either for its domestic or international issues.

Nevertheless, due to international pressure specifically from the UN, EU the government of Myanmar has been responding to the problem in a gradual and incremental manner. As a result most of the refugees are either returned to Myanmar or in the process of returning. But in the process many more have entered deep into Bangladesh territorial and settled in the latter's neighbouring districts. Different reports inform that in Bangladesh there are 28,000 registered Rohingya refugees are living inside the camps. And the unregistered refugees have entered in to different parts of Bangladeshi territory and living in the neighbouring district. So it is very difficult or quite impossible for the researcher to mention the exact number of the unregistered Rohingyas refugees who are living inside Bangladesh. Moreover, every day Rohingya refugee from Myanmar forcibly are coming to Bangladesh through legally or illegally. Although the government of Bangladesh robustly prevent of coming Rohingyas refugee to its territory.

The present government of Bangladesh has recently requested the US official to pressures the Myanmar government to take back their citizens from Bangladesh.⁷¹ Because Rohingyas have been trying to integrate with local people of Bangladesh since 1978 And the process of integration in the local society is making the local political situation unstable since local people very likely cannot entertain them warmly on the one hand and the Rohingyas on the other hand cannot amicably adjust with the local system due to their different cultural and ethnic background. Consequently, apart from growing tensions between Bangladesh and Myanmar over Rohingya Refugee issue, political situation in local society is also becoming unstable due to the pressure of Rohingya.

5.18.2 Economic Issue

As far economic aspect, the relationship between Myanmar – Bangladesh is concerned due to low level of economic cooperation between the two countries. The signing of border trade agreement of May1994 legalizing the informal border trade between the two states, the inauguration of Teknaf-Maungdaw trade in September 1995 Bangladesh trade delegation's visit to Myanmar in 1998 and Gen Than Shew's visit to Bangladesh in December 2002 and consequent agreement between two parties to cooperate in road

⁷¹ *Daily Star*, 11 June 2011.

and water transportation etc. can be pointed out as significant economic developments of the relationship between the two next-door neighbour countries .⁷²

Additionally, successive efforts made by both countries at the end of the day produced nothing substantial and economically viable for both countries. Therefore, trade and commerce between Bangladesh and Myanmar is not up to the mark in any standard despite of having endless potentialities in both next door countries. It is true that Myanmar is more resourceful and endowed with natural resources compared to Bangladesh. Myanmar's land mass or geographical territory is much larger than that of Bangladesh. If the country of Myanmar would have continued the open door policy to Bangladesh people, the country could be benefited economically because the people from Bangladesh would have contributed to the economic activities of the country as they used to do during the British period. Nonetheless, presently, the economic and trade relations between Bangladesh and Myanmar are hampered due to the Rohingya crisis in their border area.

The bilateral trade between Bangladesh and Myanmar is only USD 100 million with Bangladesh exporting only 3-4 million. But it is expected that the bilateral trade will increase to 500 million and by 2013 it will be raised to USD 1 billion. In this regard, successive efforts were made by the both sides and at the end of the day it is found that no sustainable or pragmatic economic development there. Therefore, trade and commerce between Bangladesh and Myanmar is not up to the desire level despite of having endless potentialities in both neighbouring countries.

The Rohingyas have found Bangladesh economically as a land of fortune compare to their economic status in Myanmar. Because Bangladesh is politically and socially more liberal than that of Myanmar. As a result Rohingyas naturally enjoy more political and social freedom with economic fortune in Bangladesh. In Bangladesh, they can move and work free in the Chittagong region due to their language and face appearances are similar with those of the local people of Cox's Bazar and greater Chittagong region. In that process many of them settled in the local society. Moreover, it is found to be easier for them to obtain passport and visa from Bangladesh due to massive corruption and unstable political culture. The result is that many of them

⁷² Nasir Uddin (ed.), *Op. cit.*, p. 40.

obtaining passport and visa and going to the Middle Eastern countries which are the land of economic fortune for them. Furthermore, many of them are also economically benefitted by engaging themselves in illicit or divers activities illegally in Bangladesh territory.

5.18.3 Strategic Issue

On strategic issue, Bangladesh has a lot of still remains to be done with Myanmar. The very fact that Myanmar-Bangladesh border offers a safe haven to so called terrorist organizations in the region makes it necessary for both the countries to cooperate in counter insurgency activities. But ironically, not much has been initiated by either side in this respect. The refugee problem is in fact very significant issue which needs to be addressed adequately by both Myanmar and Bangladesh with equal attention. But Myanmar has always been reluctant.

On the other hand, smuggling of arms and ammunitions is considered another area in which both Myanmar and Bangladesh need to cooperate each other so that the border can be protected from doing the same. Factors like recovering of arms and ammunitions of the insurgent group Arakan Rohingya Solidarity Organization (ARSO) by the Bangladeshi army and Bangladesh Rifles (BDR) now Border Guard Bangladesh (BGB) in September 2005 and the recovering of a large amount of heavy weapons from the Naikhangchari (Upzilla) in Bangladesh in 2011 clearly indicates lake of cooperation and coordination between Myanmar and Bangladesh in tackling smuggling issue. Apart from it, many Arakanese militants are said to have establish training camps and militant outlets in the CHT region so that they can continue their insurgent activities in Arakan state living in Bangladesh territory. Bangladesh military troops, Rapid Action Battalion (RAB), BGB and police forces many times found the camps and recovered huge arms from various locations of deep forest and jungles of the CHT during the last ten years.⁷³ It is also happened due to the lack of mutual cooperation and strategic initiatives between Bangladesh and Myanmar in an attempt of uprooting militancy and insurgent activities from the border lands of both countries.

⁷³ Nasir Uddin (ed.), *Op. cit.*, p. 43.

Despite of the lack of cooperation on specific strategic issues, both Bangladesh and Myanmar have been trying to improve bilateral ties through certain regional and sub-regional forums, such as the Bay of Bengal Initiatives for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC), ARF, BCIM etc. however, bilateral tension stemming from the influx of Rohingya refugees appears as a big obstacle between the two next door neighbouring countries in attempt to boost up strategic relationship which could be very effective and meaningful for both countries.

5.18.4 Religious and Social Issues

The Rohingya refugee issue in Bangladesh-Myanmar relations involves religious and social dimensions apart from political, economic and strategic issues. The Rohingya people are Muslims and living in Myanmar which is largely composed of Buddhist people. And hence, Rohingya people are regarded as religious minority as well as ethnic minority as they are ethnically distinct from Myanmar and other ethnic groups of Myanmar. Similarly, people of south-eastern part of Bangladesh look upon Rohingya refugee issue as some Muslim people are in crisis due to the oppressive role of non-Muslim rulers in Myanmar.

In this way, sense of Muslim brotherhood encourages Rohingya people to flee to Bangladesh in the one hand and Bangladeshi people on the other tolerate their presence, albeit state is very strict and reluctant, in their locality. Therefore, Rohingya problem has very strong religious edge. It reveals that similar religious background between Bangalis and Rohingyas played an influential role in making space for Rohingya refugee in the land of Bangladesh. Besides, “Linguistic similarity between Bangalis and Rohingyas has made important ground to encourage Rohingya to flee to Bangladesh and to settle and integrate in the South-eastern Bangladesh.”⁷⁴ In addition, apparent similarities in social institution for instant the rules and function of marriage; typologies, formation and structure of family; practice of kinship and kinship terminology; lineage and descent practice; post-marital residence practices etc are also instrumental in understanding Rohingya issue apart from the perspectives of inter-state diplomatic and strategic relations between Bangladesh and Myanmar. Under such frame of thinking, both Bangladesh and Myanmar are brothers not because only both

⁷⁴ “Refugee”, http://en.wikipedia.org/wiki/Rohingya_people, accessed on 12 March, 2012.

are neighbouring countries beneath international political discourse but also both Rohingya and Bengalis are brothers under symmetrical features of their religion, language and social institutions. Nonetheless, despite of being brother, Rohingya refugee issue still work as a real bar between both countries. If the Rohingya refugee issue could be handled tenderly, both countries could make a substantial progress in their economic, political and strategic sectors.

5.19 International Norms and Protections of Refugee

The necessity of international protection for refugee is premised of the basic of fundamental facts that the refugees are unable to avail the protection of their country of origin. Refugee protection can be temporary or permanent. In case of mass influx caused by internal conflict or war, refugee need temporary protection and humanitarian assistance until they are finally repatriated to their country of origin or integrated in host country of resettle in third country. The situation of temporary protection has been observed by UNHCR a temporary protection requires admission to safety without discrimination and guarantees protection against refoulement for the duration of the crisis which has generated the mass influx. Beneficiaries of temporary should be provided with a positive legal status which allows them to remain and from which define legal rights derive. Persons from the country of origin concerned, who were already in the host country before the outbreak of the crisis that generated the mass influx, should be allowed to remain, without prejudice to a more favorable legal status which they may enjoy”.⁷⁵

However, to protect the refugee’s right internationally some provision was approved by the UN through a convention. This convention is well known as refugee convention of 1951. The 1951 convention of refugee remains key legal instrument for the protection of refugee. It provides definition of refugee. It also sets out the refugee’s basic rights to which they are entitled, establishes legal and juridical status of refugee and provisions for their well-being. The refugee convention 1951 in its preamble affirms the principle that human beings shall enjoy fundamental rights and freedoms

⁷⁵ Executive Committee of the High Commissioner’s Program, Progress Report on Informal Consultations on the Provision of International Protection to All Who Need It, UN Doc. EC/47/SC/CRP. 27, Para. 4 (k), (1997).

without discrimination.⁷⁶ There are 46 articles and 7 paragraphs in the refugee conventions of 1951. The convention provides a full complement of human rights standards for refugee. For instant, article 3 of the 1951 convention provides that state parties shall apply the provisions of the convention without distinction as to race, religious or country of origin of the beneficiary.⁷⁷ Article 4 secures freedom to practice religion and religious education.

Article 15 provides that As regards non-political and non-profit-making associations and trade unions the Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country, in the same circumstances. Article 16 provides that a refugee shall have free access to the courts of law on the territory of all contracting states. Article 17,18 and 19 provides that govern the granting of access employment opportunities to refugees and article 21 provides that refugee shall be accorded as regards housing, treatment as favourable as possible and in any event not less favourable than that accorded to aliens generally in the same circumstances.⁷⁸

Article 26 and 31 provide that other rights granted to refugee include freedom of movement in the territory of the contracting state. Article 34 provides that The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees.⁷⁹ They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings. Article 25 generates that the provision of administrative assistance by the contracting state authority to allow a refugee to exercise a right under the convention. And article 5 provides that nothing in the convention shall be deemed to impair any additional rights and benefits granted by a contracting state apart from the convention. The right to work is particularly important to refugee and asylum-seekers as a means of survival. But refugees are not afforded the right to work on equal terms with nationals under the 1951 convention. Bangladesh has not yet ratified the 1951 Refugee Convention, as a result, the Rohingya refugee in Bangladesh are deprived of the rights guaranteed under

⁷⁶ <http://www.unhcr.org/4ca34be29.pdf>, accessed on 12 March, 2012.

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

the 1951 convention. There are several reasons why not south Asian state including Bangladesh is a party to the 1951 Convention or the 1967 protocol. The Eurocentric character of the 1951 Convention, the historical peculiarity of the region, lack of control over border, the ethnic ties which exist across border, and the lack of sufficient resources.

The refugee are given protection in Bangladesh under customary principles of international law, which pertains to settled body of norms accepted by all states as binding obligations. Many of the rights found in the international refugee instruments such as enjoying non-discrimination and protection from persecutions are guaranteed in form or other in international human rights treaties, for example, the international covenant on Civil and political rights, 1966 the Convention against Torture, 1984 and the convention on the Rights of child of 1989. Bangladesh is a party to the above mentioned human rights treaties and as such, the Rohingya refugee in Bangladesh is entitled to these provisions relating to their protection.

5.20 Constitutional and Legal Protection of Refugee in Bangladesh

The constitution of Bangladesh does not contain any provision relating to refugee protection. Some fundamental rights guaranteed under it can afford protection to the refugee as they are applicable for all persons within Bangladesh. For example, article 27 of the constitution provides equal protection for all. Article 31 guarantees the right to protection of law for citizens and non-citizens which means that even refugee residing in the territory of Bangladesh are entitled to such protection. Moreover, Article 32 states that no person shall be deprived of life and liberty save in accordance with law. Refugee can also be protected from exploitation resulting forced labour as all forms of forced labour are prohibited by the Constitution.

5.21 Different Initiatives for the Refugee in Bangladesh

Since the beginning of the Rohingya problem in Bangladesh, Government of Bangladesh responded to the documented refugee. Later, different steps were taken to provide for the refugee and maintained at least a minimum living standard to the refugees. It is to be mentioned that the assisting process to the Rohingya were jointly done by the UNHCR and the Government of Bangladesh.

There are mainly four Ministries of Bangladesh involved in the Rohingya refugee issue; such as

- Ministry of Foreign Affairs
- Ministry of Food and Disaster Management
- Ministry of Health and Family Welfare
- Ministry of Home Affairs

It may be mentioned that these ministries only provide workforce with their salaries and official expenses.

5.21.1 Medecins Sans Frontieres (MSF)

In 2012 there were around 30,000 registered refugees living in Kutupalong camp, in Cox's Bazaar. Some were fleeing renewed violence in Myanmar, while others sought protection from exploitation elsewhere in Bangladesh. Many have been struggling to survive in the area for years. However, MSF, an organization of Holland which provides medical services for different countries. In Bangladesh, MSF provides different kind of medical services to the Rohingya refugee peoples. Medecins Sans Frontieres (MSF) runs a clinic for local Bangladeshis and refugees just outside the makeshift camp, although MSF's presence has been challenged by the government. Staff provide basic healthcare, including maternal and mental health services.

The clinic also has a small inpatient unit, a stabilisation unit for severely malnourished children, a diarrhoea treatment centre and an ambulance for hospital referrals. MSF continues to advocate for improved living conditions for the Rohingya. MSF teams run two health centres offering basic medical care and child and maternal health services. More than 40,000 pediatric consultations were carried out over the year. It is not uncommon for girls between the ages of 10 and 15 in Kamrangirchar to marry and become pregnant soon afterwards. However, information about the elevated health risks for this age group during pregnancy and childbirth is seriously lacking. Staffs at both centres have begun providing specialist services to adolescent girls and young women.

5.22 Involvement of International Community to Resolve the Problems

The problems of Rohingya refugee are multidimensional aspects which may include political aspects, domestic disturbance, individual insertion, social movements and others. As a result there is no option for Bangladesh but to welcome the assistance of international community (IC). Moreover, as Bangladesh hosting a significant number of Rohingya refugees for last 20 years. The Rohingya has created space for them in the land of Bangladesh as well as international attention. As a result the international Community has involved in the issue. It is true that all the ICs did not involve only for the economic assistance. They sometimes involve politically in an attempt to resolving this issue. And this reality makes it possible to divide their involvement into two dimensions like, political dimension and humanitarian dimension.

5.22.1 Role of Different States on Rohingya Refugee Problems

In the present age of globalization as well interdependence, different countries have responded positively to resolve the Rohingya refugee problems of Bangladesh. They include direct financial and technical assistance to the Rohingya through the government of Bangladesh. Side by side they are resettling a vast number of Rohingyas to the third countries to minimize the burden of Bangladesh. In this respect, country like Malaysia, South Korea, Thailand, Canada, Australia, the United States, and New Zealand have provided significant contribution to accelerate resettlement of Rohingya refugee now living in Bangladesh.

5.22.1 (a) Malaysia

The government of Malaysia also sympathized to the Myanmar refugee. An estimate shows that about 14,000 refugees are living in Malaysia. They are living there more than 10 years. Although, the Malaysia government did not sign to the 1951 convention relating to the status of the Refugee or the 1967 protocol. In this regard, Malaysia thinks that the UNHCR is the main body of protecting and assisting asylum seekers and the refugee. However, she is assisting much for the refugee. Not only the Rohingya refugee are being assisted but also thousands of Philippine's Muslims from Mindanao during the 1970 and 1980 as well as from Thailand, Cambodia and Bosnians in the 1990 were being hosted by the Malaysia government.⁸⁰ Currently, the

⁸⁰ <http://thesail.wordpress.com/press-statement/>, accessed on 12 March, 2012.

government of Malaysia declared to provide the temporary settlement status to the refugees and asylum seekers registered with the UNHCR which will facilitate their legal employment and access to education for their children but the process is still unimplemented.⁸¹ The almost 80 percent of the Rohingya refugee in Malaysia were found active for resettlement to the west by the Arakan Rohingya Refugee Committee (ARRC).

5.22.1 (b) South Korea

South Korea also tries to help for the Rohingya refugee in Bangladesh. On the basis of the statement of Marina Aksakalova programme officer of UNHCR at Cox's Bazar, the private organizations of South Korea have confirmed to donate the Rohingya refugee in Bangladesh for 2008, among the other donors. Though the South Korea helps the Refugee by providing shelter and much other assistance. They are not actually interested to allow the Rohingya for resettlement to their country.

5.22.1 (c) Thailand

Thailand is also one of the host countries of Rohingya refugees. There are 150,608 in number of Rohingya are living in Thailand's camp at the end of the 2006 according to the report of the Thailand–Myanmar Border Consortium (TBBC). There are also some Rohingya refugee approximately 200,000 refugee residing outside the camp in Thailand. But the Thailand government does not want to receive more refugees and want to stop this influx of refugee in Thailand. Because the Thailand government takes this influx as a burden although in January 2013 about 1500 in numbers of Rohingya refugee escape from their country to Myanmar and take shelter in to Thailand. Presently, the Human Rights watch have said to the government of Thailand to pay due respect to the basic rights of the Rohingya refugee. On the other hand, former Prime Minister of Thailand, Yingluck Shinawatra had agreed to permit Rohingya who are arriving by boat in Thailand. Prime Minister also said they will stay in Thailand for temporarily, initially for six months until they could be safe repatriated to their place of origin or resettled to third countries.⁸²

⁸¹ <http://merhrom.wordpress.com/2007/06/21/>, accessed on 12 March, 2012.

⁸² <http://www.hrw.org/news/2013/06/03/thailand-end-inhumane-detention-rohingya>, accessed on 12 March, 2012.

5.22.1 (d) United States of America (USA)

The USA is still concerned about the Rohingya issue. Recently on March 2013 a senior official of the United States (USA) is expected to visit Bangladesh a week from Tuesday next to discuss issues relating to conflicts in Myanmar and exodus of refugees from the country. Moreover, the US ambassadors in Bangladesh have visited both the Rohingya refugee camps in Nayapara and Kutupalong. The erstwhile, Ambassador of U.S to Bangladesh James F. Moriarty visited several Rohingya refugee camps to learn more about the important issue. After the visit he placed emphasis on the issue of the repatriation of the Rohingya refugee from Bangladesh to Myanmar or to resettle third countries.

5.22.1 (e) Canada

Canada was the first country of the world to resettle Rohingya who have been left their country and living in Bangladesh as a stateless people.⁸³ In 2006 Canada resettled 10651 refugees from over different nationalities.⁸⁴ It was now well known that Canada is the highest recipient of the refugee. As being one of the largest donors of UNHCR, Canada donated US \$ 33,409,634 for the year of 2008⁸⁵ Moreover, in 2006 Canada resettle 9 Myanmarrese Muslims; in 2007 Canada resettle 13th Rohingya Muslims who were living in Bangladesh.⁸⁶

5.22.1 (f) Australia

Australia remains one of the major donors for Bangladesh in the context of maintaining Rohingya issue. In 2007-2008 Australia's aid budget for Bangladesh was total \$32.4 million and includes programs focusing on food security, nutrition and primary education, microfinance, health and others. As a part of its development assistance to Bangladesh, Australia confirmed its contribution for the Rohingya refugee in Bangladesh for the year of 2008-2009. On the 22 May 2008 the Australia government

⁸³ Citizenship and Immigration Canada, Backgrounder—Canada's resettlement programs, <http://www.cic.gc.ca/english/departement/media/backgrounders/2011/2011-03-18b.asp>, accessed on 12 March, 2012.

⁸⁴ <http://sayedarakani48.webs.com/>, accessed on 12 March, 2012.

⁸⁵ Nasir Uddin (ed.), *Op. cit.*, P. 132.

⁸⁶ <http://bnionline.net/index.php/news/narinjara/2035-fresh-batch-of-79-refugees-to-resettle-in-canada.html>

donated \$1.4 million for the construction of 10,000 new homes for the Rohingya refugee in Bangladesh. In 1973 Australia was the sixth country to ratify the refugee convention as well as the 1967 refugee protocol. A short number of Rohingyas are now living in Australia. Australia is a country that has a strong tradition of resettling vulnerable refugee.

5.22.1 (g) New Zealand

New Zealand has already welcomed the Rohingya Refugees from Bangladesh. The government of New Zealand is willing to resettle refugee worldwide. New Zealand agreed to take the Rohingya refugees from Bangladesh to resettle them. The first batch of 23 Refugee was resettled on 28th June 2008 that included the members of the Rohingya Youth Development Forum (RYDF), Arakan-Burma.⁸⁷ The selected families were trained in New Zealand culture by the International Organization of Migration (IOM) earlier.

5.22.2 Role of ASEAN to Resolve the Problem

Undoubtedly human rights are largely violated in Myanmar. And the Military government of Myanmar is unwilling to create a friendly environment with the Rohingya people of its land. In this respect, it is the duty of IC (International Community) to pressurize Myanmar government to create a durable environment with the Rohingya people. There are various International Agencies like UNHCR who have provided humanitarian assistance to the Rohingyas but are not able to play any political role due to limitation of its aims and objectives as well as provisions. But a regional organization like ASEAN can be a key mechanism to create such pressure on Myanmar government. However, ASEAN (Association of South East Asian Nations) is a geo-political and economic organization of the ten countries located in South-east Asia. Its aims include accelerating economic growth, social progress and cultural development among its members. Protecting regional peace and stability as well as providing opportunities for its member countries is also its objectives. All kinds of its activities will be peaceful. Myanmar has become a problem for the 10 nation group due to its poor human rights record. Though among the ASEAN countries interference from no

⁸⁷ “New Zealand Welcomes the Rohingya Refugees”,

<http://rohingyarefugees.wordpress.com/2008/07/21/first-rohingya-organization-in-canada/>

countries in the internal affairs of another country is a fundamental principle of ASEAN. On the 24 July 2007 the erstwhile Head of ASEAN said that the group's first charter of standard would pressure the military rules of Myanmar to improve its human rights records. Indonesian leader Djoko Susilo (Member of the House of Representatives of Indonesia) had already expressed his strong opinion that it was time for the Indonesian government to take a firm action against the Myanmar military junta government to uphold democracy and respect human rights.⁸⁸ Article 1 of the Chapter 1 of ASEAN Charter ensure that the peoples and Member States of ASEAN will live in peace with the world at large in a just democratic and harmonious environment.⁸⁹ Article 1 also states that it will strengthen democracy, enhance good governance and the rule of law as well as promote and protect human rights and fundamental freedoms, with due respect to the rights and responsibilities of the Member States of ASEAN.⁹⁰

In addition, as a regional organization, dedicated to peace efforts, it is ASEAN's duty to assist in resolving the Rohingya refugee problems sustainably. Analysing the above discussion, it has been quite clear that ASEAN can play an important role to bring democracy and good human rights records in Myanmar. But the real scenario is that the ASEAN has failed or did not take strong and pragmatic step in resolving or resettling the Rohingya crisis. Because multilaterally, the ASEAN countries agree to any positive issues like human rights, poverty, trafficking, smuggling, terrorism, development, etc. But when such issues come to settle by bilaterally, in majority it is failed. Rohingya issue between Bangladesh and Myanmar is not exception to this.

5.22.3 Non-state Actors

It has already been mentioned here that it is not possible for a country like Bangladesh to provide all kind of livelihood support to the vast number of Rohingya refugee although the initial support was provided by the GOB. Since the beginning of the refugees problem, GOB of has been working very closely with the UNHCR, different IGOs and INGOs that are also involved in this operations.

⁸⁸ <http://burmareview.com/?=404;http://www.burmareview.com:80/2007/07/29/lost-promises-of-asean-asean-charter-and-burma&reqp=1&reqr=>, accessed on 12 December, 2012.

⁸⁹ <http://www.asean.org/archive/publications/ASEAN-Charter.pdf>, accessed on 12 April, 2012.

⁹⁰ *Ibid.*

5.22.3 (a) Role of United Nations High Commission for Refugees (UNHCR)

The UNHCR is a non-political and humanitarian organization which is mandated to safeguard the rights and well-being of refugees, to lead and coordinate international action for their worldwide protection and to seek permanent solution to their plight.⁹¹ The primary function of the UNHCR is to provide international protection, which is linked to solution of refugee problems through repatriation or integration in a new community in cooperation with Governments. However, The UNHCR has the primary responsibility to provide international protection to refugees. And to seek acceptable solutions for the refugees all over the world. It has been working for a long period of time on the Rohingya issue in Bangladesh like elsewhere. UNHCR is the principal partner of GOB for providing protection and other assistance to the refugees inside the camps. This relationship is formalized in MOU between the two parties. Within this framework a number of other specialized agencies also work. Fundamentally, the UNHCR provides the humanitarian and economic assistance to the Rohingya refugees in Bangladesh. The following discussion will help to explore the activities of the UNHCR in Bangladesh regarding the Rohingya refugees.

The donors do not donate for the refugees directly as the UNHCR works as a coordinator of the donor countries and agencies. Donor countries first handover their donation to the UNHCR and then the UNHCR provides the funds to the refugees. Thus UNHCR works as a coordinator of the donors without having any political intention. The UNHCR does not have any political power to solve the Rohingya problem in Bangladesh.⁹² Generally, the UNHCR has been working to improve the condition of the Rohingya refugees in Bangladesh. The UNHCR provides shelter, food, security, education, health service and so on for approximately 28,000 Rohingya refugees through two registered camps—Nayapara and Kutupalong with the coordination of the Ministry of Food and Disaster Management of the government of Bangladesh.

Most of the refugees living inside the camp which are relatively satisfied with the performance of the UNHCR. These two camps are only for the documented Rohingya refugees in Bangladesh. The UNHCR also provides assistance to the

⁹¹ Dr. Abdullah al Faruque, Plight of the Rohingya Refugees in Bangladesh: A Legal Aspects of the Problem, http://www.culaw.ac.bd/files/plight_of_ruhingyas.pdf, accessed on 12 April, 2014.

⁹² Nasir Uddin (ed.), *Op. cit.*, p. 132.

unregistered Rohingya refugees living inside the camps. The annual budget of the UNHCR to the Rohingya refugees in Bangladesh is about \$3.7 million to \$4.4 million in 2008 and it may change, according to Martin, representative of the UNHCR, the local office of the UNHCR in Cox's Bazar in Bangladesh.⁹³ As such, the UNHCR provided financial assistance for Bangladesh in the year of 2013 is 12,609,556 and in the year of 2014- 2015 the annual budget of the UNHCR to the Rohingya refugees in Bangladesh is about 11,422,961 USD and 11,356,138 USD. The total budgets for South-east Asia of UNHCR from 2013-2015 is about 319,894,145 USD. Table 5.1 shows the total budgets for South-east Asia of UNHCR from 2013-2015. It provides primary education for the refugee inside the camps and they are taught English, Bengali, Burmese and Math. The secondary education is not allowed for the refugee children. There is also a health care facility provided for the refugees who are willing to go back to their own country Myanmar. The UNHCR also has pursued resettlement program strategically as a durable solution for the Rohingya refugees since 2006. This has included the identification for resettlement of extremely vulnerable refugees with compelling protection concerns.

Basically, the UNHCR deals with the registered or documented Rohingya refugee in Bangladesh as mentioned before. It does not deal with the unregistered Rohingya refugee in Bangladesh. But the unregistered Rohingya refugees are suffering much more than the registered refugees. Their lifestyle is very inhuman. The place where they are staying does not fulfill the minimum living criteria. Though, the UNHCR claims that it provides help towards the unregistered Rohingya refugee inside the camps but the scenario of unregistered Rohingya refugees inside the camp is contradictory to UNHCR.

⁹³ *Ibid*, P. 132.

Table 5.1
UNHCR Budgets for South-East Asia (USD)

Operation	2013 Revised budget (as of 30 June 2013)	2014			Total	2015
		Refugee programme PILLAR 1	Stateless programme PILLAR 2	IDP projects PILLAR		
Bangladesh	12,609,556	11,410,451	12,510	0	11,422,961	11,356,138
Indonesia	8,007,336	7,950,312	155,005	0	8,105,317	8,238,418
Malaysia	17,477,520	18,875,102	1,231,502	0	20,106,604	21,695,610
Myanmar	68,481,570	6,051,000	12,940,291	49,073,119	68,064,410	67,772,726
Philippines	8,427,638	697,717	727,572	3,480,770	4,906,059	4,641,297
Thailand	28,044,521	32,090,244	710,059	0	32,800,303	37,233,459
Thailand Regional Office	7,564,224	6,584,919	577,849	0	7,162,768	7,817,007
Viet Nam	400,500	0	437,203	0	437,203	0
Total	151,012,866	83,659,745	16,791,991	52,553,888	153,005,624	158,754,655

Source: UNHCR Global Appeal: 2014-2015.

5.22.3 (b) Role of European Union (EU)

The EU is one of the major donor agencies which provide humanitarian assistances of various forms to the people who are largely up-rooted by the Military junta. The EU initiated many attempts to normalize the situation in Myanmar not only for Rohingyas but also for the mass people living there. The EU has undertaken four official level EU Troika Missions to Rangoon. Restoration of democracy is a primary goal of EU towards Myanmar. EU wants to see an elected political government which will respect human rights. A common position was adopted by the EU in April 2003 where the EU stated that the Myanmar government has no reason to disagree to restore the democratic environment within a definite time-table. Thus, the common position was aimed at strengthening EU's pressure on military junta to stop their discriminatory activities against ethnic communities in Myanmar. The EU also contributed for the betterment of economic and social life of the refugees who have been driven to the neighbouring countries by the repressive attitude of the military regime. The EU has

decided to enhance its involvement on the Rohingya issue in Bangladesh. For the 1999-2000's period, the projects total budget over €13 million for both Rakhine State in Myanmar and Cox's Bazar area in Bangladesh of which EU contributed 66 Percent.⁹⁴ The EU is active in the camps in Bangladesh. On December 6, 2006 UNHCR welcomed EC's donation of 3.9 million Euros (over USD \$5.7 million) for the next two years to end the arrival of refugees from Myanmar to Bangladesh.⁹⁵ According to UNHCR the EU has long been the largest donor for UNHCR's operation in Bangladesh, which costs \$54 million since the arrival of Rohingya refugee from Myanmar in 1991 and 1992.⁹⁶ In 2007 the EU contributed to Refugee more than \$79 million to the UNHCR's global budget of \$1.45 billion and has become the third largest donor.

5.22.3 (c) Role of World Food Programme (WFP)

The World Food Programme (WFP) is another UN agency which provides food aid to the Rohingya Refugee living insides Bangladesh. WFP provides food, on average to 90 million people per year, 58 million of whom are children. WFP operates its activities from its headquarters in Rome and more than 80 countries officers around the world; it works to help people who are unable to produce of obtain enough food for themselves and their families. The WFP was established at the 1960 Food and Agriculture Organization (FAO) Conference.

WFP has undertaken different activities to minimize the sufferings of Rohingya refugee in Bangladesh. WFP has been assisting GOB since April 1992 and has been requested to continue its support during 2006-2007. It is found in a survey that 58 percent of the refugee children and 53 percent of the adults are chronically malnourished.⁹⁷ To address this problem, all registered refugees are given general food ration in the camps. Since May 2002 fortnightly distribution of food is being implemented. The United Nations World Food Programme has confirmed a vital

⁹⁴ Nasir Uddin (ed.), *Op, cit.*, p. 137.

⁹⁵ *Ibid*, p. 137.

⁹⁶ <http://www.archive-2mizzima.com/archive/20-eu-provides-39-million-euros-for-rohingyas-refugees.html>, accessed on 5 June 2014.

⁹⁷ <http://documents.wfp.org/stellent/groups/public/documents/ena/wfp108760.pdf>, accessed on 12 April, 2014.

contribution of US\$1.5 million from the United States Agency for International Development (USAID) to continue food and nutrition support to up to 31,000 refugees in South-eastern Bangladesh.⁹⁸ The donation will enable WFP to continue its work to improve food security and reduce under nutrition among registered refugees living in Kutupalong and Nayapara in Cox's Bazar until the end of 2012.⁹⁹ WFP provides a general ration to meet basic food needs and nutrition support, including blanket supplementary feeding for pregnant and nursing women and children aged 6-23 months. Moderately undernourished children aged 24-59 months are also provided with a take home supplementary feeding ration. In addition, WFP provides fortified biscuits to children in primary schools, pre-schools, older children enrolled in non-formal primary education and adolescents attending literacy classes.¹⁰⁰

In 2011 WFP was able to protect the food and nutrition security of 23,965 Rohingya refugees through a fortnightly general food ration; delivered school feeding to 6,325 school children and adolescent literacy learners; supported the recovery from moderate acute under nutrition of 1,939 pregnant and nursing women and 946 moderately undernourished children aged 6-59 months, and provided preventive blanket feeding support to 896 children aged 6-23 months.¹⁰¹ WFP remains committed to providing a full food ration to refugees, who are not permitted to work and whose livelihood opportunities are very limited.

5.23 Long-Lasting Solution

Although, virtually all refugees initially expect to return to the country of origin, sooner than later, very often large numbers of them are unable to return for months or years to come. In this case, temporary relief is not helpful. They need means of durable solution. The main options of durable solutions including voluntary repatriation to the country of origin, settlement in the country in the first asylum, which is also known as

⁹⁸ USAID Donation Boosts WFP Assistance To Refugees From Myanmar In Cox's Bazar. <http://www.wfp.org/news/news-release/usaaid-donation-boosts-wfp-assistance-refugees-myanmar-coxs-bazar>, accessed on 12 April, 2013.

⁹⁹ *Ibid.*

¹⁰⁰ *Ibid.*

¹⁰¹ *Ibid.*

local integration, and re-settlement in another country than the country of origin and the country of asylum.

5.24 Western and Regional Powers Reaction to the Rohingya Crisis

Criticisms of the Myanmar Government's handling of the Rohingya crisis by the U.S. and other western countries have also been muted, as they are afraid of instigating a reversion of the political reforms on one hand and loose significant geopolitical and economic opportunities offered by a steadily resurgent Myanmar on the other. India and China, two regional powers in Asia that have great economic, political and strategic interests in Myanmar have also refrained from criticizing Naypyidaw, administrative city of Myanmar. The regional and global opportunities offered by a reforming Myanmar that of land and maritime transit between South and South East Asia and access to substantial mineral resources have been prioritized by regional and global actors over any other issue.

In effect, although Bangladesh has been accused of adopting a neo-realist, real politics approach to the crisis by refusing to accommodate the Rohingyas, ironically, the international community's reaction to the crisis has been contingent on their own geo-strategic interests vis-a-vis a reforming Myanmar.

5.24.1 Voluntary Repatriation

Previously when fewer people were being uprooted, a greater percentage of refugees were offered the opportunity to resettle in new countries, but today resettlement of displaced persons in third countries no longer appears to be a viable response to massive-displacement crises. In the wake of unprecedented displacement, many states have unfortunately become more restrictive in their immigration and asylum policies to reduce the inflow of refugees. Therefore, voluntary repatriation is seen as the most practical approach capable of meeting the long-term needs of refugees. Repatriation is often sought by host states in order to reduce the burden of accommodating the displaced persons.

But the repatriation efforts need political willingness and settlement of the root causes for the displacement. The success of repatriation is linked on the one hand to protection and security issues and on the other to the prospects of economic and social

reintegration and rehabilitation. In particular, in conflicts zones, establishing the necessary conditions for successful repatriation require some form of cease-fire or political agreement sufficient to convince refugees that it is safe for them to return home. On the other hand, ensuring basic needs such as clean water, primary education, health care, basic income-generation, as much as guarantees of safety, are necessary to make sure that those who return are then able to remain at home. According to the UNHCR, the repatriation in safety and with dignity includes the following elements;

1. Respect for and compliance with the right to return by the country of origin;
2. Existence of conditions which ensure the physical and legal safety of returnees;
3. Existence of an adequate infrastructure to allow the return to be sustainable or availability of the basic necessities of life, including food, shelter, and basic sanitary and health facilities;
4. Non-discrimination and respect for other fundamental human rights of returnees and;
5. Return forms part of an international process or mechanism.¹⁰²

The solution of voluntary repatriation is today widely referred to as the ideal or preferred solution to the global refugee problem. Repatriation of Rohingya refugees has been promoted as the most optimal solution by the UNHCR and as the only solution by the Government of Bangladesh.

Since the inception of the problem, several attempts had been made to ensure voluntary repatriation of Rohingya refugees. The first bilateral agreement was concluded in 1978 to provide repatriation of Rohingya refugees, to which UNHCR was not a party. However, in April 1992 a memorandum of Understanding (MOU) signed between the government of Bangladesh and Myanmar, setting the terms of the repatriation programme and allowing limited UNHCR involvement.¹⁰³ Another Memorandum of Understanding was signed between the UNHCR and GOB in May

¹⁰² Executive Committee of the High Commissioner's Programme, Progress Report on Informal Consultations of the Provision of International Protection to all who Need It. UN Doc. EC/47/SC/CR/CRP. 27, para. 4 (f) (1997).

¹⁰³ C.R Abrar, Repatriation of the Rohingya Refugees.

[http:// www.ibiblio.org/obl/docs/ Abrar-repatriation.htm](http://www.ibiblio.org/obl/docs/Abrar-repatriation.htm), accessed on 12 April, 2013.

1993 guaranteeing protection of the refugees in the camps and voluntary repatriation through private interviewing of refugees.¹⁰⁴ Subsequently in November 1993 MOU signed between UNHCR and Government of Myanmar (GOM), allowing the UNHCR access to the returnees, the issuance of identity cards and freedom of movement for the Rohingyas.¹⁰⁵ Since 1997 there is no official attempt to repatriate of Rohingya refugees.

5.24.2 Local Integration

Local integration is a legal, economic and social process. Firstly, it is a legal process, whereby refugees are granted a progressively wider range of rights and entitlements by the host state that are broadly commensurate with those enjoyed by its citizens. In particular, legal process implies a presence of legal framework in a country to allow refugees to be integrated with mainstream society. These include freedom of movement, access to education and the labour market, access to public relief and assistance, the possibility of acquiring and disposing of property and the capacity to travel with valid travel and identity documents. Over times the process should lead to permanent residence rights and in some cases the acquisition, in due course, of citizenship in the country of asylum.

For example, some developed States like UK, Germany and Sweden have such legal framework for local integration. Secondly, local integration is also an economic process. It means that refugees should become progressively less reliant on state's aid or humanitarian assistance, attaining a growing degree of self-reliance. Thirdly, local integration is a social and cultural process of accommodation of the refugees by the local communities that enables them to live amongst the host population, without discrimination of exploitation and contribute actively to the social life of their country of asylum.

Local integration of Rohingya refugee appears increasingly problematic due to the intolerance, social and economic problems. Bangladesh is already a highly populated country and overburdened with many social and economic problems. It is apprehended that local integration of the Rohingya refugees can impose huge economic

¹⁰⁴ [http:// www.ibiblio.org/obl/docs/ Abrar-repatriation.htm](http://www.ibiblio.org/obl/docs/Abrar-repatriation.htm), accessed on 12 April, 2013.

¹⁰⁵ [http:// www.ibiblio.org/obl/docs/ Abrar-repatriation.htm](http://www.ibiblio.org/obl/docs/Abrar-repatriation.htm), accessed on 12 April, 2013.

burdens on the GOB and cause of social problems. Moreover, Bangladesh is not a party to Refugee Convention of 1951 and has no enabling legal or policy framework till now to integrate refugees to the mainstream society.

5.24.3 Prevention and Intervention

The age saying that prevention is better than cure is also applicable for solution of refugee problem. Prevention of potential conflict that may cause mass influx is seen as an important strategy to address the root cause of the problem. It is increasingly realized that early intervention must become focus of international efforts. The international community must direct more attention towards volatile internal disputes that have yet to erupt. But countries of origin have a responsibility to tackle the causes which enforce people to flee. Addressing the root causes of mass movement is long-term solution for prevention of refugee like situations.

It demands a greater commitment to preventive diplomacy and mediation efforts in potential areas of war and ethnic conflict. In seeking to prevent refugee movements, equal emphasis must also be placed on the economic and social conditions in which people live. Meeting priority human needs of people living in conflict zones can help to reduce some of the pressures, which lead to unrest and social upheaval that eventually may result in refugee flows.¹⁰⁶ Furthermore, humanitarian assistance and protection to the internally displaced and other victims of internal conflicts is a crucial element of preventing refugee flows.¹⁰⁷

The Myanmar authority must recognize the Rohingya Muslims as its citizens and ensure all the fundamental human rights to them so that they can live in their homeland with dignity. The Myanmar government must stop persecution of Rohingya Muslims and end discrimination towards them. The international community must place adequate pressure on the GOM to remove the conditions that caused their forced migration.

¹⁰⁶ [http:// www.ibiblio.org/obl/docs/ Abrar-repatriation.htm](http://www.ibiblio.org/obl/docs/Abrar-repatriation.htm), accessed on 12 April, 2013.

¹⁰⁷ *Ibid.*

5.24.4 Resettlement

Resettlement implies settlement of refugees in a third country. Necessary of resettlement arises for those refugees who are unable to return to their country of origin and not able to integrate in the country of asylum. The main goal of resettlement is to relieve the strain on receiving countries, politically and quantitatively. Resettlement is also important option for those refugees who are victim of physical violence and unable to lead a normal life in the country of asylum. Resettlement of Rohingya refugees may be one of the possible options for amelioration their plight as the GOM is reluctant to repatriation them, in particular, the unregistered Rohingya refugees.

However, repatriation of the Rohingya refugees requires support and commitment of the development States and considerable efforts of the GOB and UNHCR. As positive development and due to intensive efforts of UNHCR, some Rohingya refugees were resettled in some developed countries.¹⁰⁸ The process of resettlement initiated by UNHCR was aimed at the Rohingya refugees who live in two official camps and are well trained. Since 2006, 171 Rohingya families have been resettled in third countries. Most of them went to Canada (278), followed by the UK (166), Australia (126), Ireland (82), New Zealand (50), the USA (24), Sweden (19), and Norway (4).¹⁰⁹ A large scale resettlement of the Rohingya refugees in the third countries requires support from the international community as well as cooperation from the government of Bangladesh. However, according to the UNHCR, in November 2010, the Bangladesh authorities suspended resettlement pending the formulation of a refugee policy. But GOB is yet to formulate any refugee policy.¹¹⁰

It would be pertinent to state that Bangladesh, with its own plethora of national and regional issues, has paid a disproportionate amount of social, economic and political costs due to the influx of the Rohingyas, which has been a continual feature of its shared border with Myanmar for over five decades. Non-cooperation by the

¹⁰⁸ Ashraful Azad, Fareha Jasmin. "Durable Solution to the Protracted Refugee Situation: The Case of Rohingyas in Bangladesh". *Journal of Indian Research*, vol. 1, No. 4, (October – December: 2013), p. 30.

¹⁰⁹ Bangladesh: Self-reliant refugees win resettlement, <http://www.speroforum.com/a/29618/bangladesh---self-reliant-refugee-wins-resettlement.>, accessed on 12 April, 2013.

¹¹⁰ Ashraful Azad, Fareha Jasmin. *Op. cit.*,

Myanmar government in repatriating the Rohingyas languishing in refugee camps and the adverse impact on the lives of the residents of Ukhia, Teknaf and greater South-eastern Bangladesh due to the influx of the Rohingyas, both registered and unregistered, and the prospect of aggravating these conditions, have caused the government to refuse accommodating the Rohingya refugees in June 2012. Nonetheless, a statist approach to a refugee crisis is impracticable. Bangladesh must take steps to improve governance, law and order and socio-economic security in the Chittagong region in general and areas around the Rohingya camps in particular. The government should engage the international community, particularly India and Thailand, which are also home to a large number of Rohingya refugees.

The ASEAN community, as well as China, as part of a wider initiative has a plan to engage Myanmar to find a sustainable solution to the Rohingya issue and initiate time-bound repatriation of their countrymen from regional states. A knee-jerk reaction by the international community and the media on the event of crisis particularly in criticizing Bangladesh, has not contributed to a discourse on a sustainable solution to a long-standing issue. National and international media, INGOs and analysts, while continuing to acknowledge the political transformation in Myanmar, should remain vigilant in resisting all attempts by Naypyidaw to portray the Rohingyas as 'stateless' or 'Bengali Muslims'. The inalienable right of the Rohingyas to the citizenship of Myanmar should be the primary focus of these stakeholders.

Western powers, while continuing to encourage democratic reforms in Myanmar, may consider incorporating the issue of citizenship for the Rohingyas within the gamut of negotiations for the lifting of further sanctions. Although the sensitivity surrounding this issue may require cautious but steady interaction and countries in South and South-east Asia must remain vigilant against the threat of terrorism, as there have been reports of international extremist groups trying to recruit the Rohingyas, caution must be exercised on exaggerated claims of militancy that may be more directed at justifying the exclusion of the entire Rohingya community, rather than addressing any genuine security concern.¹¹¹

¹¹¹ *Daily Star*, 17 August 2012,

Although ASEAN has come under severe criticism for its handling of the Rohingya issue, given its limitations and severity of other issues, it has made its views clear on acceptable standards of human rights practices that are required of member states. As Myanmar is set to chair ASEAN in 2014 the other nine member states must evaluate the very real possibility of the Rohingya issue becoming a regional problem, which may, in theory, transcend the 'non-interference on internal affairs' principle. The Western and Regional Powers are all pursuing their own geo-strategic imperatives in securing access to the vast economic opportunities that are arising in Myanmar as it slowly but steadily ingrains itself into the globalized system of political, security and economic interdependence. As an open, democratic and rapidly developing economy, Bangladesh would also like to be part of Myanmar's future. This overwhelming international response to Myanmar's transition should not only be seen from a neo-realist perspective of states seeking to maximize power above all other considerations, as it also involves the economic and social emancipation of millions of underprivileged Myanmarese. It is within this context that Myanmar's neighbors and friends in the West must address the Rohingya issue. While continuing to reap mutual benefits, Myanmar's cohorts in international negotiations should put forth the issue of including the Rohingyas as valid citizens of that country within its dynamic, democratic and pluralist future.

Chapter 6

Bangladesh – Myanmar Relations: Problems and Prospects

Myanmar, the second neighboring country of Bangladesh has so far remained unnoticed and unattended to Bangladesh eyes inspite of her enormous potentials that she might have presented to the development and security of Bangladesh. Bangladesh, since its inception, has been maintaining good relationship with Myanmar, the only bordering country beside India. Although, Bangladesh and Myanmar have been trying to maintain good relation between each other and have numerous economic, bilateral potentials between them. But it is unpleasantly shocking that the relation between the two countries has never been smooth and has undergone frequent ups and downs over the last four decades or since 1972 on a few issues. Both countries have not been able to build a pragmatic relationship with each other despite having a lot of prospective. Myanmar being closed to the outside world for more than 50 years shows few distinct patterns of behaviour in developing effective bilateral relations with Bangladesh. The issues that dominated their relations are the influx of Rohingya refugees, demarcation of maritime boundary, illegal drug trafficking and alleged cross border movement of insurgents etc. On the other hand, Myanmar, being located between South-Asia and South-east Asia serves as a bridge between these two regions. It is bordered by Thailand and Laos on the East, by China on the North and North-east, by India on the North-west, by Bangladesh and Bay of Bengal on the West (Map of Bangladesh and Myanmar). The geographical locations of both the countries have given a significant importance between them. The development of diplomatic relation, communication, trade and tourism with Myanmar can create a great positive impact on this relationship. Bangladesh strong ties with Myanmar can open a door of hidden opportunities for Bangladesh. On the contrary, Myanmar can also derive significant benefit by maintaining closer ties with Bangladesh.

However, major impediments and probabilities between Bangladesh – Myanmar are;

6.1 Stresses and Inconsistencies

Relations and interactions between states, big and small, assume, as K. J. Holsti suggests, three forms: conflicting, collaborative, and competitive. Conflict arisen from

dispute, discord and antagonism. Collaboration means engagement with each other for achieving common objectives. In competition, a struggle ensures for protecting fundamental interests of the states involved. Conflict in this case is not meant in the sense of confrontation, but only in the sense of conflict of interests and resultant diplomatic face-off.¹ Bangladesh and Myanmar have few controversial matters that make hindrance for improving prospective bilateral relations between the two countries. However, to determine the negatives features that are making impediment towards progress of their relationship between the two countries, the following are the most vital issues;

6.1.1 Historical Problems

For historical reasons, Bangladesh and Myanmar have not maintained good relations. It is difficult to break soon the mental barriers of Myanmar leaders. At one stage during the British rule, people from Chittagong had great economic power in Burma. From the history, it is known to us that, when the British occupied Arakan in the early 19th century, the area was scarcely populated, while there was a plenty of place for high-yield paddy fields in the fertile Kaladan and the Lemro River Valleys.² At that time, the British policy was to encourage the Bengali inhabitants from the adjacent areas to migrate into these fertile valleys of Arakan as agriculturalists. In this connection, the British East India Company extended the administration of Bengal to Arakan as, there was no international boundary between the two countries and no restriction was imposed on the emigration.

At first, most of them came as seasonal agricultural laborers and went home after the harvest was done. This is also because the colonial administration of India regarded the Bengalis as amenable subjects, while finding the indigenous Arakanese too defiant, rising in rebellion twice in 1830s. The flow of Chittagonian labour provided the main impetus to the economic development in Arakan and within a few

¹ Sayed Anwar Hossain, "Comment on Bangladesh and Myanmar Relations", <http://www.biss.org>, Accessed on 22 May, 2011.

² Pakistan Defence, "History of the Illegal Bengali migration", <http://defence.pk/threads/how-illegal-chinese-and-bangladeshi-immigrants-rohingyas-flooded-myanmar.197180/>, accessed on 4 May, 2014.

decades along with the opening of regular commercial shipping lines between Chittagong and Akyab became an economic success.

Subsequently, during the British period, ethnic Bengali Indians formed the backbone of the government and economy of Burma. They served as soldiers, civil servants, merchants and moneylenders in Burma. In one word, the Bengali Indians were the main economic power of Burma under the British rule. For example A.K. Khan became rich from Burma business and most of his children were born in Rangoon. Burma cannot forget the economic domination of Bengalis.

Such circumstance was not allowed mentally by the Theravada Buddhists of Burma. In addition, in that time, the Burmese did not fight even so, had no courage to fight against the British. But they hated the British as well as their Bengali Indians. Subsequently, a series of anti-Indian riots beginning in 1930 and mass emigration during the Japanese occupation of Burma followed by the forced expulsion of 1962 left ethnic Indians with a much reduced role in Burma.³ Moreover, in Burma, the most popular hate-speech terms used against Rohingya, ‘kalar’ and ‘Bengali,’ both have roots in the colonial period of British rule from 1824 to 1948.⁴ Moreover, intellect persons of Myanmar believe that factors like this example generated anti-Indian sentiment and strengthened Burma nationalism among Theravada Buddhists.⁵

6.1.2 Problem with the Exploration of Oil and Gas in the Deep Sea

Bangladesh is experiencing soaring demand for energy. Its proven reserves of natural gas are expected to dry up in 25 years. As it stands, there is energy for Bangladesh to explore and exploit new sources of energy. Fortunately, geologists and International Oil Companies (IOC) have held out hope that Bangladesh is literally floating on gas. Whatever the onshore prospects are, no one denies that the real deal lies in the Bay of Bengal. The prospect of finding mineral deposits in the Bay of Bengal is all the more strengthen when one sees that not only India but also Myanmar recently discovered 100

³ Indians in Burmese History, <http://www.cyclopaedia.info/wiki/Indians-in-Burmese-History>, accessed on May 8, 2013.

⁴ <http://thesentinelproject.org/the-colonial-origins-of-hate-speech-in-burma/>, accessed on 4 May, 2014.

⁵ <http://peacebuilding.asia/myanmar-represented-by-its-nationality-law/>, accessed on 4 May, 2014.

trillion cubic feet and 7 trillion cubic feet of natural gas respectively in their deep sea blocks. India's Reliance Industries has already begun production from the deep sea blocks in the Bay and expected to double India's natural gas output. Myanmar has allowed China, South Korea and India to invest billions of dollars in producing gas from deep sea basins. Bangladesh, on the other hand, has for the most part refrained from exploitation in the deep sea. Dhaka has recently claimed that India and Myanmar have swathes of Bangladesh maritime territory. 18 out of Bangladesh's 28 offshore blocks are claimed by Bangladesh's two neighbours.

The most stand-off took place in November 2008, when four Korean ships guarded by Myanmar's navy started exploration for oil and gas reserves within 50 nautical miles southwest of St. Martin's Island in Bangladesh water. Through Myanmar postponed its activities later in the face of strong protest from Bangladesh, Myanmar vowed to come back in the same area in the future. Recently, oil and gas exploration operations into the deep sea have resulted in deterioration of relations between the two countries. Since Myanmar is entitled to explore oil and gas fields in its sovereign territories, it cannot be blamed if it finds out oil or gas fields within her own maritime boundaries. But, Myanmar can not violate the sovereign of Bangladesh by entering into the territory of Bangladesh. Presently, Myanmar has no scope to violate the independence of Bangladesh by entering into its territory. Even so, Bangladesh cannot violate the maritime law by entering into Myanmar's territory. Because, problems with the exploration of oil and gas in the Bay of Bengal has come to an end by the verdict of maritime boundary clash between the two countries on 14 March 2012 by ITLOS.

6.1.3 Border Tension

It has been pointed out earlier that except India, Myanmar is the only country which has both maritime and land border with Bangladesh. There had not been any disputes and tensions between the two countries after independence pertaining to border issues. Bangladesh had no border problem with Myanmar as has in the case of India. In the recent times, several incidents have taken place on the Bangladesh – Myanmar border causing concern for Bangladesh. Tensions have arisen particularly over Myanmar's planned construction of a 40 kilometers long fence along the border, ostensibly to

check cross-border smuggling.⁶ Moreover, Myanmar has strengthened its military presence in the Rakhaine state, which borders Bangladesh. The major activities along the border area by the Myanmar army have been significant and can be enumerated under the following broad parameters.

1. Movement of Myanmar troops and massive patrolling along the bordering area.
2. Construction of concrete pillars and barbed wire fences along the border.
3. Strengthening the Nasaka camps by army troops near border areas.
4. Runway at Sitwe is extended enabling it for operation of Mig-29 multi-role combat aircraft. All the 12 Mig 29 aircrafts of Myanmar Air Force are presently deployed in Sitwe Airport. Land is acquired for construction of airport at Buthidaung, near MOC-15 (military Operations Command) headquarters.
5. Several high-profile visits have taken place in the Rakhaine state by Myanmar high officials.
6. Regular disembarkation of tanks, artillery guns, Recoilless Rifles, Mortars in Buthidaung river jetty.
7. Conducting extensive patrolling along bordering areas of Bangladesh and Myanmar army.
8. Myanmar commenced barbed wire fencing along Bangladesh – Myanmar border since March 2009 . So far approximately 38km fencing has been completed till end of July 2009 (approx 40 per cent of total).
9. Myanmar is forming people's militia by the members of the Rakhaine state's Marma community.

Such preparations are certainly not of defensive type, but some would say, smack of aggressive intentions. So it seems that the relation between the two countries is not normal at best and has turn worse lately. In the past, there had never been any question of erecting barbed wire fence in the border area between the two countries. The motives of Myanmar regarding maritime boundary drew the attention of international community and settled it peacefully by the ITLOS. But in connection of land boundary, the motives of Myanmar did not change, where as she has strengthened its military presence in the Rakhaine state and recently, on May 28, 2014 . a member of

⁶ Kamal Uddin and Akkas Ahmed, *Op. cit.*, p. 84.

Border Guard Bangladesh (BGB) was killed by the Border Guard Police of Myanmar (BGP). The overall scenario of border between Bangladesh and Myanmar is really alarming.

6.1.4 Cross-Border Terrorism

It is alleged that Bangladesh provides support for the Rohingyas to establish their rights in Myanmar. The Rohingya Solidarity Organization (RSO) and other Rohingya organizations have some internal or international links. It is assumed that the RSO has a linkage with Al-Qaeda and other terrorist organizations of the region.⁷ But the Myanmar is making mistake by using the myth over again that Bangladesh government has taken a policy of appeasement of the Roingya groups.

The Rohingya Solidarity Organization could get support from local people of Bangladesh. In fact, both religion and language had been central in forming a sympathetic posture towards the Rohingya refugee since their arrival in to Bangladesh. It is likely that some Islamic groups provided the Muslim Rohingyas, including RSO and Arakan Rohingya Islamic front (ARIF), financial and material as well as moral support. RSO is alleged to be working in various camps of Bangladesh. This pro-democracy movement is gaining international support in their struggle against military rule and ethnic repression. They are trying to consolidate their position and put pressure on the military rulers to get rid of the misery of their life and establish their human rights, ethnic diversity in their own region. Their main aim is to settle themselves in their own country as full citizen. Though it is believed that they are active in neighboring countries, it remain uncertain if the RSO and other Rohingya group can realize their demand and dream to resettle themselves in Arakan as full citizen of Myanmar.

Availability of small arms along Bangladesh–Myanmar border is also a matter of concern. It helps the members of United People’s Democratic Front (UPDF), the anti – peace agreement Hill organization in Chittagong Hill Tracts (CHT) in clashes against the Bengalis and rival Hill groups. The dissident groups of the CHT are importing small arms from Myanmar. Because, it is easy for them to import illegal arms from

⁷ Kamal Uddin and Akkas Ahmed, *Op. cit.*, p. 88.

Myanmar not from India. So this issue creates a barrier to build smooth relations between Bangladesh and Myanmar.

6.1.5 Illegal Small and Arms Trade

Illegal small and arms trade is a flourishing business along the Bangladesh – Myanmar border despite all the efforts by the Bangladesh Rifles present, Border Guard Bangladesh (BGB) to curb such activities in the border areas. Teknaf and its counterpart Maungdaw across the river carry on a lively, mostly illegal trade in goods from all over the world. Local leaders can get a daylight permit to visit the other side and many others cross without state authorization.⁸ Arms and ammunition from various parts of the world also enter Bangladesh here. The smuggling of small arms reveals a link between unauthorized trading and the many insurgencies in the region. Rebel groups in Arakan, and Chine State (Myanmar), the Chittagong Hill Tracts (Bangladesh) and Northeast India depend on supplies passing through the borderland. If Myanmar fails to cooperate in stopping illegal arms trade in the border areas, criminals and terrorist group may create threats to internal law and order situation of Bangladesh.

6.1.6 Illegal Drug Trade

Because of long military rule of Burma, self-imposed isolation, and economic embargo by the international community, the military junta of Burma relies heavily on poppy cultivation and illegal drug trading for revenues. In the 1980s, the borderland between Bangladesh and Burma developed into an important channel for the trade in Burmese. As a result of increasing military pressure on heroin manufacture in the Shan States (eastern Myanmar), heroin refineries were established in Chin State which is close to the Bangladesh border. A large quantity of Myanmar heroin began to be routed through Bangladesh for transshipment to European and North American markets. Today heroin has established itself as a routine trade item and some opium poppy is being grown on the Bangladesh side of the border as well.⁹ Additionally, Myanmar has been the second largest opium producer in the world¹⁰ and being situated near the notorious

⁸ William Van Schendel, “Guns and Gas in Southeast Asia: Transnational Flows in the Burma-Bangladesh borderland”

⁹ *Ibid.*

¹⁰ *Opium Cultivation Blossoms in Burma*, 12 October 2007.

golden triangle.¹¹ A heaven for illegal drug trading Bangladesh faces an imminent danger and this cannot be tackled for Bangladesh without full cooperation of Myanmar.

6.1.7 Unfriendly NASAKA and Border Guard Police (BGP)

The Myanmar's border security force known as NASAKA is a matter of concern for Bangladesh. This particular organization is involved in all sorts of human rights violation, illegal trading, killing, and what not. Abducting Bangladeshi woodcutters and fishermen and demanding money as ransom for their release. Such activities have become a common habit of NASAKA. NASAKA have been attacking frequently upon Bangladeshi woodcutters and fishermen and also looting their valuables.¹² In many case, they kidnap fishermen and release them after taking ransoms. It is to be mentioned that, on 10 November 1991, some members of Arakan Rohingya Islamic Front (ARIF) carried out a surprise raid on Myanmar border outposts between borders pillars no 45 and 47. In retribution, Myanmar border force (Nasaka) aided by a platoon of Myanmar Army crossed the border and attacked the Company Headquarters of 37 Rifle Battalion of BDR at Rejupara under Nykshongchori on 21 December 1991. During the attack, Nasaka killed a BDR guard, injured seven others and looted some arms and ammunition from the camp.

In September and October 1998, the Coast Guard of Myanmar opened fire on Bangladeshi fishing boats. They killed three and injured seven fishermen. They also arrested fifty fishermen and confiscated five boats that were released on later. Nasaka started building a dam in December 2000, on Dhabfari Canal, an offshoot of Naaf river in preparation of defence against secessionists attacks, with the help of civilian people as forced labourers. They also augmented the strength of the border camps. BDR protested against these measures as a violation of international law at a flag meeting and augmented their strength too. Tensions mounted in the area as Nasaka and BDR exchanged gunfire on 09 January 2001. The Myanmar – Bangladesh Border Tension has reached yet another high point after the November 2008 naval stand-off over Daewoo's exploration of disputed waters in Bay of Bengal. Since then, skirmishes

¹¹ *Opium Cultivation Blossoms in Burma*, 12 October 2007.

¹² <http://www.burmalibrary.org/show.php?cat=1275>,

between BGP and BGB have been still going on though it was declared that the issue was resolved.

Recently, on 28 May, 2014, Myanmar Guard Security Police (BGP) ambushed a trooper of Border Guard Bangladesh (BGB), Nayek Md Mizanur Rahman (a corporal), between borders posts 52 and 53, 30 miles from Maungdaw Township. And then, BGP reportedly intruded into Bangladesh territory to take his dead body away. BGP attacked another BGB team there triggering a gun battle. Myanmar returned the dead body of the BGB trooper to Bangladesh on Saturday, 31st May 2014. However, the problem doesn't end here. Both Myanmar and Bangladesh have been reinforcing their respective armed forces and naval forces along the border. Unless NASAKA is turned into a professional force guided by a set of code of conduct, a border conflict may break out between Bangladesh and Myanmar because of irrational behaviour of NASAKA to destroy cross-border peace, stability, and tranquility.

6.1.8 Myanmar – Bangladesh Border Fence

Myanmar shares 200 miles of border with Bangladesh on the western frontier, along which Myanmar has built 40 miles of barbed-wire fence since 2009.¹³ The Myanmar regime claims the fencing is in order to “ward off cross-border narcotic and human trafficking”.¹⁴ The Myanmar Army began its border fencing in early 2009 and erected concrete pillars of about 70 km of the 120 km along Naaf river.¹⁵ The Myanmar Authorities stated that the intention of undertaking of the project by their government was to contain terrorist activities, curb smuggling and drug trafficking etc., across the Myanmar-Bangladesh border area. According to the agreement concluded between the then Foreign Ministers of Bangladesh and Myanmar on the Demarcation of the Land Section of the Boundary North of the Naaf river on 12 November 1998 in Yangon. Both the contracting parties can erect such type of fencing 150 feet away from the zero line. Bangladesh – Myanmar shares a common border of 271 kilometers and they planned to erect fences only for 64 km. The exact course of the fence is unclear and there do not appear to be any maps of the fence online. But the description of the extent

¹³ *Burma News International*, “Nasaka outposts for border fence security”, 22 October 2010.

¹⁴ *Ibid*,

¹⁵ “Bangladesh border forces on alert as Burma builds fence”, *Mizzima*, 8 October 2009.

of the fence between 64 km and 70 km in length, suggests that it would run the entire distance from the coast, along the course of the Naaf river.

Bangladesh protested against the construction of border fences too close to the zero line. An official of Ministry of Home Affairs Government of Bangladesh stated that “the border fence can be built at a distance of 150 yards from the zero line on the border.”¹⁶ On 9 March 2009 the Foreign Ministry of Bangladesh expressed concern over Myanmar’s plan to build a barbed wire fence along a 40km stretch of their border, renewing tensions after a resources dispute in 2008. Myanmar was piling fencing materials on its side of the border but they plan to erect the fence only 13 meters off the no man’s land.¹⁷ In this regard, no construction work is allowed by Bangladesh in the narrow no man’s land area.¹⁸

In October 2009, Bangladesh authorities alerted border security force to monitor movement of Myanmar soldiers, who were gearing up again along the border to construct border fencing. Bangladesh Rifles reinforced its border guard forces and issued an alert in the area close to the construction site. The Myanmar Army, after stopping activities on border fencing during the monsoon, on 2 October 2009 resumed erecting pillars along the Naaf river, which marks the border between the two countries. With the fresh start to border fencing about 400 military personnel from three battalions were brought back to the border. Bangladesh sent three army brigades to its South-eastern hilly border after Myanmar deployed fresh regular army contingents along with Nasaka border troops, dug bunkers and added artillery. The then Foreign Minister of Bangladesh, Dipu Moni said Myanmar is erecting barbed wire fence along Bangladesh border in Bandarban conforming to the international law.¹⁹

¹⁶ *Burma News International*, “Bangladesh border forces on alert as Burma builds fence”, 8 October 2009.

¹⁷ *Daily Times*, “Dhaka questions JI politician over mutiny” 31 March 2009.

¹⁸ “Bangladesh Expresses Concern over Myanmar Fence”, 30 March 2009. <http://ca.reuters.com/article/topNews/idCATRE52T1R720090330>, Accessed on 30 March 2010.

¹⁹ “Tension Mounts Bangladesh-Myanmar Border”, <http://defenceforumindia.com/forum/subcontinent-central-asia/6003-tension-mounts-bangladesh-myanmar-border.html>, accessed on 4 May 2014.

By October 2010 Myanmar's border guard force, NASAKA, was building outposts for security at the newly erected fence along the Bangladesh – Myanmar border in Arakan State. NASAKA was deploying extra outposts along the border from Taungbro to Alae Than Kyaw in Maungdaw Township, especially at the entrances of tributary creeks and streams along the Naaf river, where fencing cannot be built.

6.1.9 Land Mine Issue

A part from the Rohingya issue, land mines which have been planted reportedly in the border areas considered another vexing issue in bilateral relations. Nasaka forces of Myanmar reportedly planted huge land mine in no-man's land of hilly areas in the border, particularly, in Naikhonchari thana under Bandarban district. Myanmar authorities, admitted about the existence of land mines inside the border areas to restrain the anti-state activities by various insurgent groups. Bangladesh said that the land mines were planted violating the border accord. Some 10 to 12 people, who went to collect wood and bamboo, were killed and many others injured by the land mines. Evasive attitude of Myanmar authorities to remove land mines from the border areas also put strains on the relationship between the two countries. The decision of removing land mines is not yet implemented even after the joint agreement signed on the issue in a meeting on January 1997. Myanmar has shown indifference when Bangladesh again force at Maungdaw township on 31 August 1997.²⁰

Thus, it is evident that political relations have suffered due to Rohingya issue. Bangladesh has always been emphasizing to resolve the issue peacefully. Myanmar at least did not close it option for resolving the land mine problem.

6.2 Prospects of Bangladesh – Myanmar Relations

Bangladesh and Myanmar, next door neighbouring countries, have immense potentials inspite of existing few complicates between them. Myanmar has gigantic natural resources namely, limestone, timber, bamboo, marine products and variety of valuable minerals. Moreover, Myanmar is a bridge between South and South-east Asian region. Because, Myanmar is located directly between Thailand and Bangladesh, its opening up will further link all three countries. In the global context, Asia is rising. Improved connectivity with Myanmar will provide for Bangladesh better access to markets as

²⁰ *Daily Sangbad*, 9 September 1997.

well as lower costs through elimination of bureaucracy and red tape. For Bangladesh, this will go a long way towards alleviating poverty, diversifying the economic base and generating new export-markets. However, the scenario of affirmative aspects between Bangladesh and Myanmar are as discussed bellow.

6.2.1 Look East Policy

A unique feature of the Bangladesh foreign policy is its close association and sincere dealings with the countries of the East and South-east Asia. In fact the concept had its origin in 2001, i.e., when Bangladesh Nationalist Party (BNP) came to power for the second time. The fundamental objective of this policy is to reduce the dependability for everything either on India or on the countries of the western world. Bangladesh adopted 'look East Policy' in her foreign policy agenda in 2002. By adopting this policy, it has made a constructive step in exploring its eastern horizon. The look East policy was aimed at the eastward trade expansion of Bangladesh especially with these countries namely, Myanmar, China, Japan, Korea, Thailand, and Malaysia. This policy of the Government of Bangladesh is not something new, nor does it make a substantive change of shift in her foreign policy. It basically means a focused diversification of her relations with countries in the East and South-east Asia and might have influenced Bangladesh to join the Association of Southeast Asian Nations (ASEAN) Regional Forum (ARF), a multilateral security forum.²¹ There has been a greater realization of the need to expand Bangladesh's links with these countries and build partnerships for economic development and human security. As a part of this process, the then Prime Minister Khaleda Zia had paid an official visits to Myanmar, Thailand, China and Malaysia. In return, the heads of the State or heads of Government from China, Myanmar, Indonesia and Thailand also visited Bangladesh.²² This policy is not only about exchange of visits at leadership and other levels but also manifestations of real progress being achieved in her efforts to intensify co-operation with these countries. It has been noticed that the great strides in economic development made by the countries of the East, particularly those in East and South-east Asia and surplus accumulated by

²¹ Selim, "Bangladesh's Participation in ASEAN Regional Forum (ARF): An Assessment", p. 11.

²² Speech by M. Morshed Khan, MP, Foreign Minister of Bangladesh on "Challenge to Bangladesh Foreign Policy" at German Council of Foreign Relations on 5 November 2003. www.mofa.gov.bd/statements/fm8.html, accessed on 16 May 2011.

them as a result of their success.²³ There was a realization of the great new opportunities opening up for greater cooperation among and with the countries of the East. It was definitely not going to be one-way traffic. Many successful countries of the East were looking for new markets and opportunities for investing their surpluses, while capital starved countries like Bangladesh were looking for investors. It was a natural match of complementary interests.²⁴

Bangladesh's geographical location at the crossroads between South and South-east Asia and East Asia beyond. The geographical location of Bangladesh makes it naturally advantageous for Bangladesh to pursue a well-rounded and balanced policy of cooperation and friendship with all Asian countries including India, Pakistan and the other South Asian nations as with Myanmar, Thailand, and other Southeast Asian nations. Bangladesh shares many common values and similar cultural tradition with the countries of East Asia. There are natural affinities between the peoples of the two regions. The renewed emphasis on the future strengthening of its relations of cooperation and friendship, therefore, fits perfectly with Bangladesh's priorities. Bangladesh considers ASEAN Regional forum (ARF) as the primacy forum in enhancing political and security cooperation in the Asia Pacific region. Another vital aspect of this policy could be termed as physical connectivity to South-east Asia. During the cold war period the amount of trade and commerce of Bangladesh with South-east Asian countries was insignificant. The feeling that the region was a part of Bangladesh's extended neighbourhood was not a frontline issue. Establishment of air and land communication with the countries of East and South-east Asia has therefore, become an integral priority of Bangladesh diplomacy. Bangladesh has been actively negotiating with Myanmar and Thailand for a direct road link to Thailand through Myanmar. Under 'look East Policy' there has seen considerable increase of trade with many of its partner countries in the East. Every country may have its comparative advantage in certain areas and investors in different East and South-east Asian countries could avail these advantages and opportunities in Bangladesh. Investors from

²³ Sudhanshu Ranjon Ray, "Bangladesh–Malaysia Relations, 1972-2006: A Historical Analysis", Unpublished Ph.D. Thesis, IBS, University of Rajshahi, 2008, p. 59

²⁴ Speech by M. Morshed Khan, MP, Foreign Minister of Bangladesh on "Challenge to Bangladesh Foreign Policy" at German Council of Foreign Relations on 5 November 2003. www.mofa.gov.bd/statements/fm8.html, Accessed on 16 May 2011.

partner countries in the East can invest in areas where Bangladesh enjoys relative advantage. In the equal manner, Bangladeshi investors could join foreign investors in availing the opportunities and advantages for investment in countries of the East.²⁵

6.2.2 Trade flow

It is known that trade between Bangladesh and Myanmar is low with Myanmar recording a bilateral trade surplus. Bangladesh's total exports in FY 2011-2012 stood at USD 11.8 billion.²⁶ China, India and Myanmar recorded a very low share of Bangladesh's exports. Exports to Myanmar recorded USD 5.8 million, which is less than one percent of Bangladesh's total exports to the world. However, the same does not hold true in the case of import activities. Presently, Bangladesh imported goods worth USD 79 billion in the ongoing fiscal year.²⁷ China and India together accounted for 33 per cent of total imports. Share of imports from Myanmar recorded slightly better at 0.2 percent compared to Bangladesh's exports to Myanmar.²⁸

Geographically, the border of Myanmar shares with Bangladesh, China, India, Laos and Thailand. It is also attaches a special dimension to the prospects of bilateral business relation between Bangladesh and Myanmar. It has been pointed out that contrary to the established economic theory which conceives border areas as remote and backward regions they are more prosperous than the central region in case of Myanmar. Four regions with the highest per capita household expenditure share borders with Thailand, China and Bangladesh. These regions are also growing more rapidly within Myanmar, widening the gap between border areas and other regions. Thus, it indicates that one of the ways to sustain Myanmar's prosperity is using its geographical advantage in the BCIM sub-region. In the following discussion, researcher identifies a few critical areas where Bangladesh and Myanmar could emerge as potential allies for promoting cooperation.

²⁵ Sudangshu Ranjan Roy, p. 60.

²⁶ Debapriya Bhattacharya, "Recent Development in Myanmar and new opportunities for Sub-Regional Cooperation: A Bangladesh Perspectives", Centre for Policy Dialogue, September, 2012, p. 13.

²⁷ Debapriya Bhattacharya, *Op, cit*,

²⁸ *Ibid*,

6.3 Bangladesh – Myanmar: Two-Way Investment

There is an obvious geographical rationale for promoting Bangladesh and Myanmar bilateral relations. The Arakan Mountain Range separates Rakhine and Chin states bordering Bangladesh from the rest of Myanmar. These two states of Myanmar possess abundant natural resources which include limestone, timber, bamboo, marine products and variety of valuable minerals. The main attraction in Myanmar for foreign investment is its abundant natural resources of agricultural products, timber, mineral and marine products.

Most of the natural resources are still under utilized or untapped. There have been efforts from both Bangladesh and Myanmar to enhance both investment and trade. But the fact remains that there is still very modest sums of investment in both counterparts. Myanmar and Bangladesh has huge potentials for bilateral investment that is yet unexploited. Currently, most of the business activities between Bangladesh and Myanmar take place through informal channels due to the absence of formal banking facilities. Later to enhance their bilateral trade and commerce, a Memorandum of Understanding (MOU) was signed on the establishment of a joint business council between the Federation of Bangladesh Chambers of Commerce and Industry (FBCCI) and the Union of Myanmar Chambers of Commerce and Industry (UMCCI).²⁹ Recently, Bangladesh government expressed its interest for investing in hydropower projects in Myanmar, import of gas for power generation, fertiliser production and industrial manufacturing from Myanmar and development of multi-module communications system.

6.3.1 Agricultural Co-operation

Myanmar has huge land for agricultural cultivation. In this connection, it was reported that, Myanmar had shown interest to lend land for agricultural cultivation to Bangladesh during high level official visits. Cooperation in the agricultural sector offers an appealing opportunity for both the economies due to Myanmar has abundant cultivable land and Bangladesh has the balancing manpower to cultivate those lands. It

²⁹ *Daily Financial Express*, 10 January 2012.

may be pointed out here that at present, China and Thailand have contract farming agreements with Myanmar.³⁰

Consent was given by both counterparties to the proposal that Bangladesh would be taking lease of 50,000 acres of land in the State of Rakhine for contract farming. The proposal was presented in 2007 with an additional scheme that as many as 10,000 farmers from Chittagong could be employed through the contract farming process.³¹ This proposal would utilise the innovative knowledge and experience of Bangladeshi farmers on farming in Myanmar. The Government of Myanmar has also proposed the provision of land tax exemption for a period of two to eight years and income tax waiver for a minimum period of three years to Bangladeshi private entrepreneurs. From Bangladesh's perspective, contract farming practice with Myanmar offers is a great opportunity to concentrate on agriculture production shortfall in Bangladesh. Contract farming is also an important and viable step for Bangladesh in relation with Myanmar to the current scenario where the country is losing cultivable land due to rapid urbanisation.

6.3.2 Energy Co-operation

Myanmar's energy sector has been expanding in the last couple of years since its export of natural gas to Thailand in 2004. Gas is the single most important source of income for Myanmar. The gas and oil sector of Myanmar consumed one third of Myanmar's Foreign Direct Investment (FDI). The only Shwe gas field of Myanmar has the potentials to generate revenue of USD 800 million, with expected revenue up to USD 3 billion per year. It was presumed that the A-1 Block Shew field gas reserve would serve primarily the Indian market via an overland pipeline through Bangladesh to Kolkata.³² However, disputes regarding conditionalities between Bangladesh and India led to a standstill. In 2005, Myanmar signed a MOU with Petro China regarding an overland pipeline through Myanmar to Kunming.³³ Since Myanmar has already come to an agreement with China regarding export of gas from the existing gas fields. The

³⁰ Debapriya Bhattacharya, *Op. cit.*, p. 15.

³¹ *Ibid*,

³² <http://www.freit.org/.../FREIT575.pdf>, accessed on 4 May 2014.

³³ "Burma and Its Neighbours: The Geopolitics of Gas", *APSNet Policy Forum*, 24 August 2006, <http://nautilus.org/apsnet/0630a-kolas-tonnesson-html/>, accessed on 4 May 2014.

President of Myanmar, U Thien Sein assured Bangladesh that his country would export gas to the latter given that new gas fields in the territory are discovered. After opening up to the world market, Myanmar is being considered as one of the prime energy hubs in the South Asian region where India is displaying a keen interest to take advantage of its natural resources.

6.4 Transport Connectivity

Infrastructure is seen as a regional public good in terms of moving factors of production within and across regions, thereby facilitating in attaining productivity and growth. Currently, there are no road or railway connection between Bangladesh and Myanmar. Bangladesh and Myanmar, including China and India are members of the Asian Land Transport Infrastructure Development (ALTID) project, launched by the UNESCAP in 1992. The ALTID project includes of the Asian Highway Network (AHN), the Trans-Asian Railway (TAR) network and the facilitation of land transport. The agreement on direct road link between Bangladesh and Myanmar was already signed back in 2007.³⁴ The fact remains that a direct road transport connection between the two countries would not only facilitate bilateral trade but also would open a gateway to China and ASEAN for Bangladesh as well as SAARC for Myanmar.

There is an ongoing discussion on the Tri-Nation Road Link connecting Bangladesh, Myanmar and China. Construction of the Myanmar – Bangladesh highway has already begun. It is the case that the Government of Bangladesh has already built 43 km (20 km on Bangladesh side and 23 km on Myanmar side) out of the 133 km highway at a cost of USD 27 million.³⁵ The second phase of the project will be carried out at an estimated cost of USD 128 million. The latter phase of the project will be supposedly carried out by Myanmar, the completion of which is yet to be declared.

6.5 Other Point of View

An agreement was signed during (2011) the official visit of the Prime Minister of Bangladesh to Myanmar for the formation of a joint commission to oversee and coordinate bilateral issues in an institutional framework. A MOU was also signed

³⁴ *Daily Star*, 06 August 2007.

³⁵ Debapriya Bhattacharya, *Recent Development in Myanmar and new opportunities for Sub-Regional Cooperation: A Bangladesh Perspective*, p. 16.

between BMCCI and UMCCI with regards to the establishment of a joint business council. Direct road and rail links, promotion of tourism and enhancement of trade cooperation in education were also focused. In view of the above discussion, it is imperative that Bangladesh and Myanmar should focus on building a strong regional cooperation between each other and both on a government level and also on Public Private Partnership (PPP) basis.

It is the case that, both Bangladesh and Myanmar are predominantly an agrarian economy with similar aspirations and way of life. Scores of initiatives from Myanmar part have come in the last couple of years. But the implementation of such proposals has not been finished due to factors unknown to us. Lack of timely and appropriate follow-up action has been probably the case with the Bangladeshi government.

6.6 Bangladesh – Myanmar Opportunities and Challenges

6.6.1 Special Economic Zones (SEZ)

China's attempt to establish SEZ did not succeed due to the Myanmar's inability to endorse the concept. Lack of economic expertise resulted in its failure to pass a law that would have helped develop the economy. Recently, the civilian government halted construction of a 4,000 megawatt coal-fired power plant in Dawei and planned a site of the country's 'first and biggest special economic zone' in order to accommodate environmental issues. But Myanmar is working very hard to develop SEZ to attract FDI into the region. Myanmar is also considering Export Processing Zones and Sub-trading Zones together with SEZ. In this regard, primarily, investors are allowed in the form of income tax discharge for 5 years and 50 per cent of taxes for the next 5 years. Two SEZ are reportedly in the works, one near the commercial capital Yangon and the other in Kyaukphyu, where the China-Myanmar pipeline starts. Additionally, a deep sea port, Kyaukphyu which located in the Rakhine State, off the coast of the Bay of Bengal is nearly finished. Alongside, the SEZ, Bangladesh can explore cooperation in the fields of solar energy and biogas projects.

6.6.2 Contract Farming

The liberal policy of Myanmar is on leasing out land for agro-based industries which is attractive to lure foreign investors. Depending on the type of venture, exemption from

land tax is also offered for a period of two to eight years. There are also provisions for income tax waiver for a minimum period of three years from the date of commercial operation. Contract farming can be initiated immediately in the Myanmar states bordering Bangladesh, though there may be some potential deterrents.

Under the contract, Myanmar farmers can offer their land and labour. While, Bangladesh entrepreneurs may provide knowledge and necessary supervision, supply of required inputs, furnish a buy back guarantee ensuring recovery of cost of production and provision of profit for the farmers which would be mutually agreed upon. Geographical land area of Myanmar more than five times than that of Bangladesh. Yet producing the staple, rice, at lesser quantities, Bangladesh has adopted the economy for searching full scale of assistance from neighbour countries. A recent proposal has been put forward by Myanmar seeking Bangladesh cooperation to expand its agricultural production. This proposal developed as a result of the new policy adopted by Myanmar to increase rice exports in the face the new democratic regime. The Bangladesh government has agreed to help Myanmar in the agricultural sector, although several rounds of talks would have to be initiated for the cooperation to be realised.

6.7 Connecting Bangladesh and Myanmar

Transport connectivity between the two nations offers huge services in export opportunities. It may stretch intra-regional disparity if relatively less developed economies like Myanmar and Bangladesh do not prepare themselves to face competition from bigger economies like China and India. Bangladesh perceives itself as a prospective Singapore provided that it can enjoy both market access and seamless physical linkages with Nepal, Bhutan, India, Myanmar, Thailand and China. The ongoing discussion on Tri-Nation Road Link connecting Bangladesh, Myanmar and China should be given due consideration, in particular by Bangladesh.

Both Bangladesh and Myanmar have agreed to allow the plying of non-conventional vessels having a maximum capacity of 1600 GT tones. This decision was taken by the two next door neighbouring countries in an effort to boost bilateral trade between them. The Government of Bangladesh and relevant ministries is already taking the necessary steps to amend the existing protocol and incorporate the plying of non-

conventional vessels. The formal framework of the Standard Operating Procedure (SOP) is underway as it is the case that both the countries will be signing the SOP shortly.

The flagship project is the Kaladan multimodal transport project, which involving the upgrading of the Sittwe port and the construction of a highway. The project is also connecting the town of Paletwa in the Chin state to the Indian border in Mizoram state. India is enthusiastic about building a regional hub for trade, investment and communication in the region. An agreement has already been signed between the nations in a number of road building projects. Specifically, the Trilateral Highway connecting India, Myanmar and Thailand is to be drawn to a close by 2016.³⁶

Transport connectivity regarding road networks, air and sea are being reviewed. In this regard, the cooperation of connectivity at the borders is being neglected from Bangladesh's part. It is the case that Myanmarese fish exporters are exporting huge quantities of fish through Teknaf to Bangladesh every year and they have requested the concerned Fishery Department to allow them to legally use the Sadarghat port, located in the Southern part of the city of Dhaka, on the bank of Buriganga and Chittagong fishery ghat. The BMCCI also urged the Ministry to accommodate the problems of Myanmar fish exporters at Sadarghat port, but the concerned authorities are paying very little heed to the issue and there are no developments in resolving the bottlenecks. Hence, such issues of connectivity should be dealt with as early as possible so that the Myanmar traders do not feel insecure and uncomfortable in doing business with their counterparts in Bangladesh. Serious political commitments would be necessary for the transport projects to come into effect. The present state of transport connectivity and cooperation is out of the path with respect to global trend towards regionalisation. It is thought that lack of political commitment is holding the progress, not only in the transport connectivity segment but also in other areas of regionalisation as well. The political leaders should change their mind-set that would be a necessary condition to make further progress. This might seem like a very inflexible task, but it is not insurmountable.

³⁶ Debapriya Bhattacharya, "Recent Development in Myanmar and new opportunities for Sub-Regional Cooperation: A Bangladesh Perspectives", p. 18.

6.7.1 Energy

Considering the energy scarce situation where 87 per cent of the power plants in Bangladesh are running on natural gas. The government of Bangladesh should seriously consider of importing electricity not only from India but also from Myanmar. The cross-border power trading will not only kick-start the strong bilateral link between Bangladesh and Myanmar but will also greatly assist in solving the electricity shortage of the nation, at least partially. Myanmar officials, during an official visit in May, 2010, expressed their keen interest about power trading and also identified potential challenges and opportunities.

Bangladesh should immediately consider power trading with Myanmar with a stern outlook. This is because a private company of Myanmar has already leased land for the setup of power plant and another firm has already expressed their interest in setting up a hydroelectric power plant. Both the projects would be initiated in the state of Rakhine with the primary intention of exporting electricity to Bangladesh. Thailand is already importing natural gas from Myanmar, with more than half of Bangkok's electricity relying on gas piped from their western neighbour. The hindrance, apart from lack of cooperation between the nations, would be the competition from the giants, who would grab every opportunity that would allow them to put their hands on potential energy sources in Myanmar.³⁷

Since Bangladesh is still importing urea fertiliser, the government may explore the idea of importing gas from Rakhine State, for production of urea fertiliser which can be re-exported to Myanmar. It has been suggested by the BMCCI that the construction of a gas pipeline from Rakhine State to Chittagong be undertaken by a private sector-led consortium of investors from Bangladesh. It is suggested that businesspersons and entrepreneurs of both the nations take advantage of bilateral cooperation in the area of tourism development. It was also suggested, during official talks, that the cooperation should be taken up at the private level and should not only be confined at the government level. Recent discovery of estimated 16 trillion cubic feet (TCF) of proven gas reserves in Rakhine state has opened up new corridor of industrial development possibilities for Myanmar's future generation. Bangladesh and Myanmar

³⁷ [http:// www.freit.org/.../FREIT575.pdf](http://www.freit.org/.../FREIT575.pdf), accessed on 4 May 2014.

businessmen could come together for harnessing many of the nature resources for mutual benefits. Import substitution industries under joint-venture could be explored to be set up at both the parts of the border at convenient places. Besides millions of tones of limestone deposits in the Rakhine State, there is a single patch of bamboo forestry stretching over 7,000 sq km producing 22 species of bamboo, equivalent to 8,00,000 metric tons of pulp that can feed upto 25 paper mills the size of Karnaphuli paper Mills.³⁸

6.8 Political Outlook

The recent civilian government and the interest of Myanmar to open up have caused more than a few foreign leaders and foreign ministers to visit the country to discuss political and economic cooperation. Some of the recent visits include visit by the Prime Minister of Bangladesh, Sheikh Hasina, the then Prime Minister of Indian, Manmohan Singh, member of the Political Bureau of the Communist Party of China (CPC) Central Committee, Prime Minister of Laos, Thongsing Thammavong, Prime Minister of Thailand, Yingluck Shinawatra, Prime Minister of Vietnam, Nguyen Tan Dung, Australia's Foreign Minister Kevin Rudd, Indonesia's Foreign Minister Marty Natalegawa, India's S.M. Krishna, Japan's Koichiro Gamba, UK Secretary of State Andrew Mitchell, and U.S. Secretary of State Hillary Clinton. On July, 2011 during the 5th Joint Bangladesh-Myanmar Economic Commission meeting held at Nay Pyi Taw where both the Chambers agreed that a seminar will be held on Bangladesh – Myanmar business development. While the Export Promotion Bureau of Bangladesh in association with other concerned stakeholders has already started taking such initiatives. It was also agreed that a trade fair will be held in Yangon to display Bangladeshi products. It has been argued by experts that the BMCCI should form cells with appropriate representation from different concerned chambers to discuss and explore the potentials of business with the concerned bodies of Myanmar. It is highly relevant that any discussion on the potential of Bangladesh-Myanmar cooperation should take into consideration without outside factors. It should be borne that it is not only Bangladesh who is interested about doing business with Myanmar. Thailand and China already have bilateral business activities with Myanmar. Additionally, a recent visit by the Indian Prime Minister to Myanmar has made it translucent that India is

³⁸ [http:// www.freit.org/.../FREIT575.pdf](http://www.freit.org/.../FREIT575.pdf), accessed on 4 May 2014.

keen on strengthening its bilateral relations with Myanmar. The visit also stamped the signing of a MOU of USD 500 million credits to Myanmar. India and Myanmar have agreed to setup several border markets and development of border infrastructure. It can be noted that, Myanmar invited the Indian Government in the development of several areas adjoining the common border, namely the Naga Self-Administered Zone of the Sagaing Region and the Chin State. Beside the Indian Government, the Indian industry is also displaying their own interest in Myanmar to exploit the full potential of trade and investment. It is the case that the United Bank of India is in the process of opening its representative offices in Myanmar.

The nations are collaborating in human resource development and also considering further association of energy cooperation in the geological terrain that both the countries share. Tourism is another sector where India wants to collaborate with its counterpart. On the other hand, the civil aviation authorities of both the countries have agreed on enhancement of direct flights and other aspects of the commerce. In the sector of education, a MOU was signed between Kolkata and Dagon universities, along with the consideration of setting up the India-Myanmar Foundation in order to promote educational, cultural and literary exchanges between the two countries.

Cooperation regarding agriculture is taking a progressive stand as an agreement has already been signed for the setup of Advanced Centre for Agricultural Research and Education near Nay Pyi Taw. This collaboration will focus on crops which are of prime interest to both the countries. Nevertheless, both the nations recognise that peace and stability in the region is a necessary condition for the development and well-being of the citizens of respective countries. Taking the above facets into consideration, it would not be unfair to state that cooperation between India and Myanmar is moving at a very fast pace.

Thus, Bangladesh should sincerely assess the options for strengthening its estranged relationship with Myanmar before others step in to fill the vacuum. There are two possible scenarios: (a) high-engagement with high risks leading to high outcome; or, (b) low-engagement with low risks leading to low outcome. It is suggested that Bangladesh gears up its effort for a third scenario where the government should focus on engaging proactively in moderate risky activities which would yield at least a

satisfactory outcome in the immediate outlook. Such an approach is required to lock-in political commitments and progress in economic cooperation. However, caution will need to be applied to ensure that Bangladesh does not incur the wrath of the giants.

6.9 Role of non-State Actors

The most recent of the advancements regarding bilateral cooperation in trade, investment and business opportunities came in September, 2011, when a MOU was signed between the BMCCI and the RSCCI (Rakhaine State Chamber of Commerce and Industry). The BMCCI and RMCCI agreed on exploring mutual growth, promotion and development of bilateral trade between Bangladesh and Myanmar. Promotion and coordination of joint collaboration with the provision of law and regulation were also agreed upon with a spirit of common purpose. Both the business chambers have requested the governments of Bangladesh and Myanmar to adopt and amend laws and regulations aimed at enhancing trade and business opportunities between the two neighbours. In view of the slow pace being witnessed at the government level, the BMCCI and RSCCI needs to take on a leadership role and provide a common platform for both their private sector actors to come together in generating ideas, focusing on harnessing the benefits that are to be realised through close bilateral cooperation.

6.10 South and South-east Asia; Regional Connectivity

6.10.1 Myanmar As a Bridge

The recent opening up of Myanmar in political, economic, and financial terms presents a significant new opportunity for Bangladesh to enhance her bilateral as well as multilateral relations with Myanmar as well as with the promise of substantial new opportunities to strengthen connectivity between the two sub-regions. This is particularly the case for land-based transportation both highways and railway and energy infrastructure. Both Bangladesh and Myanmar can benefit substantially from opening up and becoming a bridge between South and Southeast Asia. Myanmar can play a crucial and strategic role in connecting South and Southeast Asia, as it provides the only land bridge between the two sub-regions. It shares a total of 5,858 kilometers (km) of international borders with five nations namely Bangladesh, China, India, Laos, and Thailand. Moreover, its coastline stretches 2,800 km from the Bay of Bengal to the Andaman Sea, near major Indian Ocean shipping lanes. Myanmar has a total land area

of 676,577 square km, the largest in Southeast Asia after Indonesia.³⁹ As of 2011, it has a population of 60,384,000 with annual population growth of 1%. Myanmar is endowed with rich natural resources, including petroleum, timber, tin, antimony, zinc, copper, tungsten, lead, coal, marble, limestone, precious stones, natural gas, and hydropower and abundant low-cost labour for export oriented industries as well as historic sites with notable tourism potential.

Despite of its natural resource endowments, Myanmar remains one of the poorest countries in Asia, reflecting its legacy of inward-oriented economic policies since 1962 until recently.⁴⁰ It has the lowest GDP per capita among ASEAN members, at \$875 in 2011, based on current prices. Total trade is \$14,925,100, with exports amounting to \$8,119,200. The trade to GDP ratio was 28.2% in 2011, the lowest in ASEAN, and the ratio of exports to GDP was 15.4%.⁴¹ Foreign direct investment (FDI) inflows to Myanmar are among the lowest in ASEAN, at \$450 million in 2011. Moreover, Myanmar still ranks low in terms of various infrastructure and connectivity indicators. Internet subscriptions are still very low at 10 per 1,000 populations and cellular phone density is also low at 26 per 1,000 populations.

Even so, Myanmar shows competitiveness in its transportation infrastructure. Its roads and paved network are much longer than those of Cambodia and Laos and even the middle-income Philippines and Thailand. Rail passenger traffic is also considerable, although air traffic is still very limited. However, cross-border road connectivity is poor, and there is no cross-border connectivity at all for railways. The United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) have identified about 1,063 km of missing links in Myanmar for the Asian Highways.⁴² Like many developing economies, Myanmar is experiencing extensive structural transformation.

³⁹ <http://www.adbi.org/.../2013.05.05.bo>, accessed on 4 May 2014.

⁴⁰ Connecting South and Southeast Asia: interim report/ Asian Development Bank Institute, 2013, p. 13. <http://www.adbi.org/files/2013.05.05.book.connecting.south.asia.southeast.asia.interim.report.pdf>, Accessed on 10 March, 2014.

⁴¹ Association of Southeast Asian Nations (ASEAN) 2012.

⁴² Connecting South and Southeast Asia: interim report/ Asian Development Bank Institute, 2013,p.13.<http://www.adbi.org/files/2013.05.05.book.connecting.south.asia.southeast.asia.interim.report.pdf>, Accessed on 10 March 2014.

In 2012, the service sector share in the GDP was 41.8% higher than that of the agriculture sector share (38.8%), which has been falling gradually over the past decade, and that of the industry sector share (19.3%).

Under President U Thein Sein, the administration of Myanmar has undertaken sweeping political and economic reforms such as lifting media censorship, releasing political prisoners, and adopting market-oriented reforms focusing on the real and financial sector. Moreover, at that time the administration of Myanmar was improving the business climate for foreign investment. The government also embarked on ceasefire agreements and peace talks with rebel ethnic groups. Myanmar's international relations also improved under the present new President's leadership, as shown by Myanmar's openness to dialogue with the United States (US) and its appointment as ASEAN chair in 2014.⁴³

In 2012, the government drafted its Framework for Economic and Social Reforms. The document set out a highly ambitious program; it identifies the policy agenda and priorities of the Government of Myanmar from 2012 to 2015, while aiming for the longer term goal of identifying parameters and processes to develop Myanmar into a modern, developed and democratic nation by 2030.⁴⁴ The reform measures include macroeconomic policies to promote inclusive growth, stability, and poverty reduction sectoral reforms to develop industry.

There are other policies which promote social, cultural, and environmental aspects of development, as well as social harmony and regional development. Moreover, governance reforms, and strategies to improve the international reputation of Myanmar through its engagement with ASEAN, the GMS, and the rest of the world are taken in to account. The document identifies specific plans for reforms in government finance and taxation, monetary and financial sector policies, trade and investment liberalization programs, education, tourism sector, governance and transparency, improvements in telecommunications, development of infrastructure, and improved government efficiency and so on. Presently, the Government of Myanmar is embarking on programs to raise agricultural productivity and encourage development of

⁴³ <http://www.adbi.org/.../2013.05.05.bo>, Accessed on 10 March 2014.

⁴⁴ *Ibid.*

manufacturing, energy, and mining. It is also pursuing priority infrastructure projects that will support upgrading of the agriculture and industry sectors and enhance the country's connectivity to the region. Major reforms being implemented include land reform programs to grant titles to farmers, improving access to finance, and development of rural infrastructure.

The government also revised the law governing FDI to reduce restrictions on foreign investment, and further plans to improve the Special Economic Zone Law, 2011, to reduce restrictive policies on domestic firms. The government is also developing a comprehensive tourism strategy that will improve tourism infrastructure and support sustainable tourism in the country. In 2011, natural gas, wood products, pulses, beans, fish, rice, clothing, jade, and gems were its largest export commodities. Its top export destinations in 2011 were the China, India and Thailand, while its top import sources were the China, Singapore and Thailand.

As mentioned above, these prospective gains include contributing to achieve sustainable growth, integration into regional production networks, and contributing to processes of political reconciliation in the region. The opening up of Myanmar takes on particular importance in the context of Bangladesh's Look East policy, which creates a large scope the move toward an ASEAN Economic Community very soon. Improved domestic connectivity and sustaining policy reforms are necessary conditions to ensure that Myanmar can be an effective bridge between South and Southeast Asia and that the region can benefit.⁴⁵

6.10.2 Road Networks

6.10.2.1 Asian Highway

The concept of Asian Highway was formally proposed in 1959 as a network of 65,000 km in 15 member countries to promote the development of international road transport in the Asian region. Over the years, the Asian Highway network has become a set of existing national highway links connecting major cities to promote regional integration.

⁴⁵ Connecting South and Southeast Asia: interim report/ Asian Development Bank Institute, 2013, p. 16.

<http://www.adbi.org/files/2013.05.05.book.connecting.south.asia.southeast.asia.interim.report.pdf>, Accessed on 10 March 2014.

The concept requires that the Asian Highway routes be upgraded or maintained to meet uniform standards. An Intergovernmental Agreement was adopted in 2003 to finalize formalization of the Asian Highway and it came into force in 2005. Currently, the Asian Highway network consists of 143,000 km of standardized roadways crisscrossing 32 Asian countries with linkages to Europe.⁴⁶ The Asian Highway proposed route by Bangladesh runs through Tenkaf in Chittagong to Arakan province in Myanmar. Rakhine State (Arakan) province has been troublesome for Yangon (Myanmar capital) for some years. It is reported that 40 percent of its population is Muslim, known as Rohingya, derived from 'Rohang', the capital of Arakan. Hence, the route from Myanmar to Bangladesh was consistently objected to by Myanmar from late 70s during ESCAP meetings. The objection is believed to be for reasons of national security. It continues to remain the same. The net result, Myanmar does not agree on transnational route through Arakan province to Bangladesh and has been comfortable to re-route the Highway through India's Northeastern states.⁴⁷

6.10.2.1.1 Political Reality

Bangladesh and India are neighbours. This geographical reality cannot be changed. Bangladesh has to develop a range and pattern of economic relations with India that will help Bangladesh to achieve a high rate of economic growth. Because of the economic size and strength of India, the distribution of gains from economic cooperation will not always be equal between the two countries. But the bottom line should be whether Bangladesh has gains or not. Bangladesh may not compare its gains with that for India on each sector. To evaluate differential gains for each country is a challenge for Bangladesh policy makers. It is a delicate balancing act and does not correspond to a neat mathematical formula.

6.10.2.1.2 Impacts on SAFTA and BIMSTEC

South Asian Free Trade Agreement (SAFTA) came into effect notionally from 1st January of the year 2006. Reportedly it will come into force from 1st July, 2006

⁴⁶ <http://www.adbi.org/.../2013.05.05.bo> Accessed on 10 March 2014.

⁴⁷ *Daily Star*, 18 January 2006.

SAFTA is a milestone towards South Asia Economic Union as per commitments of SAARC member-countries at the 2002, Kathmandu Summit.⁴⁸

Under SAFTA, the member countries will gradually cut down tariffs to 5 percent (India, Pakistan and Sri Lanka by 2013 and LDCs, Bangladesh, Bhutan, Maldives and Nepal by 2016). On December 21-27, 2005 meeting of Trade Negotiating Committee of BIMSTEC comprising Bangladesh, Bhutan, India, Myanmar, Nepal, Thailand and Sri Lanka set July 1, 2006 to implement FTA (Free Trade Agreement) on trade goods in the region.⁴⁹ The Committee also decided to prepare a draft of investment promotion and protection agreement and exchange lists of service sectors.

SAFTA and BIMSTEC will facilitate trade flow among SAARC and ASEAN countries only when a forward looking approach is undertaken towards integrating the transport network in the region. In this context the Asian Highway assumes its significance in boosting economic development of the region. Moreover, Bangladesh stands between India and ASEAN. China is only 100 kilometres North across the Himalayas from Bangladesh's borders. For reasons of its strategic position and for the bigger geo-economic scenario emerging in Asia, it is argued that Bangladesh government may seriously reconsider its position in respect of signing the Asian Highway network for long-term interest.

These projects also tie in with those identified in the BIMSTEC Transport Infrastructure and Logistics Study (BTILS), which forms the core of transport planning in the BIMSTEC area and was endorsed by the BIMSTEC ministers in 2009. The BIMSTEC program has identified 14 road corridors, 4 rail corridors, 2 inland waterway corridors, 11 maritime gateways and 15 aviation gateways. Some of the road and railway corridors overlap with the Asian Highway and TAR routes.⁵⁰

⁴⁸ *Daily Star*, 18 January 2006.

⁴⁹ *Daily Star*, 18 January 2006.

⁵⁰ Connecting South and Southeast Asia: interim report/ Asian Development Bank Institute, 2013,p.19.<http://www.adbi.org/files/2013.05.05.book.connecting.south.asia.southeast.asia.interim.report.pdf>, Accessed on 10 March 2014.

6.10.2.2 ASEAN Highway Network

ASEAN has identified the ASEAN Highway Network (AHN), which consists of 23 designated routes, totalling about 38,400 km, as one of ASEAN's flagship projects for land transport connectivity. The AHN is aimed at eventually creating a denser network of intra-regional highways through the expansion of UNESCAP's Asian Highway network within ASEAN member states. The AHN uses the same design standards as UNESCAP's Asian Highway network. ASEAN Highway routes overlapping with UNESCAP's Asian Highway routes have the same route numbers as the Asian Highway routes. About half of the AHN length still consists of class III and below roads. ASEAN has identified Transit Transport Routes in the AHN to facilitate transportation of goods in transit and to further integrate Asia's economies.

6.10.2.3 Railway Networks

Rail network connectivity between the two regions is generally poor. In particular, Myanmar has no cross-border rail links. Moreover, the incompatibility of gauges (track widths) in India, Bangladesh, Thailand and Myanmar means that transshipment will be required even after through rail links are developed. This increases costs, lowers service levels and makes rail less competitive.

6.10.2.4 Trans-Asian Railway

The Trans-Asian Railway network, which was initiated in the 60s, comprises 114,000 km of rail routes of international importance. It aims to offer efficient rail transport services for goods and passengers within the ESCAP region and between Asia and Europe. The plan has sometimes been called the 'Iron Silk Road' in reference to the historical Silk Road trade routes. UNESCAP's Transport & Tourism Division began work on the initiative in 1992 when it launched the Asian Land Transport Infrastructure Development project.

International events that punctuated the 60s, 70s and early 80s influenced the momentum of the TAR concept. However, with the political and economic changes in the region between 80 and early 90, the development of the concept was revived. The Trans-Asian Railway (TAR) Network agreement was signed on November 10, 2006,

by seventeen Asian nations as part of a UNESCAP's effort to build a transcontinental railway network between Europe and Pacific ports in China.⁵¹

Of 30 landlocked countries, 12 are located in Asia with nearest ports often several thousands of kilometers away. The network will provide improved access to major ports for the countries. Countries throughout Asia will commit to coordinate the development and operation of international rail routes linking twenty-eight countries of the region. This is the second treaty developed under the auspices of ESCAP - the other being the Intergovernmental Agreement on the Asian Highway Network (AHN) that entered into force in July 2005.

The network was initially divided into four major components, which were studied separately. They are:

- (i) A northern corridor connecting the rail networks of China, Kazakhstan, Mongolia, the Russian Federation and the Korean Peninsula.
- (ii) A southern corridor connecting Thailand and the southern Chinese province of Yunnan with Turkey through Myanmar, Bangladesh, India, Pakistan, the Islamic Republic of Iran and Sri Lanka.
- (iii) A sub regional network covering the ASEAN and Indo-China sub regions, and;
- (iv) A north-south corridor linking Northern Europe to the Persian Gulf through the Russian Federation, Central Asia and the Caucasus region.

The proposed three routes to be passed through Bangladesh are:

Route 1 - Gede (West Bengal, India) Darshana (Chuadanga, Bangladesh)-Ishwardy-Jamuna Bridge-Joydevepur-Akhaura-Chittagong-Dohazari-Gundhum-Myanmar,

Route 2 - Singabad (West Bengal)-Rajshahi (Bangladesh)-Ishwardy-Jamuna Bridge-Jodevpur-Akhaura-Chittagong-Dohazari-Gundum-Myanmar and;

⁵¹ *Daily Star*, 20 June 2009.

Route 3 - Radikkapur (West Bengal)-Dinajpur-Ishwardy-Jamuna Bridge-Joydevpur-Akhaura-Chittagong-Dohazari-Gundhum-Myanmar.

The above state of transport connectivity and cooperation among the member countries is a bit out of step with the global trend towards regionalization. Political impediments, in one of the number countries have been holding the progress. In that context, the country concerned should take some lessons from other sub-regions where all members are enjoying the benefit of economic cooperation. National transport systems are within the exclusive jurisdiction of sovereign governments. To make progress beyond what has been achieved so far, the member countries shall have to take bold decisions and make further political commitments. In the context of transport connectivity, it is essential to address the issue soonest, otherwise the smaller countries, stand the risk of foregoing many of the economic opportunities that the process of globalization could have provided. The task that lies ahead for the countries concerned is difficult but not insurmountable, if it is approached one step at a time, by the countries concerned. To this end, serious consideration needs to be given to the actions outlined in section. The most crucial is the political commitment, which should be translated into collective action by the government, the bureaucrats, the private sector and the civil society at large.

6.10.2.5 Bangladesh and Trans-Asian Railway Network (TAR)

In May 2007, the Council of Advisors of the Bangladesh caretaker government reportedly approved the proposal to join the Trans-Asian Railway Network (TAR), aiming to expand its rail communications with other Asian countries⁵² And subsequently with Europe in the near future and in November of that year, Bangladesh has signed the TAR. However, it has not yet ratified the treaty. On 21 May, 2009, it has been reported that the Bangladesh government has decided to ratify the Asian Highway Network (AHN). On June 15, 2009, the cabinet decided to sign the AHN agreement and accept the proposed routes. Bangladesh would become a member of the UNESCAP once it has signed the agreement. The Prime Minister of Bangladesh said after being a party to AHN, Bangladesh could raise and debate about possible route changes.⁵³ It is

⁵² Harun Ur Rashid, “*Current Affairs*”, Dhaka: Appl, 2013, p. 105.

⁵³ *Daily Star*, 22 November 2013.

appropriate that Bangladesh may ratify the TAR and may become its ninth member. This will be consistent with the Prime Minister's plan for building modern and fast-track communication networks across the country and also her desire that Bangladesh would act as a 'bridge between East and West'.⁵⁴

6.10.3 Seaports

6.10.3.1 Bangladesh

Chittagong Port is the principal seaport of Bangladesh that Responsible for handling over 90% of the country's external trade. It lies mainly on the north bank of the Karnaphuli river, about 16 km upstream from the Bay of Bengal.⁵⁵ In 2011, Chittagong Port handled about 43.1 million tons of cargo, 1.4 million twenty-foot equivalent units (TEUs), and 2,248 vessels.⁵⁶ Because of the width, curvature, and draft of the Karnaphuli River, the size of vessels that are able to call at Chittagong Port is limited. For vessels entering the port, the maximum permissible draft is 9.2 meters (m) and the maximum length is 186.0 m.⁵⁷ There are also constraints for port capacity and operations. Expansion of the port on the north bank of the river is restricted by the city. Land is available on the South bank, but it is hampered by poor connectivity. Severe capacity bottlenecks hamper the rail and road traffic between Chittagong Port and Dhaka.

The 327 km railway between the port and Dhaka is partially single-track, limiting the number of daily trains. Moreover, because of the preference given to passenger traffic, only four or five container trains operate daily, carrying about 10% of containers between the two nodes. The 250 km highway between Chittagong Port and Dhaka is only two lanes and is bounded by load restrictions on bridges. Generally, fully loaded containers cannot be transported to the capital by road and the loading and unloading of containers has to take place at the port. The Government of Bangladesh

⁵⁴ *Daily Star*, 22 November 2013.

⁵⁵ Connecting South and Southeast Asia: interim report/ Asian Development Bank Institute, 2013, p. 22.
<http://www.adbi.org/files/2013.05.05.book.connecting.south.asia.southeast.asia.interim.report.pdf>,
 Accessed on 10 March 2014.

⁵⁶ Chittagong Port Authority, <http://cpa.gov.bd/portal/>, accessed 13 March 2013.

⁵⁷ *Ibid.*

has plans to increase Chittagong Port's container handling capacity by fully operationalizing the New Mooring Container Terminal located directly west of the existing terminal. Railroad capacity between the port and Dhaka would also be increased in 3–5 years by converting single-track sections into double track. The highway would be widened from two to four.

6.10.3.2 Myanmar

Yangon is the principal port city of Myanmar. Yangon Port handles more than 90% of the country's imports and exports.⁵⁸ It is situated on the river of Yangon, 30 km inland from the Gulf of Martaban, Andaman Sea. Yangon Port now includes a new port area at Thilawa, about 20 km downstream of the river of Yangon. In 2011, Myanmar handled about 20.4 million tons of cargo, 0.4 million TEUs, and 1,836 vessels.⁵⁹ The port area of Thilawa offers a deeper draft and is accessible to larger vessels with maximum 9 m draft, 200 m length, and 20,000 DWT. However, the road between the Thilawa port area and the bridge leading to Yangon is in poor condition.⁶⁰ Moreover, because of much higher container transport charges, Thilawa port area only has a 12% market share. As Yangon Port is located close to the city center, it faces constraints on space. It is reported that the facilities in Yangon Port are obsolete and lack sufficient generators. Port operations often halt when there is an electricity blackout. It is also reported that Yangon Port does not have sufficient cargo handling equipment, resulting in a long waiting time for the loading and unloading of cargo. As the general cargo berths are located in the city center, Yangon Port contributes to chronic road congestion in the city, which leads to long and unreliable transport times. As for railway transport, not all routes are electrified yet, and all routes except between Yangon and Mandalay are single-track. Moreover, freight trains can only begin running in the afternoon,

⁵⁸ Connecting South and Southeast Asia: interim report/ Asian Development Bank Institute, 2013,p.23.<http://www.adbi.org/files/2013.05.05.book.connecting.south.asia.southeast.asia.interim.report.pdf>, Accessed on 10 March 2014.

⁵⁹ Myanmar Port Authority. 2012. Development of Container Port and Inter modal Connections. <http://www.unescap.org/ttdw/common/Meetings/TIS/IntegratedTx-2012/ Presentations/4.3.Myanmar.pdf> (accessed on 18 March 2013).

⁶⁰ Connecting South and Southeast Asia: interim report/ Asian Development Bank Institute, 2013,p.23.<http://www.adbi.org/files/2013.05.05.book.connecting.south.asia.southeast.asia.interim.report.pdf>, Accessed on 10 March 2014.

causing difficulty in establishing freight train schedules. In accordance with the Yangon Port Development Plan, 2010, dredging of the waterways of the Yangon River is ongoing. Upon completion, it would be deep enough for 35,000 DWT vessels with more than 9 m draft. The number of jetties would be tripled from 22 to 62, and port operations would be improved to handle the expected increase in cargo traffic.⁶¹

As for road transport, a new four-lane cargo road between the general cargo berths situated in the city center and river of Yangon would be constructed, and some road sections linking to the main highways would be upgraded to six lanes. To ease the traffic problem in the city center, a new container yard terminal would be constructed in the outskirts of Yangon city. In the longer term, accommodating demands for traffic of larger vessels implies that the development of deep sea commercial ports will have to be implemented at suitable sites along the coast of Myanmar such as Kyaukpyu on the western coast and Kalegawk, Dawei and Bokpyin on the eastern coast of Myanmar.

6.10.4 Trade Links

The growth of South and South-east Asian cross sub regional trade over time has been remarkable, from very little (\$4 billion) in 1990, to a considerable amount (\$86 billion) in 2011, an increase of almost 22 times. Both sub-regions embraced outward-oriented reforms to deepen links with the global economy over this period. From 2000 to 2011 effective applied manufacturing tariffs fell from 14% to 11% in South Asia and 11% to 7% in South-east Asia, making the latter sub-region arguably the most open in the developing world.

This liberalization has been an important driver behind the internationalization of these economies. For example, the exports to GDP ratio of ASEAN rose to 57% and that of India increased to 18%.⁶² Cross sub-regional trade growth was even faster, South-east Asia's share of South Asian trade raised slightly from 11% to 12%, whereas, South Asia's share of South-east Asian trade doubled from about 2% to 4%.⁶³ This

⁶¹ Connecting South and Southeast Asia: interim report/ Asian Development Bank Institute, 2013, p. 23. <http://www.adbi.org/files/2013.05.05.book.connecting.south.asia.southeast.asia.interim.report.pdf>, Accessed on 10 March 2014.

⁶² *Ibid.*

⁶³ <http://www.adbi.org/.../2013.05.05.bo> Accessed on 10 March 2014.

suggests that, while cross sub-regional trade is relatively low compared to trade with the rest of the world for both sub-regions. It has risen from being fairly insignificant to being important to both sub-regions. In fact, South and South-east Asian trade is 2.5 times larger than intra-South Asian trade. Intra-South-east Asian trade is much higher, at about 25% of its total trade, but this share has been relatively sound over the past two decades.⁶⁴ This would suggest that the impressive rise in cross sub-regional trade has some ASEAN specific underpinnings.

6.10.5 Investment Links

Foreign Direct Investment (FDI) has been an important part of the successful development experience in Southeast Asia. Inflows of FDI bring in stable new capital flows, foreign exchange, easy access to foreign markets, and technology transfer. They also tend to strengthen institutions within developing countries, including in the financial sector, and create a more stable environment of policy competition for more business friendly policies.⁶⁵ In doing so, they establish an attractive business environment within which multinationals can easily profit from a vertical division of labor and facilitate the emergence of regional production chains. Traditionally, FDI flows have been North–South, but South–South FDI has become increasingly prominent. Since 2006 Greenfield FDI from South Asia particularly India to Southeast Asia has been greater than Southeast Asian FDI in South Asia, but in both cases the aggregate flows are relatively small. Southeast Asia only accounted for 14% of total South Asian FDI outflows during 2009 – 2012, and South Asia only received 6% of Southeast Asian FDI. In both cases, these shares are down from those in 2006–2010.

6.11 Future Prospect of the Relationship

Due to development in diplomatic relation, door of innumerable opportunities will be opened. It will facilitate opening of newer fields of cooperation and encourage joint ventures. Private and public sectors of both the countries will also be encouraged for investment in each other's country. Moreover, Myanmar is a land bridge for Bangladesh in order to reach other ASEAN countries by land. It is the stronger diplomatic relation with Myanmar, which will facilitate Bangladesh to materialize her

⁶⁴ <http://www.adbi.org/.../2013.05.05.bo> Accessed on 10 March 2014.

⁶⁵ <http://mirror.undp.org/magnet/policy/chapter1.htm>, accessed on 4 May 2014.

‘Look-East Policy’ and derive mutual benefit from various aspects. In respect of border tension, it is the stronger diplomatic relation, which will shape the mental makeup of border security forces and people of both the countries. Both the countries will be encouraged to solve any issue amicably. Due to good relation with Myanmar, Bangladesh will be able to maintain peaceful border situation and avoid unnecessary border tension along Bangladesh-Myanmar border.

Moreover, maintenance of warm diplomatic relation will facilitate both the countries to strengthen further ties. These ties may be on sharing of military training, joint military exercises, joint military patrol, tourism, education etc. In case of foreign policy, Bangladesh – Myanmar highway is likely to serve as the artery of the heart of Bangladesh. Additionally, if any blockade imposed by India against Bangladesh as Bangladesh can expect friendly assistance through this highway during her critical needs. Again, Bangladesh will be able to conduct free import and export through this highway without Indian intervention. Thus Bangladesh will be able to enjoy an independent foreign policy by maintaining a strong diplomatic relation with Myanmar. The geographic location of Myanmar presents a great scope for the politico-economic-strategic planning of Bangladesh, which needs to be exploited with far-sighted planning.

Even so, if Bangladesh can influence Myanmar and encourage for better treatment to the Rohingyas, it is expected that thousands of registered and unregistered Rohingya refugees will be encouraged to return to their homes. This will not only free Bangladesh from enormous unwanted burden of refugees but also reduce grievances of Rohingyas, which will curbe separatism, the prime concern of Myanmar Government. Moreover, there are so many prospects existing between Bangladesh and Myanmar, as such; Bangladesh being a country of approximately 140 million people, present a big market also. As such, presently, India has captured the entire market of Bangladesh. Every year, Bangladesh imports 35000 crore Takas goods from India.⁶⁶ Except this, around 40,000 crore takas Indian goods are smuggled into Bangladesh every year.⁶⁷ Dependence on Indian goods virtually making us dependent on India. As a result, in

⁶⁶ Major Faruk Ahmed (Retd), “Prospect of Bangladesh-Myanmar Relation” <http://bangladesh-web.com/view.php?hidRecord=384676> Accessed on 10 May 2012.

⁶⁷ *Ibid*,

time of hostility, India is likely to stop all the supplies and compel starving Bangladesh to surrender to their will. So, the trade relation with Myanmar including other ASEAN countries is vitally important to reduce our dependence on Indian goods.

Additionally, construction of international highway and increased trade, many co-related infrastructure will be established and new source of occupation will be created. This will have positive impact on the economic development of the bordering people's between Bangladesh and Myanmar. Moreover, establishment of road communication with Myanmar, Thailand and China, Bangladesh will be able to import goods by road with lesser transportation cost than that of ship and air transportation. This will cause lesser price of goods in the market. On the other hands, ASEAN countries also will be encouraged to import Bangladeshi goods due to lesser transportation costs.

From the aspect of agricultural goods, Bangladesh imports rice, wheat, onion, sugar and many other agricultural products to Myanmar. The trade relation with Myanmar will encourage their people to produce these agricultural commodities in greater quantity. The raw materials needed for different industries will also demand more agricultural production in these countries.

Nonetheless, the scopes of opening newer fields of cooperation will always depend on the relation and good will of both the governments. There are immense probable fields of cooperation are existing between the two next door countries. In this regard, Bangladesh may initiate sharing of military training with Myanmar. Myanmar's military officers may be invited to undertake courses in the Staff College of Bangladesh, National Defence College, various Arms training institutes and Bangladesh Military Academy.

Additionally, Bangladesh may conduct combined military exercise with Myanmar. These exercises may include joint Anti-Smuggling Operation in the Bay of Bengal, Protection of Economic Zone in the Bay of Bengal, Counter Insurgency Operation and Command Post Exercises etc. Sharing of training and combined military exercise between Bangladesh and Myanmar will help to know each other and build mutual confidence between them. In the connection of gas and electricity, Myanmar being a vast country is abundant with natural gas and other mineral resources.

Myanmar already discovered a large gas field near the sea border of Bangladesh. As Bangladesh's mineral gas is likely to be exhausted within few years, Bangladesh may plan to import Myanmar's gas through pipeline with minimum cost. Likewise, there is a big waterfall in Buthidaung District of Rakhine State. This fall is within 50 km of Bangladesh. If a hydroelectric project can be established by joint venture, electricity demand for the whole of Chittagong economic zone can be met up. This is a great opportunity, which may be explored.

Nevertheless, Bangladesh has received a good response from these countries namely, China, Thailand, Indonesia and Malaysia since the government has undertaken 'Look-East Policy'. If it is possible for Bangladesh to formulate a closeness ties with Myanmar and other ASEAN countries in near future, trade with these countries will be increased remarkably. This will be possible due to our friendly and cooperative relation with Myanmar, as most of the goods will be transported through Myanmar. In this regard, Due to common reverine border, development of reverine communication will help transportation of goods easier and less costly.

All the same, there may be visited of cultural and educational teams in a regular basis, which will bring the two nations more closer and also derive mutual benefit from these visits. Mutual cooperation between Bangladesh and Myanmar is needed to control refugee influx and also ensure repatriation of existing refugees from Bangladesh. Both the countries need to undertake necessary measures in order to achieve the repatriation of 29000 registered refugees currently staying at Kutupalong and Nayapara Refugee camps at Cox's Bazar, district of Bangladesh. Beside, Bangladesh and Myanmar can work together in order to control illegal small and arms as well as drug trafficking through coastal route. Furthermore, Bangladesh and Myanmar can undertake joint venture in order to promote tourism. The wonderful culture of different tribes of Myanmar like Shan, Khachin, Karen, Mon, Rakhine etc is of great attraction to the tourists. Similarly, the Teknaf and Cox's Bazar sea beach and other tourist attractions of Bangladesh can be exploited to attract the tourist. This sector has potentials of earning both foreign currency and friendship.

6.12 Effects on the Region

The persuasion of 'Look-East Policy' by Bangladesh is likely to bring Myanmar and other ASEAN countries more close to Bangladesh. This is likely to have following effects on the region. The nations of ASEAN countries are coming close to each other due to development of diplomatic and economic of their ties. The international highway will connect Bangladesh with Myanmar, Thailand and China. This will facilitate trade, tourism and mutual relation among the people in this region. Moreover, due to opening of international highway, people of this region are going to be engaged in more trade, production and other varieties of jobs, which will increase income of many people. Through such way, the economic standard of people of the region is going to be improved.

Bangladesh maintains closer ties with the ASEAN countries, the more India would be discouraged for any invasion in Bangladesh. Because, it is difficult to defeat a country, which has a lot of friendly nations. Bangladesh cannot be isolated from getting diplomatic, economic and military assistance from other countries in this region. As such, India will naturally be discouraged to invade Bangladesh due to fear of being engaged in a protracted war. Most of the military hardware of Bangladesh are of Chinese origin. Moreover, Bangladesh has signed a defence pact with China. Additionally, Bangladesh can develop its indigenous defence technology with the assistance of China, Thailand, Malaysia and Indonesia etc. Again, due to development of diplomatic relation with this region, the difference of opinion will be resolved peacefully. Illegal arms trade and drug as well as human trafficking will be controlled by mutual cooperation. As a result, security will be strengthened. Nonetheless, due to stronger diplomatic and economic relation and establishment of international highway, people of this region will be inter-related in different aspects and people to people contact between these regions will be increased greatly. Defence cooperation will be developed among nations. As a result, Indian hegemony is likely to be ineffective. Moreover, due to opening towards other countries through land communication, Bangladesh will be able to reduce effect of Indian land-encirclement. Import and export with other countries will be increased. As a result, total dependence on Indian goods will be decreased and it will come to an optimal level. Thus the isolation of Bangladesh from rest of the world will not be effective.

Finally, the essence of the ‘Look-East Policy’ is to develop diplomatic, economic and cultural ties with the ASEAN countries. Bangladesh will also seek for defence cooperation from these countries. The road link will bring the people of this region closer than ever before. Thus the improved relation with Myanmar will help Bangladesh greatly in materializing its ‘Look-East Policy’.

6.13 Looking Ahead

Both India and China the two giant members of the group have large amount of foreign exchange reserves. They could play significant roles in promoting investments in Bangladesh and Myanmar which could, in turn, target the Indian and Chinese markets through preferential market access initiatives. It has been argued that the emergence of an Asian community would be greatly accelerated if governments and particularly the governments of China and India were to commit themselves to invest their political and diplomatic resources in advancing the process of integration.

With the aim of creating a borderless world of trade, tariffs are being gradually eradicated. Nonetheless, regional cooperation would be the penultimate step to surmount the challenge of globalisation. Developing economies like Bangladesh and Myanmar would have to keep in mind that they would be experiencing grim competition from the giants India and China as they are at the confluence of these giants. Bangladesh-Myanmar cooperation would not only alleviate the chances of being stepped upon but also would help in maintaining an identity of their own.

The key trading partners of Myanmar include China, Singapore, Japan, Thailand, Malaysia, Indonesia and India. Myanmar has bilateral trade agreements with Korea, China, Thailand, Bangladesh, India, Pakistan, Vietnam, Laos, Philippines, Malaysia, Sri Lanka and Israel. Myanmar also has Border Trade Agreements with its neighbouring nations namely, Bangladesh, China and India. In particular, Bangladesh and Myanmar have about 18 bilateral trade agreements including land boundary management and trade and transport, out of which only the Border Trade Agreement is in motion. However, it is the case that an irregularity is a common factor faced by the Myanmar traders who are involved in border trade with Bangladesh.⁶⁸ During the last decade, there have been official visits by both the counterparts but very limited

⁶⁸ Debapriya Bhattacharya, p. 28.

pragmatic progress has been made in strengthening bilateral cooperation in mutually beneficial areas between the two next door neighbouring countries.

Thus, economic integration for Bangladesh and Myanmar has gained high importance in view of the fact that SAARC remains one of the least integrated regions in the world. In the final analysis, it is recognised that in order to give impetus to the Bangladesh-Myanmar relationship, formal institutionalisation of bilateral cooperation has become a necessary condition of involving the civil society that should also be dealt with more emphasis with the deployment of a more energetic approach.

Moreover, involving civilians of both the countries would help to bring about a cooperation that would provide the maximum level of integration and offer mutually beneficial opportunities for both the economies. Then, Bangladesh will be able to play the full potential without being oblivion to the Indo-Sino dynamics. Who will facilitate the initiatives in the future? The US, the UK (United Kingdom) and the EU (European Union) are the silent elephants in the room and it would be rational for Bangladesh to consider their priorities and views when negotiating with Myanmar.

However, after a long time the Bangladesh and the Myanmar leadership are demonstrating an awareness that the future is impinging on its present. Much more rapidly it did in the past. However, it is still the case that Bangladesh still does not fully comprehend the potential that Myanmar possesses in terms of their strategic and geopolitical advantage. Bangladesh needs to realise that cooperation with Myanmar will be of immense benefit from the many above discussed perspectives. Their main challenge is to seize the moment and lead the way into the future, rather than being context with the prevailing status by acknowledging that their strength lies in cooperation, not in isolation.

Chapter 7

Bangladesh – Myanmar Relations: The Role of Regional Organizations

Bangladesh and Myanmar belong to some common regional and international organizations because of their geographical as well as geopolitical circumstances. Both countries have been trying to strengthen their ties through mutual accommodation of their views and working in close cooperation with regional and international organizations such as the SAARC, ASEAN, ASEAN Regional Forum (ARF), Asian Clearing Union (ACU), BCIM and BIMSTEC which greatly help reducing tensions among the member states. Both of them try to cooperate and coordinate their policies within the framework of these organizations in which they are members. This obviously helps to strengthen the existing relations between the two countries. The leaders of both countries get used to meet in different summit conferences arranged by these organizations. They have the privileges to discuss various regional and international issues which also contribute to the strengthening of their friendship and cooperation. In addition, in recent years the world policies are greatly influenced and controlled by the major powers of the world such as the U.S.A, Russia, U.K and China. Again, several regional powers like India and Pakistan also have to some extent influenced the regional politics in South and South-east Asia. These countries also play indirect role in determining the relations between Bangladesh and Myanmar which are particularly interested in the promotion of peace and stability in the South and South-east Asia. However, both countries have not been able to build up a pragmatic relationship with each other despite having a lot of potentials. Myanmar being closed to the outside world for more than 50 years shows few distinct patterns of behaviour in developing effective bilateral relations with Bangladesh.¹ These are: Myanmar capitalized Bangladesh's geographical vulnerability, having remained under the umbrella of China; Myanmar was reluctant to count her small neighbour Bangladesh. Myanmar has been always stubborn in her attitude and behaviour towards Bangladesh. In this regard, Bangladesh fails to establish friendly relationship with Myanmar. On the

¹ *Daily Star*, 17 September 2011.

other hand, India and China take of this strained relationship and their choice fall on Myanmar and not on Bangladesh. Myanmar into a negotiation table for developing meaningful relation with her. On the contrary, India and China have taken the full advantage of Myanmar's isolation and developed a deep relationship with her.²

7.1 SAARC

The South Asian Association for Regional Cooperation (SAARC) is a regional body of representatives from eight countries to promote mutual assistance in economic, agricultural, environmental and in many others areas. In the 1979 the then president of Bangladesh, Ziaur Rahman proposed creating a trade bloc of South Asian countries. In 1981 at a meeting held in Colombo and the proposal was accepted there by India, Pakistan and Sri Lanka. In August 1983 the leaders accepted the Declaration on South Asian Regional Cooperation. Finally on December 8, 1985 heads of Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka met and signed the charter SAARC.³ In 2007 Afghanistan also joined as a SAARC member. In 1987 SAARC established the SAARC secretariat which resides in Katmandu, Nepal. The role of the secretariat is to monitor and ensure the implementation of the SAARC activities, advise the meetings of the association and correspond with international organizations.

However, SAARC has been working since its inception with multidimensional aspects among the member states. The major features of SAARC is to advocate for the welfare of the people of South Asia, promote the economic growth, social progress and cultural development, build and reinforce a cooperative self-sufficiency, allow every person to live with dignity and achieve their full potential and allow for mutual understanding, dependence and acknowledgment, support technical and scientific fields and to work with such international organizations which are in keeping with the SAARC spirit.

Moreover, SAARC activities are mainly concentrated into the following areas: agricultural and rural, biotechnology, culture, economic, energy, environment, funding mechanism, human resource development, information communication and media,

² *Burma National News*, 17 December 2011.

³ <http://www.childlineindia.org.in/South-Asian-Association-for-regional-cooperation.htm>,

accessed on 10 June 2013.

people to people contacts, poverty alleviation, science and technology, security aspects, social development, tourism and, trade and finance. SAARC also has adopted a number of conventions. There are two conventions that directly relate to children.⁴ From its inception, the South Asian Association for Regional Cooperation, a range of activities has been carried out, which can be broadly categorized namely, Creation of the SAARC Integrated Programme of Action (SIPA), including Agriculture and Rural Development; Communications and Transport; Social Development; Environment, Meteorology, and Forestry; Science and Technology; Human Resources Development; and Energy. Signing agreements and conventions, including an Agreement on Establishing the SAARC Food Security Reserve; Regional Convention on Suppression of Terrorism; Regional Convention on Narcotic Drugs and Psychotropic Substances; SAARC Convention on Preventing and Combating Trafficking of Women and Children for Prostitution; SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia; Coordination of Positions on Multilateral Legal Issues; Agreement for Establishment of South Asian University.

Initiation of SAARC programs, including poverty eradication; agreement on SAARC Preferential Trading Arrangement (SAPTA) and Transition from SAPTA to South Asian Free Trade Agreement (SAFTA); social charter; SAARC Development Fund (SDF); and regional connectivity program. Establishment of SAARC regional centres, including Agricultural Information Centre (Dhaka); Tuberculosis Centre (Kathmandu); Documentation Centre (New Delhi); Meteorological Research Centre (Dhaka); Human Resources Development Centre (Islamabad); Energy Centre (Islamabad); Disaster Management Centre (New Delhi).

Organization of People to People contact programs, including SAARC Audio-Visual Exchange (SAVE) Programme; SAARC Documentation Centre (SDC); SAARC Scheme for Promotion of Organized Tourism; SAARC Chairs, Fellowships, and Scholarships Scheme; SAARC Youth Volunteers Programme (SYVOP); SAARC Visa Exemption Scheme; South Asian Festivals; SAARC Consortium of Open and Distance Learning (SACODL) and SAARC Awards. Visible progress has been made in all these major spheres of activities. For instance, numerous regional institutions have

⁴ <http://www.childlineindia.org.in/South-Asian-Association-for-regional-cooperation.htm>, accessed on 10 June 2013.

been established and are functioning, and SAFTA has come into effect. A number of activities have been initiated under the rubric of the regional agreements and conventions, regional centres, and the broad framework of people-to-people contact. However, none of these activities and initiatives has had any major direct impact on strengthening the regional cooperation and integration process in South Asia. A large number of meetings have taken place among the Council of Ministers (that is, the foreign ministers of these countries) and at the foreign secretary and various official levels. A series of special meetings have included home ministers, agriculture ministers, and finance ministers of the region. Nonetheless, SAARC has to go a long way to carry out the aims and objectives of its charter.

7.2 ASEAN

On 8 August 1967 five leaders, the Foreign Ministers of Indonesia, Malaysia, the Philippines, Singapore and Thailand sat down together in the main hall of the Department of Foreign Affairs building in Bangkok, capital city of Thailand and signed a document. By virtue of that document, the Association of Southeast Asian Nations (ASEAN) was established. The five Foreign Ministers who signed it, Adam Malik of Indonesia, Narciso R. Ramos of the Philippines, Tun Abdul Razak of Malaysia, S. Rajaratnam of Singapore, and Thanat Khoman of Thailand would subsequently be hailed as the Founding Fathers of probably the most successful inter-governmental organization in the developing world today. And the document that they signed would be known as the ASEAN Declaration.

It was a short, simply-worded document containing just five articles. It declared the establishment of an Association for Regional Cooperation among the Countries of Southeast Asia to be known as the Association of Southeast Asian Nations (ASEAN) and spelled out the aims and purposes of that Association. These aims and purposes were about cooperation in the economic, social, cultural, technical, educational and other fields, and in the promotion of regional peace and stability through abiding respect for justice and the rule of law and adherence to the principles of the United Nations Charter. It stipulated that the Association would be open for participation by all States in the Southeast Asian region subscribing to its aims, principles and purposes. It proclaimed ASEAN as representing “the collective will of the nations of Southeast Asia to bind themselves together in friendship and cooperation and, through joint

efforts and sacrifices, secure for their peoples and for posterity the blessings of peace, freedom and prosperity.”⁵

Brunei joined in 1984, shortly after its independence from the United Kingdom, and Vietnam joined ASEAN as its seventh member in 1995. Laos and Burma were admitted into full membership in July 1997 as ASEAN celebrated its 30th anniversary. Cambodia became ASEAN’s tenth member in 1999. The ASEAN Declaration in 1967, considered ASEAN’s founding document, formalized the principles of peace and cooperation to which ASEAN is dedicated. The ASEAN Charter entered into force on 15 December 2008. With the entry into force of the ASEAN Charter, ASEAN established its legal identity as an international organization. The ASEAN Community is composed of three pillars, the Political-Security Community, Economic Community and Socio-Cultural Community. Each pillar has its own Blueprint approved at the summit level, and, together with the Initiative for ASEAN Integration (IAI) Strategic Framework and IAI Work Plan Phase II (2009-2015), they form the Roadmap for and ASEAN Community 2009 – 2015.⁶

ASEAN commands far greater influence on Asia-Pacific trade, political, and security issues than its members could achieve individually. This has driven ASEAN’s community building efforts. This work is based largely on consultation, consensus, and cooperation. Moreover, the United States (U.S.) relations with ASEAN have been excellent since its inception. The United States became a Dialogue Partner country of ASEAN in 1977. Dialogue partners meet regularly with ASEAN at the working and senior levels to guide the development of our regional relations. In July 2009, Secretary Clinton signed the Treaty of Amity and Cooperation in Southeast Asia (TAC) which has greatly enhanced U.S. political relations with ASEAN.⁷ Every year following the ASEAN Ministerial Meeting, ASEAN holds its Post-Ministerial Conference (PMC) to which the Secretary of State is invited. In 1994, ASEAN took the lead in establishing the ASEAN Regional Forum (ARF), which now has 27 members and meets each year at the ministerial level just after the PMC. On November 15, 2009, President Barak

⁵ <http://www.asean.org/asean/about-asean/history>, accessed on 3 May, 2014.

⁶ The US Department of State; Diplomacy in Action, “Association of South East Asian Nation”, <http://www.state.gov/p/eap/regional/asean/>, accessed on 3 May, 2014.

⁷ *Ibid.*

Obama met with ASEAN leaders in Singapore. This was the first meeting ever between a U.S. President and all ten ASEAN leaders.⁸ The President's meeting has greatly advanced U.S. relations with ASEAN and the East Asia region.

7.3 SAARC and ASEAN Cooperation

Economic cooperation between the countries of southeast and south Asia is indeed nothing new. The first institutional initiatives were taken by the Economic Commission for Asia and Far East (ECAFE) which was established in 1947 by the UN Economic and Social Council. Later on, it has been renamed as Economic Commission for Asia and the Pacific (ESCAP) which has taken numerous steps so far for the promotion of economic cooperation, especially trade and financial cooperation among the countries within the region. Numerous conferences held so far and different committees and commissions met with a view to intensifying efforts for closer inter sub-regional cooperation within the region.

A series of intra – regional trade promotion talks were held in which many countries belong to the ESCAP region including most of those from South and Southeast Asia sub-region participated. A number of ministerial conferences were also held with similar participation. Indeed it was in great measure at the initiative of the ECAFE/ESCAP that most of sub-regional economic cooperation institutions were also created. These include the committee on industry and trade established in late 1948, the consultative Group of Experts on Regional Economic Cooperation which first met in 1961, the Asian Development Bank, established during the 21st session of the ECAFE held at Wellington in 1965, the Association of Southeast Asia (ASA) which was later in 1967 merged with ASEAN.⁹

ASEAN was founded as a pro-western bloc comprising five nations such as Thailand, Malaysia, Indonesia, Singapore and Philippines. Later on it expanded into ten nations within the Southeast Asia which includes Brunei, Laos, Cambodia, Vietnam

⁸ <http://www.state.gov/p/eap/regional/asean/>, accessed on 3 May 2014.

⁹ Iftekharuzzaman and Nilurar Choudhury, "SAARC-ASEAN Cooperation: perspective and Issues", first Bangladesh – Malaysia Joint Colloquium on Bangladesh – Malaysia Relations, Dhaka, 23-25 November 1986 organized by Bangladesh Institute of International and Strategic Studies (BISS), Dhaka and Institute of Strategic and International Studies (ISIS), Kuala Lumpur.

and Myanmar. In spite of differences of languages, religion and culture, the leaders of ASEAN countries have been trying hard to enhance cooperation among them and to integrate their economies into one of the world's largest common markets.¹⁰ The South Asian leaders of the sub-continent were inspired by the ASEAN to have their own regional organizations. With this objectives in view, Bangladesh initiated the proposal for South Asian Regional Cooperation in May 1980 and it came into being in 1985 with the establishment of the South Asian Association for Regional Cooperation (SAARC) in 1985.¹¹

There are good prospects for economic Cooperation between the SAARC and ASEAN countries which belong to the broad category of developing countries. Both the organizations share many problems, vulnerabilities and threats to their economies cooperation and would imply pulling together of interests of a huge number of people of the two regions. The states of the two regions have a wide mutuality and commonality of interests, particularly with reference to their shared perspectives vis-a-vis North-south, South-south and G-77 matters. After the establishment of SAARC in 1985 it has taken a long time to move towards substantive areas of cooperation. After prolonged deliberations, an agreement was signed on South Asian Preferential Trading Arrangement (SAPTA) by the seven members of SAARC during the seventh summit of the organization on 11 April 1993.

The aim of SAPTA was to augment intra-SAARC trade. To facilitate intra – SAARC trade a list of 226 commodities, SAPTA came into operation on 7 December 1995.¹² The idea of the formation of SAARC development Fund (SDF) was discussed in the six SAARC summit held in Colombo in 1991. In the 13th and the 14th SAARC summit held in Dhaka in 2005 and in the New Delhi in 2007 respectively in matter of DSF was taken seriously.¹³ In the 15th SAARC summit held in Colombo on the 2nd August 2008 the South Asian leaders signed a SAARC development Fund Charter with authorized capital of one billion dollars. They also signed another agreement for the

¹⁰ *Bangladesh Observer*, 15 January 1996.

¹¹ *Bangladesh Observer*, 3 January 2001.

¹² AKM Abdus Sabur, Bangladesh Foreign Policy: Challenges and Opportunities, Paper presented at a National Seminar organized by BIISS, Dhaka on 3 October 1996 at BIISS Auditorium.

¹³ *Amar Desh*, 2 August 2008.

establishment of South Asian Regional Standards Organization (SPARSO), headquarters of which will be established in Dhaka for the maintenance of standard of the products. The 15th summit made a roadmap to address the challenges of soaring food and fuel crisis, trade imbalances and climate changes. It also stressed the need for making SAARC Food Bank operational immediately, increase food production and for collective efforts to produce alternative sources of energy that is vital to the overall development in the region.¹⁴ On the other hand, ASEAN has made a tremendous advancement in terms of trade cooperation among member countries and it has become the nerve center of East Asian region as a whole. The finance ministers of the ASEAN member countries at their annual talks in Manila in August 2003 agreed on a roadmap for integration of financial cooperation which would be a cornerstone for the ASEAN common market dubbed the ASEAN Economic Community (AEC) of 350 million people by 2020. It comprised broad steps to develop, liberalize and integrate the regions capital markets and financial services to bring about a free flow of goods, services and investments and a free flow of capital. Also they agreed to remove the restrictions on cross-border investments and adopt common accounting methodologies and standards and linkages in payment and settlement systems and to accelerate the creation of a single trade bloc and combat the rise of China and India.¹⁵ ASEAN wants to consider advancing the 2020 deadline as it works on free trade agreements with China in 2020, India in 2011 and Japan in 2012. It viewed that by 2010 the world could see a free trade area with nearly two billion people and total gross domestic product of almost US\$ 3.00 trillion taking shape in Asia.¹⁶

However, the ultimate goal of the AEC is to make the entire Southeast Asia as a competitive economic space with zero intra-regional tariffs, common external tariffs, and free movement of the other factors of production such as labour and capital. ASEAN has already been implementing a free trade area in which its six most developed nations such as Brunei, Indonesia, Malaysia, Singapore, the Philippines and Thailand have totally abolished tariffs for intra-regional trade by 2010 as they accounted for 96 percent of regional trade.¹⁷ ASEAN embarked on a common

¹⁴ *Daily Star*, 2 August 2008.

¹⁵ *Daily Star*, 8 August 2003.

¹⁶ *Daily Star*, 8 October 2003.

¹⁷ *Daily Star*, 1 September 2003.

investment area by 2010, an Action plan for Energy, and an ASEAN power Grid, a Trans-ASEAN Gas and Water Pipeline. It also embarked on a major harmonization drive on trade, technology, and services, customs and multimodal transportation. SAARC can follow these ASEAN examples.¹⁸ However, SAARC and ASEAN cooperation enhanced through the Sub-regional organization of BIMSTEC which formally launched on 6 June 1997 comprising five countries from South and Southeast Asia. BIMSTEC constitutes bridge between South and Southeast Asia and represents a reinforcement of relations among the member countries. BIMSTEC has also established a platform for cooperation of three countries of SAARC and two countries of ASEAN. Bangladesh is one of the founding members of BIMSTEC and hosted the second ministerial meeting of the organization in December 1998. Since the formation of the organization Bangladesh has been playing a very important role for the advancement of BIMSTEC. In March 1998, 80 businessmen from five BIMSTEC countries formed an Expert Group of identify hurdles to increase trade and investment cooperation. The first Expert Group meeting on Transport and communications was held in New Delhi in April 2001.

In view of the transcontinental rail and road links being contemplated in terms of the Trans-Asian Railway and Asian Highway, the BIMSTEC region could take advantage of those links because of its strategic location.¹⁹ Bangladesh with BIMSTEC initiatives may benefit from trickle-down spread of investment flow and transfer of technology flows from other member states. The prospects of cooperation among BIMSTEC members lie in the complementarities of the economies of these countries in many important aspects. Bangladesh has been maintaining good relationship with the ASEAN countries. As a member of SAARC, Bangladesh participated in ASEAN Regional Forum (ARF) and the ASEAN countries consider Bangladesh an economic partner along with China, India, Japan, Myanmar, and the South Korea. The participation of Bangladesh in ARF has led to the creation of an opportunity for

¹⁸ M. Morshed Khan, "The Future of SAARC and Bangladesh", Speech by M. Morshed Khan at seminar on "The Future of SAARC and Bangladesh", organized by BISS, Dhaka on April 2005.

¹⁹ Abdur Rob Khan, "Institutional Development of BIMST-EC: Challenges Ahead", Paper presented at an internal Dialogue on Sub-regional Cooperation among BIMST-EC countries and the role of Japan, jointly organized by BISS, Dhaka and the Japan Study Center, University of Dhaka on 11-12 March 2002.

economic cooperation between ASEAN and South Asia in general and ASEAN and Bangladesh in particular.²⁰ In this context of ASEAN and the SAARC may coordinate their policies and projects which again shall open a greater chance of cooperation among them.²¹ Both Bangladesh and Myanmar are the members of SAARC and ASEAN respectively and they possess the capability to promote economic and commercial cooperation within the framework of ASEAN and SAARC. Bangladesh with a population of 141 million in geostrategically area located at the apex of the Bay of Bengal, with SAARC market on one side of the triangle and the dynamic ASEAN on the other. The ongoing road and bridge construction work between Myanmar and Bangladesh would connect the Asian Highway which again would connect Bangladesh to some 40 countries. The SAARC countries entered FTA regime under SAFTA from 1 January 2006.²² In this situation, it may be said that there seems to be substantial room for closer economic ties between the ASEAN and the SAARC.

7.4 ASEAN Regional Forum (ARF)

The Association of Southeast Asian Nations (ASEAN) was established on 8 August 1967 in Bangkok by the five original member countries namely, Indonesia, Malaysia, Philippines, Singapore, and Thailand. Later, in 1992, the ASEAN Heads of State and Government declared that ASEAN should intensify its external dialogues in political and security matters as a means of building cooperative ties with States in the Asia-Pacific region. Two years later, in 1994 the ASEAN Regional Forum (ARF) was established. The ARF was designed to foster constructive dialogue and consultation on political and security issues of common interest and concern and make significant contributions to efforts towards confidence-building and preventive diplomacy in the Asia Pacific region. Through political dialogue and confidence-building, no tension has escalated into armed confrontation among ASEAN members since its establishment

²⁰ Nguyen Huy Hoang, "ASEAN-Bangladesh Economic Relation in the context of Globalization", Paper presented at the Wrapping Up seminar on Bangladesh-Southeast Asian Relations organized by BISS, Dhaka on 28-29 May 2001.

²¹ N. Uddin, "Why SAEAN and SAARC should come closer", the *Bangladesh Observer*, 12 February 1998.

²² Ashraful H. Chowdhury (ed.), "Proceeding of Business Sessions of the First Bangladesh-Malaysia Business Forum, 17-19 December 2004 (Dhaka: Bangladesh – Malaysia Chamber of Commerce and Industry, 2006), p. 21.

more than three decades ago. Presently, 27th member States are working together with ARF namely Australia, Bangladesh, Brunei Darussalam, Cambodia, Canada, China, European Union, India, Indonesia, Japan, Democratic Peoples' Republic of Korea, Republic of Korea, Laos, Malaysia, Myanmar, Mongolia, New Zealand, Pakistan, Papua New Guinea, Philippines, Russian Federation, Singapore, Sri Lanka, Thailand, Timor Leste, United States, and Vietnam.

7.4.1 Myanmar in ARF

Myanmar believes that any doubt or misunderstanding regarding situations and circumstances in any of the participating countries can be cleared away through enhancing understanding.²³ With this belief, Myanmar has regularly participated in all ARF meeting and joined the debates on security issues in the region including those on Myanmar. ARF is one of the fore where Myanmar can actively engage in with the United States and its allies about their sanctions on Myanmar due to its alleged human rights violations.²⁴ Myanmar has used these forum meetings to define its record on human rights. Since the very beginning, Myanmar has participated in ARF inter sessional activities which include confidence building, search and operations and disaster relief.

Myanmar also benefits from participating ARF meeting in terms of sharing information with others participants from the region and invaluable experience on security perceptions of forum participants as well as the interest shown by all to understanding one another and to find way and means to work together to enhance confidence through increased understanding and transparency.

7.4.2 Bangladesh in ARF

In 2006, Bangladesh joined the ASEAN Regional Forum (ARF). Bangladesh shares a short stretch but common boundary with Myanmar, a Southeast Asian country. It is also pursuing the policy of developing close ties with Southeast Asia and East Asia. Bangladesh is a member of BIMSTEC, a sub-regional grouping for economic cooperation of a few countries from South and Southeast Asia. Bangladesh is also a

²³ Mya Than. *Myanmar in ASEAN: Regional Cooperation Experience*. (Singapore: Institute of South-east Asian Studies, 2005), p. 93.

²⁴ *Ibid.*

member of Track II Kunming Initiative of four countries, namely, Myanmar, Bangladesh, China and India. Bangladesh's relations with a number of Southeast Asian and East Asian countries are growing. In Malaysia and Singapore, Bangladeshi workers are present in large numbers. With China, the bilateral relationship, especially in infrastructure projects is extensive. There is concern in Southeast Asian countries about the problem of Islamic radicalism and terror threat in Bangladesh.

Bangladesh needs to be an effective Dialogue Partner of the ASEAN Regional Forum. Our unique geographical location marks Bangladesh a natural bridge between South and South East Asia. Bangladesh should have to be ready to support all initiatives and efforts to sustain and strengthen bilateral ties in every possible direction. The most important thing for us is to concentrate on our internal construction, to be strong first before we talk about playing an international role. In any case, we should have a sense of proportion and have a sense of our own limitations.

Bangladesh's engagement as a part of its planned 'Look East' policy is, however, more recent. She has evidently different interests and priorities which seem to depend on a multiplicity of factors such as geography (proximity to or common boundary with Southeast Asia), level (also perceived potential) of trade and investment, diaspora, needs of maritime or energy security etc. Bangladesh has generally admired the success of ASEAN, especially in comparison to SAARC, and should follow, in some way or the other, the steps taken by ASEAN countries towards building infrastructure, poverty alleviation, tourism and overall regionalism, though SAARC has been in existence for a much shorter period.

A large and growing market of 160 million people, a country rich with natural and human resources and its strategic location-these assets continue to be valid. Bangladesh and South East Asia can perceive a growing security convergence in a host of areas, traditional or non-traditional security, human, maritime or energy security.

7.4.3 Achievements and Failures

The ARF process allows small and middle powers a significant voice in major regional security affairs and bars the major powers from dominating and dictating the security agenda. The very fact that these states can now come together on a common platform for the resolution and discussion of security issues is an achievement. Moreover, the

ARF has succeeded in bringing to the forefront various issues related to the security concerns in the region which poses challenges to the security outlook. Several issues have touched notably on non-traditional security issues and cross-border security issues such as terrorism, trafficking in persons, smuggling, global climatic change and its impact on human and societal security, food and energy security. Other issues briefly touched on are the situation in North Korea, Iran, Afghanistan and the territorial claims in the South China Sea.

It is critically important that Myanmar hear from its neighbours about the need to abide by its commitments, under the nuclear non-proliferation treaty, to fulfill its IAEA safeguards obligations and complies with United Nations Security Council Resolutions and respectively. Other important themes include climate change, trading and economic integration, democracy and human rights, Bangladesh, Myanmar, Afghanistan, Middle East peace process, natural disaster management, pandemics, counter-terrorism and transnational crime. Most ARF member countries consider an all out war between states improbable particularly against the backdrop of economic recession.

The ARF has contained the potential of the threat from China and provided a deterrent against the possible future emergence of militarism from Japan. It has also usefully engaged the US and Russia in a multilateral forum. Within the ARF, all the other member states can keep a watchful eye including Bangladesh and Myanmar, on the development and ambitions of the four major powers-US, Russia, China, Japan in the Asia Pacific region. In this respect, the ARF constitutes the key mechanism for maintaining peace and security in this vast region particularly South and South-east Asian region. The opportunity for discussing security issues of the Asia-Pacific region at the only multilateral security forum has been equally useful. It enabled the member states to have exchanges in an open and frank manner thus contributing to a better 'comfort level' among them.

But at the same time the coin has its other side. ARF does not adequately meet the needs of the region as a whole. There is no particular virtue in preserving the status for its own sake; more than anything else it is inertia and the inherent difficulty of taking multilateral diplomacy into new areas that preserves it. Increasingly, the issue

that is coming into focus is the modalities of just how a comprehensive framework for regional engagement might be developed from the status. Proponents and critics of ARF describe the consultative forum as either the Asian NATO or an ineffectual talk shop. There is little likelihood that major problems will be fully resolved by the ARF. In East Asia, the US is seen by allies such as Japan and South Korea as a useful counterweight to China. There are other states in the region including Malaysia, Brunei, Indonesia and Cambodia that have various degrees of security relations with the United States. They all conduct military exercises and exchanges with the US. The point about their attitude to the US is that virtually all South East Asian states see the US as a useful regional balancer. They would be alarmed if the US were to cease its regional security role. They would feel much more exposed to China's power as she expands economically and becomes more confident diplomatically and even militarily and strategically.

Most of its ASEAN partners and Bangladesh deserve credit for launching a meaningful initiative that could in the long run lead to translating Asia's vast diversity into a splendid mosaic of opportunity and unity through meaningful engagement. ARF provides Asian nations, big or small, rich or poor to take advantage of participating in a shared future of prosperity. The time for Asia to bond together seems to have finally arrived. However, reality does not match this potential.

The ARF may be credited with supporting the basic objectives of ruling coalitions to preserve peace and stability, a prerequisite for East Asia's emergence as the engine of the 21st century global economy. However, the cooperative security ideology and consensus principles of the ARF have been important in developing habits of cooperation. Even without material threats, socializing China to accept the legitimacy of multilateralism, transparency and reassurance. The states in the region are sometimes portrayed as having a unified stance. They are eager to develop closer political and economic relations with China, while maintaining a preference for strong U.S. military and strategic involvement, as a hedge against the possible failure of engagement with China. But there is in fact a range of views and expectations on this issue. Within the new context of counter-terrorism, there are rising worries about the implications of a trend towards unilateralism in American foreign policy. At the same time, China has adopted a more assertive Southeast Asian policy with a decade of

successful diplomacy and deepening economic links. These trends present complications and opportunities for Southeast Asian countries, creating important emerging differences in their regional security strategies.

7.4.4 Bangladesh–Myanmar: Issues Should Top the Agenda to Extract the Best from ARF

Bangladesh's policy should be about the mind-set, creating consciousness and confidence among South Asian countries so that they can work out cooperative relationships based on mutual benefit with the countries of Southeast and East Asia. Since competitiveness is the key to success, it is necessary for the countries of South Asia to compete with East and Southeast Asia across a wide range of goods and services. In Bangladesh's 'Look East' policy it is imperative that the partnership is based on the value addition or complementarities that the countries of Southeast and East Asia look for a range of overlapping structures from the ASEAN Regional Forum to The Bay of Bengal Initiative for Multi Sectoral technical and Economic Cooperation (BIMSTEC) shaping the framework of cooperation of our regions. What is needed now includes the political will of ARF participants to discuss a wide range of security issues in a multilateral setting; and the mutual confidence and trust gradually built by cooperative activities and the networking developed among national security, defense and military officials between Bangladesh and Myanmar through ARF.

It is assumed that Bangladesh's engagement with East Asia will economically benefit the country and enhance mutual cooperation. Seemingly, the 'look east' policy has led to a boom in imports to Bangladesh from ASEAN countries. But its exports to these countries have remained unchanged. Bangladesh needs to diversify its export items ensuring better quality products to increase exports to ASEAN. Its overall economic and social indicators are significant compared to those of the new members of ASEAN. Bangladesh's economy is almost equal to the size of the combined economies of the new members of ASEAN. Moreover, the country links up South-east Asia with a comparatively vast market of South Asia.

Therefore, ASEAN Regional Forum should consider some collaborative arguments with Bangladesh with a view to making a future bridge between Asia – Pacific and South Asia. It is expected that Bangladesh and Myanmar will make a

constructive contribution to such regional cooperation. At the 2008 ASEAN Regional forum summit in Singapore, Bangladesh and Myanmar pledged to solve their maritime border disputes as quickly as possible. Consequently Bangladesh used this platform to resolve divergent issues with Myanmar.

As terrorism constitutes a grave threat to stability, peace and security in the Asia-Pacific and beyond which requires a comprehensive approach and unprecedented international cooperation. Bangladesh and Myanmar can call upon ARF participants to become parties as soon as possible to the international conventions and protocols relating to terrorism, fully implement the relevant UN Security Council Resolutions including Resolution and remain fully committed to supporting the work of the UN Counter Terrorism Committee and other pertinent UN bodies.

Acknowledging that terrorism and its linkage with transnational organized crime form part of a complex set of new security challenges, both countries should stress the necessity to address them urgently in all aspects and in all forum using the platform of the ASEAN Regional Forum. In the landscape of strategic and security outlook, Bangladesh and Myanmar should try to take solid action to foster understanding and cooperation in various socio-economic and security issues for amicable co-existence and regional stability between them. The following sets of actions are recommended to extract the best within ARF platform.

To promote regional cooperation to harness resources for the betterment of energy production;

To provide duty free access for each other's commodities to promote greater economic cooperation;

To take prompt diplomatic action to demarcate land and maritime borders in the spirit of justice, equality, and good neighbourliness;

To work closely to combat sea piracy, illegal arms trade, drug trafficking and human trafficking for the sake of regional security and stability;

To create a culture of non-interference in each other's internal affairs to promote trust, confidence, and cooperation;

7.4.5 The Way Ahead

The uncomfortable reality, of course, is that multilateral institutions are never more than the sum of their parts. They grow up to reflect the preferences of the powerful states that create them, or else the balance of power out of whose shadows they emerge. ASEAN Regional Forum is not an exception. Bangladesh as well as Myanmar, which is seen as a land bridge between SAARC and ASEAN. It has enormous geographic advantages for its proximity to Myanmar and to other South-east Asian countries to promote as well as enhance inter regional economic, political, and security cooperation. Once connected via the Asian Highway and Trans-Asian Railway, South and South-east Asian nations will be using Bangladesh as the main transit point to increase economic interactions amongst themselves. Bangladesh, with appropriate policies and infrastructures in place, will be playing essential role in defining the direction of economic relations between the two emerging regional groups.

Bangladesh can use the platform of ASEAN Regional Forum (ARF) as a vital instrument for the realisation of its aims and objectives to find common ground for achieving mutual economic benefit. Bangladesh's presence in the ASEAN Regional Forum has provided it with an international focus as a voice for managing security issues in the volatile region. This international reputation will serve Bangladesh well in courting the goodwill of potentially hostile neighbours to attract more foreign investment in several sectors, such as in the power sector and disaster management, to build up the future Bangladesh. As an explicit goal of Bangladeshi foreign policy has been to seek close relations with the states of Asia-Pacific, particularly, Myanmar the government should pursue the expansion of cooperation among the nations of Asia Pacific bringing the process of betterment of 160 million inhabitants of the country.

7.5 Bangladesh-China-India-Myanmar Forum for Regional Cooperation (BCIM)

7.5.1 BCIM Economic Cooperation: Prospects and Challenges

BCIM forum, which is a Track-II Kunming initiative floated in 1999 comprising Bangladesh, China, India and Myanmar. It is an effort primarily from the non-government section of the countries which intends to influence policymakers, business people and government representatives to boost up the regional cooperation by transferring it into growth quadrangle or regional economic development area. The idea

of Growth Zones in the literature of Development Economics and the success of existing growth zones Mekong Sub-region (GMS) Growth Triangle, Southern China Growth Triangle and the Growth Triangle comprising the Johr state of Malaysia, Singapore and the Riau Islands of Indonesia strongly inspired the non-government section of these countries to lodge a debate to form a growth zone comprising these four countries.²⁵ It is argued that formation of growth zones will initiate faster economic growth process by increasing the possibility of efficient use of the region's unused resources.

Resource endowments in the BCIM region are different from one another, which also supports the precondition of the formation of this type of regional integration. China and India have comparatively better technology, more efficient labour force, and improved physical and commercial infrastructure. On the other hand, Bangladesh and Myanmar have unskilled and semi-skilled labour force, basic and intermediate technology. The sectoral composition of GDP of these countries also confirms these complementarities of economic activities among these countries, which shows industrial sector is dominating in China, agriculture sector in Myanmar and services sector in India and Bangladesh.²⁶ Along with strong cultural affinity, the closer geographical proximity and presence of huge informal border trade among the countries give a strong optimism for forming a regional trading block comprising these four countries.

7.5.2 Rationale for Regional Trade and Investment Cooperation among the BCIM member countries

The BCIM sub-regional economic cooperation is perceived to have enormous potentials to generate benefits for the region in general and the weaker parts of the region in particular. The share of intra-regional trade within BCIM countries increasing overtime e.g. in year 1990, it was 1.1 percent of total world trade, which reached at 4.5 percent in year 2010.²⁷ However, in the case of intra-regional trade it is way behind

²⁵ Mohammad Masudur Rahman, Chanwahn, Trade and Investment Potential among BCIM Countries: prospects for a dynamic growth Quadrangle, *Journal of International Trade Law and policy*, vol. 11, No. 2, p. 163.

²⁶ *Ibid.*

²⁷ *Ibid.*, p. 164.

compared to its neighbouring economic blocks, e.g. ASEAN (35 per cent of total trade in 2010), and some other very alluring growth zones. In the backdrop of this lower trade orientation, non-government sections of these countries put forward a proposal to form a growth quadrangle comprising these four countries. A comprehensive market access to the larger economies such as, India and China could open up an opportunity for diversifying and expanding export capacity of the less developed economies of the regional grouping such as Myanmar and Bangladesh. Cooperation arrangement among these geographically contiguous areas could provide opportunities for expanded legal trade with positive welfare implications for the local economies and the local population. Deeper integration of the members of the BCIM could create opportunities for technology transfer to poor countries like Myanmar and Bangladesh.

These countries could obtain the benefits of the relatively advanced technological endowments of India and China which in term could help these countries to develop at a faster pace. Together with the economic factors, the strong cultural affinity, the closer geographical proximity and presence of a huge informal border trade among the countries also provide a strong optimism for forming a regional trading bloc comprising BCIM. Again, BCIM cooperation is expected to help to stimulate the century's old Silk Road running from Chittagong to Yunnan through Myanmar, a fact that will help to facilitate transit and thus trade among these countries. The potential benefit of utilizing the two ports of Bangladesh, i.e., Chittagong and Mongla, is a vast increase in trade and investment in this region and will be particularly useful to India in communicating with its 'Seven Sisters' provinces, i.e., Arunachal, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura.²⁸

For the above reasons, this cooperation is expected to bring about a process that reveals growth potential for the region as a whole. And for Northeast India, South-west China and the two least developed country members, Bangladesh and Myanmar, in particular. In this context, to foster BCIM cooperation and make the policy makers proactive it is felt that an in depth analysis of the potential outcome of closer integration among the four countries should be carried out.

²⁸ Mohammad Masudur Rahman, Chanwahn. *Op. cit.*, p. 165.

7.5.3 BCIM Economic Co-operation in Global Perspectives and Intra-BCIM Trade

The total geographical area of the BCIM is 13.7 million sq. kms (9% of world area) with a population estimated at 2.7 billion constituting roughly 40 per cent of the world population.²⁹ The GDP of these four constituent countries together is estimated at US\$ 5.7 trillion which is around 10 percent of the total GDP of the world.³⁰ Yet, the region is also inhabited by about a half of the poor people in the Asia-Pacific. With respect to the size of the economies the total trade turnover of the BCIM countries is reckoned to be rather very low. In 2010, the BCIM trade accounted for only 9.1 percent of the world trade. Combined shares of the forum in world exports and imports are estimated at 10.2 percent and 8.1 percent respectively.³¹ In terms of contribution China stands at top followed by India and Bangladesh in terms of both world exports and imports.

China stands out as the only net exporter country among the countries of the BCIM grouping. Since 2000 intra-BCIM trade has recorded an impressive average annual growth rate of 50 percent which gathered momentum in the last couple of years. The total intra-BCIM trade turnover increased from US\$ 46,924 million in 2005 to US\$ 95,810 million in 2009.³² Nevertheless, intra-BCIM trade income accounts for only 4.2 percent of the total world trade income demonstrating a very limited reliance on the constituent members of the cooperation. It is also seen from the relevant data that the two large economies in the group, are China and India.

They are the key players in the intra-regional trade registering 47.8 percent and 39.7 percent trade shares respectively in 2005 but the share of China has decreased registering 44.56 percent in 2008 and India has increased to 46.74 percent due to increased imports from China. Cross country analysis shows that in the BCIM group Bangladesh is the only country which has deficit in trade balance with all the other

²⁹ <http://www.docstoc.com/docs/100906899/FYBCom-environmental-studies>, accessed on 4 April, 2013.

³⁰ Mohammad Masudur Rahman, Chanwahn. *Op. cit.*, p. 165.

³¹ <http://www.childlineindia.org.in/South-Asian-Association-for-regional-cooperation.htm>, accessed on 10 June 2013.

³² *Ibid.*

members. Among the members India recorded the largest amount of deficit (US\$ 14.8 billion) with her major trading partner China in the year of 2009.

Among the countries of the BCIM sub-grouping Myanmar's trade is the most regionally oriented compared to other members, followed by Bangladesh. Share of Myanmar's total trade turnover with the sub-grouping members is 26.2 percent of her total global trade. China, the largest economy in the sub-grouping, recorded a mere 2.13 percent of her global trade with BCIM members in 2009. The structure of merchandise trade in BCIM countries in recent years has been biased towards capital-intensive commodities. Based on the Broad Economic Categories (BEC) product classification, more than 50 percent of intra-regional trade in BCIM involves capital goods which are followed by industrial supplies. In particular, as of 2008, capital goods comprised 51.2 percent of BCIM's intra-regional trade followed by industrial supplies at 36.97 percent.³³

7.5.4 Prospects for a Sub Regional Growth Quadrangle in BCIM

Bangladesh, China, India and Myanmar, which make up the BCIM Forum, cover 9 percent of the world's area, 40 percent of the population and 7.3 percent of the global GDP.³⁴ Thus the cooperation of the four countries is of great importance to their own economic growth as well as its reflection on the world economy. The BCIM Forum presently recommends governments to remove trade barriers for greater economic cooperation in the region in accordance with the fast-changing global and regional dynamics as well as to promote multimodal connectivity through rail-road-water and air linkages.

The multi-track initiative promotes both intra-regional and extra-regional trade and investment. And the countries involved could gain significantly from trade and transit agreements and through benefit-sharing arrangements along prospective trade and transport corridors. Investment in infrastructure was noted as being a key area in stimulating cooperation and ensuring energy security remains a major concern. The Forum also noted significant opportunities for joint exploration of natural resources,

³³ www.researchgate.net/...trade.../3deec52617f93ac5, accessed on 3 May 2013.

³⁴ *Daily Star*, 24 February 2013.

collaborative investment in energy sector development and cross-border trade and movement in energy within the region.

The BCIM Forum also observed several challenges, such as tariff and non-tariff barriers, weak trade facilitation measures, lack of custom harmonisation and obstacles to cross-border movement of goods arising from weak infrastructure at and beyond the borders all of which raise the cost of doing business in the region.³⁵ The BCIM forum highlights the opportunities and prospects ahead for the region. It calls upon the governments to consider the Forum's proposals towards enhancing and enriching economic prosperity for the countries, region and world overall. Together with free trade, the proposed BCIM region has huge potential for cooperation in investment in the transport, energy and tourism sectors. Here, both Bangladesh and Myanmar can use these opportunities of such potentials through BCIM forum. Moreover, some potentials sectors existing in this area of forum like;

7.5.4.1 Transport

The transport sector could be another potential area of cooperation between Bangladesh – Myanmar as well as BCIM countries, given the fact that, the land-locked status of some of the BCIM members, i.e., North-east India and South-east China. Under the circumstances, Bangladesh could play a critical role by providing easy access to global markets for these areas. In this regard, all the countries concerned could gain tremendously if an integrated transportation network could be established within the region. So that this would boost trade and investment through the reduction of transaction costs. An added advantage of the region is that it lies at the crossroads between East Asia and South-east Asia on the one hand, and South Asia on the other. The region could use its strategic location within Asia to build links with other regions, and could gain immensely from such cooperation. Chittagong port could serve as the sea outlet for a huge surrounding area that would cover Southern China and North-east India States. Chittagong port could evolve from a national port to a regional entrepote. The importance of which would increase even further with the construction of the 'deep sea port' by Bangladesh.

³⁵ *Myanmar Business News*, 05 October 2013.

Moreover, In February of 2012, officials from all four countries approved initial plans to develop a 2,800 kilometers highway leading from Yunnan to Kolkata through Myanmar and Bangladesh, following a path similar to that of the merchants who made the journey centuries ago.³⁶ A government-sponsored race, the BCIM Car Rally, also took place along the route to highlight the proposal's future potential. According to the joint press release, "both India and China will continue to discuss with the other parties to this initiative and hold the first BCIM Joint Study Group meeting as early as possible to study the specific programs on building the BCIM Economic Corridor."³⁷

7.5.4.2 Energy

Another important sector is subsisting among BCIM forum countries namely energy. The BCIM region has huge natural and mineral resources. The South-western provinces of China (Sichuan, Guizhou and Yunnan), the North-eastern States of India (Seven Sisters) and Myanmar have huge reserves of natural gas. In addition, this sub-region has rich reserves of coal, petroleum and manganese. Cooperation among the countries concerned may help to encourage joint initiatives in constructing industries and attracting intraregional investment. The region also has substantial water resources that could be employed in generating hydroelectricity to accelerate the industrial sector of this region. In this consideration, the BCIM region has an opportunity to establish a regional forum to assess electricity generation capacity and mechanisms, and suggest the forms and norms of electricity cooperation for BCIM countries.

7.5.4.3 Tourism

Tourism is another area of great potential through which the member countries could reap benefits through sub regional cooperation. A number of tourist destinations in this region, particularly in India, China and Bangladesh, have beautiful landscapes, rich biological resources, age-old history and a wide range of cultural diversity that could attract tourists both from the region and from around the world. By facilitating easy travel among the member countries, this sub regional cooperation could also play a critical role in developing eco-tourism and religious tourism by fostering connectivity

³⁶ Collin, Baffa. "Bangladesh-China-India-Myanmar Corridors Builds steam", <http://www.asiabriefing.com/news/2013/10/Bangladesh-China-India-Myanmar-Corridors-Builds-steam>, accessed on 3 May 2013.

³⁷ *Economise Times*, 23 October 2013.

between the member countries. Through the expansion of tourism within the region, the member countries would be able to collect more revenue whereof investment may therefore be increased.³⁸

7.5.5 Challenges Facing the BCIM Countries

A good infrastructure and excellent connectivity is the key of establishing and stimulating deeper integration among the members of any aspiring regional grouping. For the success of any growth zone initiative such as the BCIM it is essential that the participating countries proactively engage themselves in building the required physical infrastructure to facilitate movement of goods and services. In the context of the current state of play, BCIM remains one of the least connected regions in the world. BCIM initiative will need to be geared to build the road, rail and air transport connectivity. At present, lack of this road, rail and air transport connectivity among this forum is creating hinders deepening of trade and investment infrastructure. Indeed, the north-east states of India and the Southern China are virtually land-locked sub-regions within the BCIM. Experiences of other regional and sub-regional integration attempts suggest that participating countries acquired substantial expenditures to develop their infrastructures particularly to develop internal as well as cross-border transportation infrastructure including railways, roadways, airways, bridges and ports. ASEAN could serve as a very good example for the BCIM group members in this regard.

Successful implementation of the Asian Highway, completion of the missing links on the Trans Asian Railway route and appropriate facilitation measures could importantly contribute in enhancing economic integration of BCIM member countries particularly Bangladesh and Myanmar. An integrated transportation system must be seen as critical to generating the expected gains for BCIM cooperation. Serious attention ought to be given to the development of a multi-modal transport system linking road, rail, and sea transport in a seamless continuity. Infrastructure and connectivity are core elements of trade facilitation. For easing up cross border movement and establishing greater connectivity the existing trans-border formalities,

³⁸ Md. Tariqur Rahman and Muhammad Al Amin, Prospects of economic cooperation in the Bangladesh, China, India and Myanmar region: A quantitative assessment, *Asia-Pacific Research and Training Network on Trade Working Paper Series*, No. 73 (July 2009), p.13.

vehicular movement and customs procedures need to be simplified. Use of modern technology could play an important role in speeding up the procedures.

A BCIM visa could also be introduced to facilitate movement of people particularly for the investors and the businessmen. Success of regional cooperation largely depends on the existence of a level playing field for trade for all the participating countries. This can be ensured by removing all non-tariff barriers to trade. Harmonization of standards, tariff structure, and dismantling of all non-tariff barriers are the key to this. Developing land customs stations with warehouse, weigh bridge, truck-parking area, banking and insurance facilities close to the land customs stations, establishing visa offices in the bordering states, and removal of travel tax could significantly lower costs and enhance trade among the BCIM countries. Although, in China and Myanmar, for all practical purposes Track II (informal, civil society level) and Track I (formal, government level) are closely entwined, this is not the case for Bangladesh and India.³⁹ For any cooperation of the BCIM type to succeed, the initiative, though originating from academia or civil society (Track II), must be seized by the political leadership and the government (Track I). A long term vision will need to be at work in order for this to happen. In case of BCIM success to a large extent will hinge on the perspectives and approach taken by Bangladesh and Myanmar have their own priorities, interests and concerns, including security concerns. These issues ought to be solved through constructive and continuing engagements.

Trade is a natural consequence of investment. In order for the BCIM sub-grouping to succeed, partner countries must provide adequate incentives to promote intra-regional and extra regional investment. This is also important from the perspective of balanced cooperation since in such a regional block as the BCIM, the smaller countries (Bangladesh and Myanmar) are likely to be at a disadvantageous position. There may be genuine apprehension on the part of the smaller economies that such integration could be detrimental to their trade and investment interests. Such concerns must inform the design of the cooperation. Nonreciprocal market access facilities, incentives for investors willing to invest in weaker economies and other supportive policies must be put in place to foster and promote investment within the region.

³⁹ <http://www.emeraldinsight.com/journals.htm?articleid=17037192>, accessed on 4 June, 2013.

The major focus of BCIM initiative should be to develop the growth zone that is a relatively underdeveloped area. Attracting investments, both from within and also from outside, to exploit the complementarities of the sub-region, through horizontal and vertical cooperation, should be at the centre of the design of BCIM cooperation. The coefficient of GDP is positive and highly significant as expected, which implies that the BCIM tends to trade more with larger economies. The dummies such as adjacency, language and RTA are found with expected sign and statistically significant.

Those explain that common border, common language as well as regional trade agreement have positive impacts on trade flows among the nations. Tariff and trade transaction cost variables are expected to be negatively correlated with the volume of trade. Their estimated coefficients reveal that higher trade transaction costs and tariff between each pair of countries reduce the trade flow. However, it needs to be kept in mind that Bangladesh and India are already members of SAFTA, Bangladesh, Myanmar and India are members of BIMSTEC and Bangladesh, India and China are members of APTA. Important initiatives have already been set in notion towards closer cooperation involving BCIM members under the ambit of the aforesaid RTAs. SAFTA and BIMSTEC have chartered ways to establish free trade zones (in BIMSTEC-FTA, services area also included). Indeed both these groupings mention about cooperation in non-direct market access areas (preferential treatment through concessional tariffs) such as customs harmonisation, investment promotion and trade facilitation. However, the major focus and point of departure and what gives the BCIM grouping its distinctive features is that the grouping aspires to build a growth triangle covering the region of Bangladesh, Myanmar, India and Southern Chinese province of Yunnan. Both these regions are lagging behind in terms of socio-economic development compared to the rest of their respective economies.

Their geographical location, proximity to the other two LDCs (Bangladesh and Myanmar) and opportunities for trade and transport cooperation make them natural candidate for cooperation. Of special interest from the perspective of regional cooperation will be establishment of transport cooperation in the BCIM growth triangle. Bangladesh's interest in this enterprise is that it could allow Bangladesh to transform itself into a regional commercial hub with large potential gains from scale of transport and port services through Myanmar.

7.6 Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC)

BIMSTEC, unlike ASEAN and SAARC, is not mired in political tensions. To create an enabling environment for rapid economic development as well as social progress and development of technical and scientific fields through identification and implementation of specific cooperation projects BIMSTEC was established. The implementation of specific cooperation among the member states are trade, investment, industry, technology, human resource development, tourism, agriculture, energy and infrastructure, and transportation. It is a sub-regional grouping combining some geographically contiguous South Asian and ASEAN countries around the Bay of Bengal. It was formed by the countries in the Bay of Bengal basin to exploit the energies in their capabilities and resource endowments for their development. The idea of setting up a sub-regional cooperation bloc in the Bay of Bengal basin was first mooted in Bangkok by Bangladesh, India, Sri Lanka and Thailand. On the 6 June 1997 Bangladesh-India-Sri Lanka-Thailand Economic Cooperation (BIST-EC) came in force. These countries were chosen because of their proximity and direct access to the Bay of Bengal. The purpose of this regional grouping was to provide trade and technological cooperation among its members in the areas of trade and investment, tourism, transport, and communication, technology, energy and fisheries. Later, Myanmar was admitted as member of the grouping in Bangkok on the 22 December 1997 and BIST-EC renamed as BIMSTEC (Bangladesh-India-Myanmar-SriLanka-Thailand- Economic Cooperation). Bhutan and Nepal were also added as new members in 2004. However, during the First Summit in Bangkok on the 31 July 2004 the grouping's name was eventually changed to the 'Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation', or BIMSTEC.⁴⁰ BIMSTEC plans to establish a Free Trade Area in the region to promote harmonious development of economic relations among member countries through expansion of trade by providing fair conditions of trade competition among them.

In this connection, 14th areas for cooperation have been identified. They are: (a) trade and investment, (b) technology, (c) fuel, (d) transport and communication, (e) tourism, (f) fisheries, (g) agriculture, (h) cultural cooperation (i) public health (j)

⁴⁰ <http://sameaf.mfa.go.th/en/organization/detail.php?ID=4493>, accessed on 2 May 2014.

environment and natural disaster (k) people to people contact (m) controlling terrorism, (n) domestic crimes and (o) climate. The major area of cooperation has been divided into six sectors. Members have been given responsibility for three years as follows: Bangladesh: Trade and investment; India: Tourism, transport and communication; Sri Lanka: Technology; and Myanmar: Energy.⁴¹

7.6.1 Economic Structure of BIMSTEC Countries

Differences in factor endowments and economies of scale among the member of BIMSTEC are very prominent. Majority of BIMSTEC member countries (Bangladesh, India, Myanmar, Sri Lanka, Bhutan and Nepal) are categorized as low income countries, whereas Thailand is the only member which is ranked as middle income country in the world. BIMSTEC countries have a total population of about 1.38 billion (21.7% of the world population) and had a total GDP of \$ 1010.49 billion in 2010 (1.82% of the world GDP) as of 2010.⁴² Except India, all the other members are relatively small in size (in term of population and geographical areas). All the members do share a common water (Bay of Bengal) through which a large portion of intra-BIMSTEC trade is carried out. South Asian countries had severe geo-political differences for a long time. But they have now realized the importance of regional integration process, and finally, have signed the long-standing Free Trade Agreement in 2006. Therefore, BIMSTEC being a bridge between SAARC and ASEAN is presumed to usher in a new era of regional cooperation. BIMSTEC as a region is growing at a faster pace than that of some other predominant regional economic groupings. BIMSTEC has witnessed an average 7.36% growth rate in GDP and 5.43% in GDP per capita in 2010 even a decade back these countries had far lower rates of growth.

All BIMSTEC countries, except Nepal, witnessed strong GDP growth in the range of 5% - 13% as well as 4% - 11% per capita Gross Domestic Product (GDP) growth in the first half of the ongoing decade (2010). However, the output growth, inflation and fiscal deficit of member countries vary widely. And the BIMSTEC economies suffer from rising inflation. The average inflation rate and fiscal deficits of the region are much higher than the European Union member countries. However,

⁴¹ *Daily Star*, 29 August 2011.

⁴² Barry Eichengreen, Charles Wyplosz, and Yung Chul Park, *China Asia and the New World Economics*, Oxford University Press, 2008, p. 223.

BIMSTEC has the potential to increase intraregional trade due to its large size and vast population.

7.6.2 Transport Connectivity of BIMSTEC Countries

Sub-regional cooperation in the transport sector is the basic means for promoting economic linkages among the member countries. It facilitates cross-border movements of goods and people; thereby enhance trade and investment, labour and social mobility, and access to markets and other economic opportunities. To maximize investments in sub-regional transport infrastructure, economic corridors are also being developed to link major transport routes with specific production and trade opportunities within a given geographic space that could extend to rural areas.

This is also expected to future stimulate demand, increase production efficiency, create jobs, and enhance the competitiveness of the member countries. BIMSTEC countries are geographically contiguous by virtue of sharing common waters (Bay of Bengal) and have overland contiguity (except Sri Lanka). The geographical contiguity is a key condition for deeper economic integration. However, benefits of geographical contiguity are often lost due to poor transportation linkages. Thus, the efficient and integrated transport system is imperative for BIMSTEC countries to improve the economic prosperities and competitiveness as well as to facilitate the global and regional integration. Such integrated transport system significantly contributes to the establishment of not only closer interaction among the peoples of the region but also free movement of goods, services, investment, and movement of labour and capital. Moreover, transport integration is essential for attracting Foreign Direct Investment (FDI). The improved facilitation measures at border crossing are also essential for improving the transport integration in a regional economic cooperation. A major problem with respect to road connectivity is the many missing links in roadways which prevent widespread use of this mode of transport for international trade.

The condition of roads in the region except in Thailand is generally poor. India is now renovating its road network since of the last decade, but the average road quality has been poor and maintenance is sometimes lacking. Thailand in this region has best road conditions. The hilly sections of BIMSTEC and roads leading from Myanmar to

India and Thailand borders require widening and better maintenance to allow efficient movement of vehicles. Overland linkage between Sri Lanka and India through a land bridge is another potential project for consideration to bring a much needed contiguous transport connectivity in the BIMSTEC region. Railways can play an important role in integrating BIMSTEC by moving bulk cargo across the countries. Railway system in BIMSTEC countries had been developed as early as 1850.⁴³

Railway network in BIMSTC is one of the largest railway systems in the world. It has an extensive network which is spread over 75,465 km, comprising 70% of broad gauge network. Before 1947, Railways has historically played an important role in the social and economic development in BIMSTEC. At present, approximately 30% of freight and 20% of passenger traffic are carried in the railway sector in BIMSTEC. It can be noticed that the penetration of railway network is much lower than that of the road sector in BIMSTEC.⁴⁴ India and Sri Lanka have quite stable broad gauge railway network whereas the same in Bangladesh is quite poor, fragmented, and unstable. Bangladesh with a total 2,734 km of railway network has only 901 km of broad gauge track (only 33 percent of total network), thereby making it as least developed railway system. Maritime transport is an important facilitator of world trade. Its role becomes even more apparent and crucial in an expanded and diversified world market. Closed and infective maritime transport cause economic activities to shrink. BIMSTEC is endowed with approximately 12,000 km. of coastline which is dotted with more than 250 ports. Although there are large number of sea or river ports across BIMSTEC coast. Only 22 ports are in operation which can be treated as prominent ports of the region. These ports presently handle 450 million tons of cargo including 3.81 million TEUs of container.⁴⁵

Ports are a key component of infrastructure in BIMSTEC, where recent policy initiative have ushered in new institutional arrangements, and have yielded results in terms of measurable outcomes such as faster turnaround. Most of the busy ports in BIMSTEC have partly privatized such as the case may be Jawaharlal Nehru (in India),

⁴³ Cho Cho Thein. "Regional Cooperation in Transport: Myanmar Perspectives", <http://csird.org> in / wp .../ Dp42.pdf, accessed on 5 June 2013.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

Laem Chabang (in Thailand), Colombo (in Sri Lanka) resulting in higher efficiency in operation. Some of world leading port companies are also running container terminals in Thailand, Sri Lanka and India. BIMSTEC countries depend on transport infrastructure in a major way but there is absence of interlinking points in the region. While India and Bangladesh have cooperation in Inland Water Transport (IWT), the same between Myanmar and Thailand is not yet formulated.

Similarly, in the road sector, even if there is a treaty among Bangladesh, India and Nepal for allowing free flow of trade through a tiny transit corridor at Phulbari between Bangladesh and Nepal, it is not functioning properly. In view of rising intra-regional trade in BIMSTEC; the main constraint has become lack of trading infrastructure, particular seaport and logistic infrastructure. Even though most of the BIMSTEC countries (except landlocked members) have direct access to waterways and sea, due to ineffective maritime transport services. Moreover, international maritime transport services are provided in a single international market, and it is becoming more globalised by developing from conventional bilateral trading services to global network services.

This means that, the competition field is also becoming more global, within and outside the BIMSTEC. Therefore, in order to gain from the borderless trade (regional and otherwise), what is necessary is that maritime transport infrastructure in BIMSTEC has to be strengthened in advance of the expected rise in trade. There is shortfall in adequate resources in setting up the facilities within BIMSTEC. Therefore, the best alternative is to source the resources from outside. BIMSTEC members should welcome Japanese investments and resources in strengthening marine fleets and port capacity in the sub-region.

At the First Ministerial Meeting of the BIMSTEC, cross-border infrastructure development was discussed, and they recognized the importance of better transportation infrastructure in the region. They include the open sky policy in BIMSTEC, development of the Trilateral Highway Project between Thailand-Myanmar-India and Thailand-Myanmar-Bangladesh, which will facilitate land transportation from the Bay of Bengal to the South China Sea. Intra-regional infrastructure disparity in BIMSTEC is quite significant. Surface transportation links

(road, rail, and IWT) between BIMSTEC countries (except Sri Lanka) are more or less in place, but it is found very little cross-border movement. There are no inter-country trains or trucks (except between India-Nepal or Bhutan and partly between Thailand and Myanmar). Owing to the wide difference between standards of infrastructure, lack of compatibility and railway gauge differences, BIMSTEC countries should therefore enhance cooperation in transport sector.

7.6.3 Prospects and Challenges of BIMSTEC

BIMSTEC comprises two member countries of ASEAN and five member countries of SAARC. Thus, BIMSTEC acts as a land bridge connecting ASEAN and SAARC. The success of BIMSTEC will definitely contribute to and complement the development success of both ASEAN and SAARC and vice versa. Asian Highway and Trans-Asian Railways, the two transportation projects of UNESCAP, can never be fully accomplished without the active participation of BIMSTEC countries. At the same time, multi-model transportation network throughout Asia, the most desirable network for the flow of goods and services, can not be established without involving BIMSTEC.

To serve the region better, ports have to be equipped with efficient multimodal transport system, besides being able to accommodate larger, next generation ocean-going vessels. Countries in BIMSTEC should also encourage short-sea shipping within the region. In this respect, many of the ports in BIMSTEC like Kolkata and Haldia (in India), Chittagong (in Bangladesh), Yangon and Dawei (in Myanmar), and Bangkok (in Thailand) have many limitations because of navigational problems, lack of multimodal connectivity and absence of modern port handling equipment. There are also immense opportunities for inland water transportation in the region. To meet these challenges, BIMSTEC countries need to develop regional transportation and transit network that offers efficient transportation options and low 'transaction costs' that are competitive with those found elsewhere. Naturally therefore, BIMSTEC countries should develop an effective transportation and transit facilitation system that will greatly reduce current physical and non-physical barriers to transportation and transit by means of both physical infrastructure (such as multi-modal corridors and terminals) and nonphysical infrastructure (reformed policies and procedures, regulations, and incentives for efficient transportation and transit). BIMSTEC could also adopt a BIMSTEC Land Transport Infrastructure Integration Roadmap and Transport Facilitation of Goods

Roadmap. These could facilitate BIMSTEC Highway and BIMSTEC Railway projects. For enhancement of their intraregional transport networking, BIMSTEC countries should take immediate initiatives to formulate a comprehensive transport policy on the basis of sub-regional transportation network. They should also formulate a regional transport policy looking at the region's needs and concerns, which should include; harmonisation of technical standards such as truck size and weight regulations, railway gauge and rolling stocks, harmonisation of road transportation and motor vehicles rules and regulations, abolition of residual economics regulations, especially in the form of sabotage rules and restrictions on the movement of certain goods, faster border inspection except strategic areas, simplification of documentation and custom procedures; application of information technology in monitoring cross-border movement of goods, and Intraregional transit and transportation facilities, etc.,.

7.7 Asian Clearing Union (ACU)

Asian Clearing Union (ACU) is the simplest form of payment arrangements whereby the participants settle payments for intra-regional transactions among the participating central banks on a multilateral basis. The main objectives of a clearing union are to facilitate payments among member countries for eligible transactions, thereby economizing on the use of foreign exchange reserves and transfer costs, as well as promoting trade among the participating countries. The ACU is a clearing union among other clearing houses or payments arrangements operating in various regions of the world.

The ACU was established at the initiative of the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP). The decision to establish the ACU was taken at the Fourth Ministerial Conference on Asian Economic Cooperation held in December 1970 at Kabul.⁴⁶ The Draft Agreement Establishing the ACU was finalized at a meeting of senior officials of the governments and central banks held at ESCAP, Bangkok, in December 1974 after five central banks (India, Iran, Nepal, Pakistan and Sri Lanka) signed the Agreement. Bangladesh and Myanmar were the sixth and seventh signatories to this Agreement. Bhutan signed the Agreement in 1999 as the ninth member; Maldives joined the ACU in 2009. The ACU was established

⁴⁶ <http://www.asianclearingunion.org/Publications/ACUBrochure.aspx>, accessed on 6 June 2013.

when the countries in the region were facing settlement difficulties, mainly due to resource constraints. The ACU started its operations a year later in November 1975. Over the years, the ACU has displayed a sense of true commitment, consolidated and nurtured throughout its operation. By applying sound strategies, it achieved pre-determined objectives to facilitate settlement on a multilateral basis, to promote the use of participants' currencies, to improve monetary and banking cooperation, and to expand trade and economic activity among the countries of the ESCAP region.⁴⁷

7.7.1 Benefits of ACU

It may recall that ACU was formed at a time when the countries in the region were facing acute shortage of foreign exchange and, therefore, had stringent exchange controls. The Union provided the member countries with the double advantages of economizing on the use of foreign exchange and also availing of short term credits during the period of the settlement cycle.

In the process, the governments of the member countries, their monetary authorities and central banks have established close and purposeful relationships. Further, the bankers and traders in the member countries benefited from lower transaction costs. The ACU has established a creditable settlement record in that there has been no default at all since the union started functioning. A significant contributory factor for the success of the ACU was the switching over of the union's accounting unit from AMU (Asian Monetary Unit) to the ACU dollar. Under the current system, in trend since 1996 traders are being allowed not only to invoice their documents in US dollars but also to make and receive payments in dollars.⁴⁸ Commercial banks in member countries are allowed to open accounts in ACU dollars to facilitate all receipts and payments.⁴⁹ Further the central banks are arranging to fund as well as absorb excess liquidity from these accounts. The switchover has facilitated the application of real time rates and up-gradation of the entire ACU mechanism to be in tune with the rapid changes in the international markets due to the revolutionary changes in satellite communications and wide ranging financial sector liberalization in the developing

⁴⁷ <http://www.asianclearingunion.org/Publications/ACUBrochure.aspx>, accessed on 6 June 2013.

⁴⁸ Bimal Jalan, "A review of the Asian Clearing Union" 32nd ACU Board Meeting, Bangalore, 16 June 2003, <http://www.bis.org/review/r030710c.pdf>, accessed on 4 May 2014.

⁴⁹ *Ibid.*

economies. As a result, the transactions are now being settled expeditiously and in true reflection of the market value of the currencies of member countries. Further, the switchover to ACU dollar for accounting of all the transactions of the Union has facilitated market participants in member countries to get forward cover for their transactions. And they also made them eligible to get pre-shipment and post-shipment credit denominated in foreign currencies. It is heartening to note that, India has been playing a key role in the success of the ACU mechanism, topping the turnover table year after year.⁵⁰ Its share in the volume of transactions has been around 40% followed by the Islamic Republic of Iran and Bangladesh at 23 per cent and 17 per cent respectively on an average during the last couple of years.

7.7.2 Future role of ACU

For the evolution of ACU in the coming years the recommendations of the Technical Committee examined that the future role of ACU and related issues are important. The Committee felt that the Union should continue in its present form and should continue to focus on the facility to settle, on a multilateral basis, payments for current international transactions and thus economise on the use of foreign exchange reserves. It has, however, highlighted that the ACU mechanism needs to demonstrate the tangible benefits it could provide to its members. On the expansion of ACU, the Committee has pointed out that neighbouring countries would join the mechanism only if they are convinced of the benefits they could derive from the membership. It is, therefore, necessary to make the ACU mechanism more efficient in the first instance and enhance the volume of trade routed through the arrangement. In this context, the Committee has noted that administrative bottlenecks have been hampering the progress of use of the mechanism to some extent. If ACU mechanism has to become popular, these bottlenecks have to be removed.

Keeping the need of efficient telecommunication facilities among member countries in view, the Committee has also recommended that all the member countries could introduce SWIFT system for transmitting messages to facilitate faster settlement of transactions especially in view of the fact that use of telex is being discontinued by

⁵⁰ Bimal Jalan, "A review of the Asian Clearing Union" 32nd ACU Board Meeting, Bangalore, 16 June 2003, <http://www.bis.org/review/r030710c.pdf>, accessed on 4 May, 2014.

most countries. Introduction of the Real Time Gross Settlement System (RTGS), although expensive, could be thought of as a medium term objective by member countries. Apart from improving upon the existing operational mechanism of ACU to enhance efficiency of the Union it could now be used as a forum for free exchange of views among the members. The Union could become a strong and non-political forum of central banks in the region to discuss issues relating to economic co-operation among member countries within the ACU mechanism on the one hand, and other areas like exchange rate management and foreign exchange reserve management with a view to evolving appropriate approaches to resolving technical issues on the other. The forum could also facilitate exchange of experiences on developments taking place in the respective economies, problems faced by individual member countries etc. The Board may like to deliberate on the details of the recommendations of the Technical Committee when its Report is presented, later during the day.

7.7.3 Achievements of ACU

Since the inception of the ACU, transactions have experienced a remarkable growth. Under the ACU procedure rules, the debtor members should pay up their dues in convertible currencies within 4 working days of the receipt of the notice of payment from the Secretary General. There has been no default by any member so far in meeting its obligation for the settlement of its net position within the stipulated time. Further, the participants are authorized to settle transactions either in U.S dollar or Euro within the ACU mechanism and the Agreement and Rules have been amended to comply with developments and challenges ahead.

7.7.4 Other issues of ACU

Besides the issues concerning the ACU mechanism which have just been mentioned, perhaps this august gathering can deliberate on other issues like the overall economic development of the region. The global economy is clouded by uncertainties. The major economies of the world are plagued by sluggish growth and are searching for ways to improve their performance. Compared to the industrialized nations, developing countries are faring better. However, there is need for better volumes of trade amongst the member countries so that the system of ACU could be utilized to the full extent for the maximum benefit of each of them. There is need for further efforts at increasing economic co-operation among members and closer relationships among the banking

systems of the countries. In the scenario of fast emerging developments, prompted by technology and deeper integration of global markets, it is imperative that ACU members should continuously update themselves technologically and be quick in adopting new and more efficient methods of operations. There is also a strong need to expand the membership. Besides Maldives, the possibilities of bringing in Thailand, China, Malaysia and countries like Tajikistan, Uzbekistan and others should be explored. The expanded membership will help in better utilization of this important mechanism for the benefit of all the members. It is in this context that it has invited Thailand to attend this meeting. After this meeting, they will be visiting our office in Mumbai to study in detail the working of the ACU mechanism and its utility for the member countries.⁵¹

7.8 The Major Power

In the wake of the Cold War, the scenario for East Asia appeared to be extremely bleak, particularly according to western scholars. With the decline of the Soviet Union and the rise of China, they predicted that the region would move towards an unstable multipolar order. As the United States drew down its forces, Japan remilitarised, China grew, and other countries in the region began to engage in arms races. However, some scholars also argue that the relatively peaceful transition so far has also been the result of two complementary strategies on the part of key East Asian states like Japan and regional groupings like the Association of South-east Asian Nations (ASEAN). The creation of regional multilateral institutions which serve to regulate exchanges, develop norms, create regional identity, thereby institutionalising cooperation amongst the major powers and socialising China and 'soft' balancing against potential Chinese power by facilitating the continued U.S. commitment to the region.

However, Southeast Asia has always been a focal point of external power rivalry because of its economic and geo-strategic importance. Before the 1990s, the United States viewed the developments in this area in terms of global superpower rivalry and has shown a high concern for this area for the polarization of the region between the pro-soviet and the anti-soviet forces. Despite opposition from Indonesia and Malaysia the U.S.A has intensified its military cooperation with China through

⁵¹ http://www.rbi.org.in/scripts/BS_SpeechesView.aspx?Id=130, accessed on 4 June, 2013.

which U.S administration wanted to contain the soviet influence in Asia in general and South-east Asia in particular. Moreover, Southeast Asia, takes into account the profoundly ambivalent feelings South-east Asian states have regarding China, gives greater credit to the depth of strategic thinking present in the region and recognizes significant activism on the part of these small and medium sized states in shaping the regional order. It is commonplace to hear that South-east Asia does not want to have to choose between the U.S. and China. It finds that instead of merely adopting tactical or time-buying policies; key South-east Asian states have actively tried to influence the shaping of the new regional order. In fact, China opposed increasing Soviet influence all over the world in cooperation with the West. Similarly, the Soviet Union also tries to exert its power of influence in the region. With the revival of historical antagonism between China and Vietnam at the end of Indo-China war, the Soviet Union took full advantage of the Sino-Vietnamese rivalry in order to fulfill its political and security interests in the region. To this end the Soviet Union concluded a treaty of friendship and cooperation with Vietnam. In response Vietnam provided the USSR with base facilities. This kind of power struggle also prevailed in South Asia between China and Soviet Union and between Moscow and Washington. The Bangladesh war of independence was an example of such a struggle between the two blocs in the cold war era. As the *New York Times* stated “Indo-Pakistan war on Bangladesh was not merely a regional conflict between the two countries there was a power struggle between China and the Soviet Union and a strategic struggle between Moscow and Washington.”⁵²

After the emergence of Bangladesh, India turned into a major power which was conceded by other major power, especially by the Soviet Union. China continued to maintain its special links with Pakistan but was anxious to normalize relations with India and to begin relations with the new nation of Bangladesh. For the formulation of new balance of power the USA was ready to adjust itself with the changed situation created by the events of 1971.⁵³ The Soviet intervention in Afghanistan led the United States to a major involvement in the Sub-continent through Pakistan. The immediate consequence of the U.S involvement through Pakistan has been strengthening the Indo-

⁵² Dilara Chowdhury, “Major Power Involvement if South Asia”, *BISS Journal*, Vol. 7, No, 3 (July, 1986), p. 313.

⁵³ *Ibid.*, p. 325.

Soviet military cooperation and increased tensions in Soviet-Pakistan relations.⁵⁴ On its turn, since independence Bangladesh followed an independent Non-aligned foreign policy to keep itself away from power politics in South and South-east Asian region. But, the South-east Asian nations, presently acting collectively under the auspices of ASEAN. The first point to make when assessing the relative influence of the U.S, China and Japan on the larger East Asian region in which the ASEAN states are embedded.

In this regard, the U.S remains the only country with hegemonic pretensions and an effective capacity across the entire gamut of structural power. China in particular is concerned about America's hegemonic presence in the region is hardly in doubt. And yet given its own comparative lack of strategic, economic and perhaps most significantly ideational or 'soft power', China plainly cannot contend with America directly for regional influence. From the perspective of the South-east Asia, however, there are potential benefits to be gleaned from China's increasing willingness to use multilateral channels to cultivate influence. Not only does such a stance on China's part open up potential opportunities to play off an aspirant hegemony against an existing one, but it helps reduce China's significance as a military menace. Similarly, the ASEAN states may benefit from the continuing rivalry that exists between China and Japan. It was significant that the former Prime Minister of Japan, Junichiro Koizumi's tour of the ASEAN region in early 2002 was widely seen as an effort to re-establish Japan's position in the face of China's free trade initiative and increasingly effective regional diplomacy.⁵⁵

But there are a number of increasingly important constraints on Japan's capacity to assert itself in the region. The capacity of the Japanese government to garner influence because of its economic presence in the region has been reduced as investment and foreign aid have been wounded back.⁵⁶ When together with Japan's widely noted inability to play a decisive foreign policy role in keeping with its economic status and its immediate, 'unconditional support' for American leadership in

⁵⁴ Dilara Chowdhury, p. 320.

⁵⁵ *Financial Times*, 14 January 2002.

⁵⁶ *Asia Times (On-Line)*, 23 January 2002.

the aftermath of the terrorist attack on the U.S.⁵⁷ With Japan hamstrung by an under-performing economy, a somewhat discredited bureaucracy, and a continuing failure of political leadership, and with China effectively well down the ‘capitalist road’ and rapidly integrating itself into an international order dominated by the U.S.⁵⁸

It might be supposed that the political and economic landscape upon which the ASEAN states must operate is clear. South-east Asia has little choice other than to accommodate itself to the realities of an international order predicted on continuing American primacy with all that implies. ASEAN’s important role in promoting the development of regionally based, exclusively Asian mechanisms with which to manage intra-regional relations is a potentially important indicator of future trends.⁵⁹ As such, it is reminded that even less powerful states retain the capacity to influence the development of the international system of which they are a part. In an East Asian region divided intra-regional major power rivalries, and a degree of ambivalence towards the only remaining extra-regional superpower, such opportunities continue to exist for those with the wit to embrace them.⁶⁰

Presently, China, undertook a sympathetic stand on Myanmar. Although, it is easily considered that Chinese motivation for the close relationship with Myanmar. Strategic and economic issues always seen paramount between Chinese and Myanmar. Chinese influence in Myanmar is potentially helpful in any rivalry that might again develop with India and Bangladesh. Although Sino-India Relations now are quite cordial. In these circumstances of super power rivalry and competition for interference threaten both global peace and security.

At the regional level, the ASEAN Regional Forum (ARF) is a key example of the strategy of engaging many big powers in action, bringing as it does the U.S., China, Japan, and also the European Union, into regional dialogue.⁶¹ At the end of the cold

⁵⁷ *Asia Times (On-Line)*, 30 October 2001.

⁵⁸ Mark Beeson, “Southeast Asia and the Major Powers: The United States Japan and China” <http://www.espace.library.uq.edu.au/eserv.p>, accessed on 4 June, 2013.

⁵⁹ *Ibid.*

⁶⁰ <http://www.espace.library.uq.edu.au/eserv.p>, accessed on 4 June, 2013.

⁶¹ Evelyn Goh, “Challenge: The U.S. in Southeast Asian Regional Security Strategies” *East-West Centre*, Vol. 16 (May, 2005), p. 33.

war in the early 1990s, a multilateral security cooperation forum named ASEAN Regional Forum was established in 1994 with the initiative of Canada, Australia and the United States which intended to address regional security issue in the Asia-Pacific region through the process of dialogue and consultations. Its members include all ten ASEAN states along with sixteen other nations including great powers such as the USA, Russia, China, Japan, South Korea, and India.

Furthermore, the ASEAN+3 dialogues process serves to tie China, South Korea and Japan more tightly into exchanges and membership in ASEAN, particularly in economic matters. There is some evidence that this strategy is effective; there exist some competitive actions on the part of these major states. For instance, shortly after the U.S. and Singapore announced talks for a Free Trade Agreement (FTA) in 2000 (signed at the end of 2003), China decided to open negotiations for an FTA with ASEAN (endorsed in June 2001), and the region's first FTA with Japan was signed by Singapore in January 2002.⁶² Furthermore, Australia signed an FTA with Singapore in July 2003 and announced in November 2004 that it will begin to negotiate an ASEAN-wide FTA. At the diplomatic level, China and India signed on to ASEAN's Treaty of Amity and Cooperation in 2003 and Japan, South Korea and Russia followed in 2004.⁶³

At the country level, this thinking is best exemplified in Singapore, where policy-makers have tried to turn the geopolitical reality of great power penetration in the region to its benefit. Its limited size forces the Island-state to base its larger regional security strategy "principally on borrowing political and military strength from extra-regional powers".⁶⁴ Singapore has carefully built upon its strategic location at the crossroads of vital sea-lanes between the Indian and Pacific Oceans. During the Cold War, in an effort to engage the major powers and deter potential aggression, it forged strong commercial ties not only with the U.S. and Japan, but also the Soviet Union and China.⁶⁵

⁶² Evelyn Goh, p. 31.

⁶³ *Straits Times*, 20 October 2004.

⁶⁴ Evelyn Goh, *Op. cit.*, p. 31.

⁶⁵ Tim Huxley, *Defending the Lion City: The Armed Forces of Singapore* (St. Leonards, NSW: Allen & Unwin, 2000), p.33-34.

In recent years, it is negotiating free trade agreements as another means to deepen major countries economic stakes in the island. At the same time, it tries to make itself valuable and relevant to the major powers through the provision of military facilities and strategic cooperation with the U.S., and by cultivating the image of being an interlocutor between China and the U.S. More recently, Bangkok has employed a strategy similar to Singapore's of using multilateral institutions and trade agreements to draw the major powers into the region as a means of ensuring stability. Significantly, Thailand is in a better geographical position to do this as it sits at the crossroads of North-east, South-east, and South Asia.

Hence, while both Singapore and Thailand are now looking to cultivate India as another potential great power that will take an interest in the region. Thailand has tried assiduously to cultivate ties with South Asia through economic organisations like BIMSTEC (Bangladesh, India, Myanmar, Sri Lanka and Thailand Economic Cooperation). However, they do indicate the beginnings of a policy to develop Southeast Asia as a strategic bridge between the different parts of greater Asia. The view that developing this useful role vis-a-vis the major powers will help to assure the region's security is shared by other South-east Asian countries.⁶⁶ As Singapore's Minister of Trade and Industry puts it, "South-east Asia is both a bridge and a buffer between the two great civilizational areas of China and India. Neither China nor India has ever invaded or occupied South-east Asia because it serves as a useful buffer without impeding trade."⁶⁷ Moreover, Bangladesh was officially admitted to ARF at the inaugural session of the thirteen Annual Ministerial Meeting of ARF partners held in Kuala Lumpur on July 28, 2006.⁶⁸

Through the participation of ARF Bangladesh could be able to implement its 'Look East Policy' for its Eastward trade expansion. In addition, it has been promoting transparency through exchanging information relation to defence policy and publishing defence white papers. In this way the partners of ARF have developed a good network among security, defence, and military officials. Finally, ARF would also provide Bangladesh a useful platform for multilateral and bilateral dialogues and consultation

⁶⁶ Evelyn Goh, *Op. cit.*,

⁶⁷ George Yeo, "The American Role in the Asian Dream", *Asia week*, 20 April 2001.

⁶⁸ [http:// www.aseansec.org/.../AR08.pd](http://www.aseansec.org/.../AR08.pd), accessed on 24 November 2013.

on non-traditional security affairs among the partner countries. Having identical foreign policy principles and objectives and being member of same regional and international organizations such as the UN, the NAM, the SAARC and ASEAN, ARF, BISMTEC and BCIM Bangladesh and Myanmar have been able to work together for the betterment of their economic and social development as well as for regional and international peace and security. Both countries geographic position between the two major regional powers in East and the Southeast, make it a pivotal nexus on the Bay of Bengal. This is likely to continue and even intensify. Adjacent to both China, through Myanmar and India both Bangladesh and Myanmar have become an important element in the strategic planning of both nations.

7.9 India and China Factors

China has a long term strategic interest in Myanmar because of their convenient geographic location with access to the Bay of Bengal and its huge energy reserve. Aside from installing a number of listening posts in strategically important Coco Islands. China has heavily invested in Myanmar's sea ports to develop docking, repairing, maintenance and refuelling facilities, capable of catering to the needs of the Chinese navy. A solid strategic partnership has been built between the two neighbours for mutual benefit and interest. As a permanent member of the UN Security Council, China has the veto power that can be used as a shield for Myanmar against Western pressure to 'discipline' the military junta of Myanmar. But whether or not China will use its veto power to rescue Myanmar is subject to Bangladesh's relative strategic value to china vis-a-vis Myanmar and to the degree of involvement of the US in any future conflict. The strategic analysis believe that China acknowledge the strategic significance of Bangladesh. Because the geographic location of Bangladesh which cuts off the North Eastern region of India from the rest of India, acts as a bridge between SAARC and ASEAN and offers access to the Indian Ocean through the Bay of Bengal.

The growing Chinese economic and military assistance to Bangladesh and Myanmar to prevent a conflict or to prevent the escalation of a conflict to ensure its neutrality and to limit the scope for the Western powers to play any significant role in a possible conflict to protect its own strategic interest in this region. India attaches importance to Myanmar for the success of its 'look east policy' and as a good source of energy. India is also seeking deeper economic and defense relation with Myanmar

military junta for its own strategic advantage. It reversed its policy of supporting Myanmar's pro-democratic movement long ago. India has gone way in forging close relations with the Myanmar's military junta. India's sharp policy shift has not gone unnoticed. "Once a staunch and vocal Aung San Suu Kyi supporter, India began engaging Myanmar's military junta in the mid-1990s – a shift that has been security, energy and strategic priorities override concerns over democracy and human rights. India is eyeing oil and gas fields in Myanmar and fears losing out to China in the race for strategic space in Asia." ⁶⁹ Besides, providing military supplies to Myanmar, Indian public sector giant, oil and natural Gas Corporations help Myanmar to explore gas and oil in the disputed water of the Bay of Bengal. Bangladesh is little bit worried, as India refrained itself from putting any pressure upon Myanmar. If this remains the trend in future, it will definitely cause deterioration of relationship between the two next door neighbouring countries.

⁶⁹ Md Kamal Uddin and Akkas Ahmed, "Bangladesh – Myanmar relations: Continuity and Change," *Chittagong University Journal of Social Sciences*, Vol. 26 (June 2008), p. 92.

Chapter- 8

Summary and Conclusion

Geo-strategic compulsions or endowments can have great influence on a country's foreign policy or external relations. Geographically Bangladesh is a kind of tucked into the great land mass of the Indian Sub-Continent fortunately with an opening into the Bay of Bengal. It shares land boundaries with India and Myanmar and therefore it has no choice but to live either in friendship or in hostility with its two neighbours. One may choose friends but certainly cannot choose her neighbours. In this connection, Bangladesh foreign policy should place a higher priority on maintaining friendly ties with her both the neighbours. Myanmar's openings are in the south, and therefore she tends to look south towards South-east Asian countries ignoring her neighbour Bangladesh in the north. Bangladesh has also ignored her southern neighbour Myanmar and prefers to focus on distant friends. Possibly, Bangladesh feels good talking about London, Washington, and Geneva rather than Rangoon or Yangon which by any standards is not glamorous. But incidentally, Myanmar is the first country in South-east Asia as well as first a few countries in the world which recognized Bangladesh as a sovereign country. But people in Bangladesh are generally ignorant about Myanmar and her people.

Whereas, geography apart Bangladesh has historic ties with Myanmar including a common colonial legacy. They have geographical proximity and got a largely common historical background. The history of mutual exchanges between the two regions is also quite long and rich. The modern state of Bangladesh and Myanmar got a mutual dependence on each other since the recognition of Bangladesh by Myanmar in January 1972 and afterwards the establishment of diplomatic relations started since then. However, the two countries have developed a multifaceted relationship between each other from the multi-dimensions of which include politics, economy, trade, culture, bilateralism, and internationalism. Both countries fought in the past against the British colonialism for their national emancipation and this tradition of anti-colonialism got special significance in the growth and development of bilateral and multilateral cooperation to which both Bangladesh and Myanmar have been committed sincerely. They hold a common attitude in the maintenance of peace and stability in the South and South-East Asian region which according to their consideration are the prime need and

a precondition for the regions, overall progress and socio-economic development. In spite of being geographically close neighbour but in actuality, they are not as close as they should have been. But both Bangladesh and Myanmar have a long as well as rich historic tie from the time immemorial. According to the historical sources, it is known to us that, from the mediaeval age, Bengal and Arakan were deeply connected with each other by multi-dimensions of political, economic and cultural aspects. Then both Bengal and Myanmar were unknown to each other. For the first time Bengal recognized Myanmar as her neighbour when Myanmar conquest Arakan in the year 1785. At that time, Bengal was under British rule. Conversely, the relations between Bengal and Myanmar started when the British occupied Myanmar in the year 1885. This may be attributed to the fact that emigration from both Bengal and Myanmar under the British patronization took place at that time. Even though, the Burmese think that, the emigrant people from Bengal to Myanmar were illegal migrant. However, the immigrant peoples formed different social and political organizations in Myanmar, and through these, their (Burmese) nationalist spirit also developed during this time.

On the other hand, after the independence of Bangladesh, the relations between Bangladesh and Myanmar started internationally, closely as well as friendly with a new inspiration. Between 1972 – 2010, these two countries have taken many initiatives to make their ties closer. To advance their ties upto the desired level both countries have signed various important agreements among them. These were General Trade Agreement, Air Service Agreement, Repatriation of Refugee Agreement, Land Boundary Agreement, Coastal Shipping, Trade Account, and Joint Business Council agreements were milestones for the relations between the two countries. Since 1972, many top level visits took place from both sides to boost up Bangladesh-Myanmar ties. Overall, more than 18th agreements have been signed between the two countries, but lack of proper cooperation as well as willingness many of the agreements have remained only as paper exercise.

Geo-strategically, Myanmar provides for Bangladesh a possible gateway to China as well as to South-East Asia. In 2012 the two neighbouring countries celebrate 42th years of their diplomatic relations. And although, during these years some tensions developed sporadically between the two neighbors in particular about border management, drug trafficking, trade management, refugees and maritime boundary

demarcation relationship between the two countries remained on sound traction and differences addressed by sustained and peaceful negotiations.

The amount of bilateral trade between Bangladesh and Myanmar is small. Presently, Myanmar exports to Bangladesh such items as marine products, beans and pulses, and kitchen crops, while it imports from Bangladesh pharmaceuticals, ceramic, cotton fabric, raw jute, kitchenware and cosmetics. It is reported that in 2010-2011 Bangladesh's export stood at \$ 9.65 million and imports from Myanmar at \$ 175.7 million. To boost up trade, the Joint Trade Commission (JTC) of Bangladesh and Myanmar was established. It was agreed that the two countries would raise bilateral trade to \$550 million from \$185.3 million now. They also discussed how to complete border transactions through the Asian Clearing Union (ACU) payment system.

It is very fruitful news for the importers of Bangladesh is that, Bangladeshi importers now settle their payment for bulk shipments through third country bank drafts issued by the foreign banks. However, it is desirable for Bangladesh to discard old mindsets and establish long term strategic relationships with the newer global power centers that are emerging in other parts of the world. Therefore, taking into account the changed strategic environment in the region, Bangladesh promotes 'Look East' Policy in her foreign policy which is urgently needed to concern at present. The 'Look East' policy of Bangladesh promises to bring not only commercial benefits to the country but also would improve its political as well as defence standing among the nations.

However, some unresolved but resolvable issues existing between Bangladesh and Myanmar. Although, all unsettled issues between Bangladesh and Myanmar are in a process of resolution either bilaterally or under UN arbitration. Among them, the most concerning impediment between Bangladesh and Myanmar is the Rohingya refugee crisis which working as a most complicated dilemma towards development of their ties. It is known to us that, Rohingyas are an ethnic minority in Myanmar, but are not recognised as citizens by the state despite the fact that they have been living there for centuries. The status of the Rohingyas has been contested in Myanmar and often led to persecution in the past. However, in Bangladesh the Rohingya refugee influx is not a new phenomenon, rather, it has a long and rich history. Although, after the

independence of Bangladesh the Rohingya refugee influx took place first in 1978 by the Burmese military operation. In addition, the UNHCR has implemented some of the recommendations of the report, including increasing its international staff in Arakan and ensuring regular exchange of staff between Myanmar and Bangladesh.

Presently, The SLORC has changed little in its attitude towards the Rohingyas. They are still considered non-citizens and are unwelcomed except for the free labour they provide. Indeed, the continued antagonism and racism of many Buddhist Burmese towards members of the Muslim minority in Myanmar was revealed in violence. But the Rohingya Muslims are not the only ethnic minority to suffer abuse at the hands of the Myanmar's military, nor are they the only refugees to flee Myanmar. In the final analysis, while protection must be provided to those fleeing persecution in Myanmar to neighboring countries, only improvements in the human rights situation in Myanmar will bring about a lasting solution for the Rohingyas and all of Myanmar's ethnic minority groups.

Through UN support and bilateral agreements between Bangladesh and Myanmar some Rohingyas went back to Myanmar, but many more chose to stay in Bangladesh. Two major factors may explain this trend. Firstly, the facilities provided by the UNHCR camps were a pull factor that attracted marginalized Rohingyas. Therefore even in the absence of state persecution or physical violence, Rohingyas chose to become refugees in Bangladesh. Besides, Bangladesh being a Muslim majority country, made many Rohingyas to feel secured from communal violence.

On the other hand, structural reasons such as the lack of opportunities and basic freedoms for the Rohingya community in the Rakhine state were a push factor that to some extent compelled Rohingyas to get out of Myanmar. While allowing Rohingya refugees to enter into Bangladesh continued to pursue both bilateral and multilateral diplomacy to persuade Myanmar to take the Rohingyas back. In the context of Myanmar, Rakhine state faces a problem integrating the Rohingyas. Rakhine state is one of the most backward regions in Myanmar and in terms of human development it is way behind the national average.

There is acutely limited access to education, healthcare and public services like electricity. These factors create violent competition over insufficient resources which

often lead to conflict along ethnic lines. Like many other minorities in Myanmar, the Rohingya community of the Rakhine state suffered from persecution by other communities, which the state often failed to address appropriately. Moreover, The fact that the issue of Rohingya displacement was not even addressed in the ITLOS Tribunal, perhaps, shows the limitations of this resolution, which focuses on the technicalities of maritime geography and legal precedence. It was not in the national interest of either Myanmar or Bangladesh to call attention to a problem, which is far more complex than maritime delimitation.

Rohingya crisis has disrupted economic and trade relations between Bangladesh and Myanmar to a great extent. The amount of bilateral trade between Bangladesh and Myanmar is only US\$100 million. This restricts bilateral trade between the two countries, which is likely to be enhanced by introducing new items like pharmaceuticals, jute, cosmetics, consumer ware especially white goods, leather products, computer and IT ware. Policymakers are optimistic about the future bilateral trade between Myanmar and Bangladesh, expecting an increase of US\$500 million to US\$1 billion by 2014, if the Rohingya crisis is resolved and the Myanmar – Bangladesh relations improve in the days to come. Bilateral ties between Bangladesh and Myanmar have been tense at times, partly due to the Rohingya Muslim refugee issue. Myanmar closed its border trade through Teknaf for three months from July to October 2012 when violent clashes broke out between the Rohingya Muslims and the Rakhine Buddhists.

Until now, the Rohingya crisis is still in search of a durable solution. The solution entails non-traditional security concerns emanating from human security issues, which should be addressed properly by different bodies. The UN, ASEAN and other key players such as the US, China and Russia, must put pressure on Myanmar's government to stop the mass atrocities against the Rohingya minority in keeping with Myanmar's own responsibility to protect (R2P). International human rights standards are the foundation of R2P and every state has an obligation to protect its population from the worst atrocities on the basis of international human rights precepts. R2P was first clarified in the 2001 Report of the International Commission on Intervention and State Sovereignty (ICISS). R2P has been put forward by shifting the focus away from the right of states to intervene towards the right of victims to survive. International and

regional organizations can urge the government of Myanmar to restore the Rohingyas' citizenship along with their ethnic rights by lifting restrictions on marriage, movement, education and others. To what extent the role of great powers can influence the foreign policies of Myanmar and Bangladesh will be a matter of great concern in the coming years. Bangladesh has some disputes with Myanmar, such as trafficking, which remain unresolved till now. Increasing ties between the US and Myanmar could have negative implications on how Bangladesh and Myanmar will address their contentious bilateral issues. While the US exerts pressure on Myanmar's current regime to go on an armistice with the Karen guerilla, nothing was mentioned about resolving the Rohingya refugee crisis in the Bangladesh – Myanmar borders. The strong political will of the governments of Myanmar and Bangladesh can pave the way for a permanent solution to the Rohingya refugee crisis.

However, the government of Myanmar should put emphasis on its democratic responsibilities by taking all the necessary measures to stop violence in the Rakhine State with the accord of rights of citizenship to Muslim Rohingyas. The recent democratization of Myanmar might open up avenues for resolving the Rohingya refugee crisis through viable diplomatic breakthroughs and intensified bilateral negotiations between Myanmar and Bangladesh on the basis of a win-win situation.

The Rohingyas should take advantage of the ongoing democratic transition to advocate for their human rights in Myanmar. Moreover, the peaceful settlement of maritime disputes delimiting the demarcation of maritime boundaries between Bangladesh and Myanmar on the 14 March 2012 has built up optimism for resolving the Rohingya crisis in Bangladesh- Myanmar relations. But it requires coordinated local, regional and international diplomatic and constructive engagement urging the Myanmar government to cease the atrocities against minorities like the Rohingyas and to avoid resorting to violence against groups with whom it has ceasefire agreements. This engagement should be in conjunction with other measures, such as the creation of a commission of inquiry. To move forward, policymakers should balance the short-term with long-term considerations for concrete bilateral and multilateral solutions to the problems by supporting non-coercive international humanitarian intervention in Myanmar to stop human rights violations against the Rohingyas. This measure requires the application of international law under the United Nations R2P Framework for the

protection of the Rohingyas' human rights. When a state like Myanmar is unwilling or unable to protect the human rights of the Rohingyas, or is actively involved in violating those rights on a significant scale, then the world community has a responsibility to step in and ensure that these rights are protected.

Additionally, in 2012 another critical impediment, maritime boundary between the two countries has resolved under the verdict of UNCLOS. Although, this was its first case concerned with delimiting a maritime boundary, the ITLOS showed itself to be a competent tribunal for this purpose. In spite of its potentially unwieldy size, with 22 judges sitting in the case, the ITLOS managed to maintain an impressive degree of unity. Of the six points voted on in the operative paragraph of the judgment, the smallest majority was 19-3: on half the points the majority was 21-1. Noteworthy is the fact that, the two *ad hoc* judges voted with the majority on all points and made a joint declaration.

The judgment was delivered with commendable speed, in two years and three months after recommendation. That is comparable to the time taken by the three most recent arbitral tribunals and substantially quicker than the ICJ. Compared with arbitration, the ITLOS is cheaper because the parties are not required to pay the costs of the arbitrators, the registrar or the hire of premises. This case may therefore encourage states parties to UNCLOS wishing to litigate maritime boundary disputes to consider using the ITLOS for this purpose, especially since the ITLOS followed the now well-established case law (from which it quoted copiously) on the delimitation of single maritime boundaries.

Thus, fears that involving yet another tribunal in maritime boundary delimitation risks fragmenting the international jurisprudence should have been allayed by this case. The novel points in the case delimitation of the continental shelf beyond 200 miles and the legal status of the grey zone were dealt with by the ITLOS in a reasonable and equitable manner. As suggested above, the approach of the ITLOS to delimiting the continental shelf beyond 200 miles seems justifiable in the particular circumstances of this case, but may not be so in future cases. In spite of its considerable length (506 numbered paragraphs), there are places where the judgment would have benefitted from fuller reasoning. However, that criticism may also be made of a number

of previous maritime boundary delimitation cases. Moreover, after the verdict, Bangladesh has now been awarded 1,11,631 square kilometres of exclusive economic zone waters in the Bay of Bengal, almost the same size of Bangladesh, which includes all resources currently available for exploitation and all resources that may be discovered in the future. The government can now start drilling for oil and gas 200 nautical miles out to sea. The discovery of new oil and gas will help the country to meet its domestic power demands. Both countries should realize their best interests based on the international guidelines and defy all sorts of temptations, proper implementation of this verdict will ensure more strategic importance of Bangladesh as well as Myanmar. However, the prospectus of this relationship depends how Bangladesh can seize the opportunities to expand its relations with the present government of Myanmar. Bangladesh should undertake a pragmatic approach to foster cooperative efforts and interconnectivity which are considered as catalysts for economic growth and prosperity for the two peoples.

One may wonder whether the March 2012 verdict will have any broader implications for the bilateral relationship between Bangladesh and Myanmar. It is hoped that the verdict will not negatively affect their bilateral relationship and that it can be seen as a victory for both countries. The verdict has brought to an end to a problem that has hampered the economic development of both countries for more than four decades. Myanmar's government certainly deserves recognition for showing its willingness to resolve this matter definitively through legal means, and Bangladesh should now try to capitalise on the resources that have been made accessible to it; Bangladesh must not let this opportunity go to waste.

Bangladesh and Myanmar could continue to improve their ties and they have many complementarities, potentialities, opportunities and areas of co-operation to improve their relations which will give them greater connectivity both at sub-regional and regional levels. On certain strategic issues, both countries have been trying to improve bilateral ties through regional and sub-regional forums such as the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Co-operation (BIMSTEC), The ARF, ACU, BCIM). Strategically, Bangladesh can improve its balance of power situation with regional heavy weights by establishing relationships based on mutual interdependence and benefits with the regional institutions.

Therefore, to attain more flexibility in devising policies that will protect her own national interests this will affect the future strategic trend and ties of South and South-east Asia. Myanmar and Bangladesh jointly are the bridge between ASEAN and SAARC. The importance of geography in shaping foreign policy has long been recognized. Napoleon is supposed to have said, “Foreign policy of a country is determined by its geography”. This is not just a hyperbole. There is no question that geographical factors have had a decisive effect upon civilizations and upon national and international development. Moreover, the ‘Look-East Policy’ is a significant diplomatic initiative in the foreign policy of Bangladesh. This diplomatic drive has already started paying dividends in improving our bilateral relation with ASEAN countries and the major power in South and South-east Asia. The visits of the Heads of States of Myanmar, Thailand, China and Indonesia to Bangladesh are the concrete evidence of the result of ‘Look-East Policy’. The signing of defence pact with China, signing of MOUs with Myanmar and Thailand on trade and communication are the initial outcome of Bangladesh’s ‘Look-East Policy’.

In order to materialize the ‘Look-East Policy’, Bangladesh needs to identify fields of cooperation and to promote positive attitude of intellectuals and government officials, also to reduce obstacles in implementing the cooperation, reduce differences of opinion with the counterparts, create favourable situation for investment. Bangladesh also needs to establish a monitoring body to observe and recommend policy options for the implementation of the Look-East Policy. The development of relation with Myanmar and pursuing the Look-East Policy of Bangladesh is likely to have enormous effect on the region. This will open the door of communication between Bangladesh and ASEAN nations. The main effect of this diplomacy is that Bangladesh will be able to come out from the claws of encirclement by Indian Territory, which will be of significant value to the strategic security of Bangladesh.

The future of Bangladesh – Myanmar relation is likely to provide facilities for opening various doors of opportunities with the avowed aim of developing Bangladesh’s relation with ASEAN nations, avoid border tension with Myanmar, allowing Bangladesh to enjoy an independent foreign policy, resolving Rohingya crisis and insurgency in Arakan, deriving strategic and economic benefit from the establishment of the international highway. These two nations will be tied with

friendship and mutual co-operation, which will ultimately result in development and peace in these two countries and beyond.

Both Bangladesh and Myanmar have enjoyed good bilateral relations based on the joining of some common regional and international institutions like UN, SAARC, ASEAN, NAM, BCIM, ARF, ACU, BIMSTEC etc. The relations between the two countries are growing significantly through these organizations. Due to superpowers rivalry both in South and South-east Asia Bangladesh and Myanmar adopted Non-aligned Movement as their basic principles of foreign policy which strengthened bilateral relations between the two next door neighbouring countries. Therefore, it is reasonably believed that through harmonizing their strategies and resources in diplomatic practices, Bangladesh and Myanmar in concert can significantly contribute to the cause of peace and development both at the regional and global levels.

Being close to each other, Bangladesh and Myanmar can develop cooperation in unlimited aspects. These may be on sharing military training, the fields of economic and technical assistance, trade and investment, employment of workforce in Myanmar, education and culture, tourism, technology transfer and human resources development, organizing joint military exercises, supply of gas, building joint electro-hydraulic project, facilitating communication and trade with other ASEAN nations, establish riverine, land and air communication, exchanging cultural and educational delegations, controlling drug and weapon smuggling, promoting tourism etc.,. In the international agenda, both the countries have been working in harmony in different regional and international organizations and share their common view and stand on a major regional and international issue for the promotion of regional and international peace and security. With the enhancement of cooperation in the areas of trade and investment, manpower issue, tourism, education and culture, the relationship between Bangladesh and Myanmar would grow stronger in future.

Last but not least for attaining a new height in Bangladesh – Myanmar relations, both the countries must go beyond their boundaries. Two things are here: to resolve the existing challenges and seek cooperation in the potential areas. These can be done simultaneously. Failure in resolving any hard issue should not be allowed to leave any negative impact on other prospective areas. Undoubtedly, the Rohingya issue has spill

over effect on other bilateral issues, but it will be wise if Bangladesh single out the issue and try to solve it through mutual cooperation. For our mutual interests and greater stability in the region, this issue needs to be solved on the basis of our national security concerns and humanitarian perspectives. For greater friendship, removing mistrust and opening up minds are imperative. All measures ought to be taken for confidence building. To this end, people to people contact can play a vital role to shape the opinion for cooperation between the nations. Moreover, China, India, SAARC, ASEAN and BCIM should also help and encourage the peaceful resolution of the disputes prevailing in between Bangladesh and Myanmar.

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Appendices

THE PANGLONG AGREEMENT

Panglong

February 12th, 1947

A conference having been held at Panglong, attended by certain Members of the Executive Council of the Governor of Burma, all Saohpas and representative of the Shan States, the Kachin Hills and the Chin Hills:

The Members of the conference, believing that freedom will be more speedily achieved by the Shans, the Kachins and the Chins by their immediate co-operation with the Interim Burmese Government:

1. A Representative of the Hill Peoples, selected by the Governor on the recommendation of representatives of the Supreme Council of the United Hill Peoples (SCOUHP), shall be appointed a Counsellor for Frontier Areas shall be given executive authority by similar means.
2. The said Counsellor shall also be appointed a Member of the Governor's Executive Council, without portfolio, and the subject of Frontier Areas brought within the purview of the Executive Council by Constitutional Convention as in the case of Defence and External Affairs. The Counsellor for Frontier Areas shall be given executive authority by similar means.
3. The said Counsellor shall be assisted by two Deputy Counsellors representing races of which he is not a member. While the two Deputy Counsellors should deal in the first instance with the affairs of their respective areas and the Counsellor with all the remaining parts of the Frontier Areas, they should by Constitutional Convention act on the principle of joint responsibility.
4. While the Counsellor, in his capacity of Member of the Executive Council, will be the only representative of the Frontier Areas on the Council, the Deputy Counsellors shall be entitled to attend meetings of the Council when subjects pertaining to the Frontier Areas are discussed.
5. Though the Governor's Executive Council will be augmented as agreed above, it will not operate in respect of the Frontier Areas in any manner which would deprive any portion of those Areas of the autonomy which it now enjoys in internal administration. Full autonomy in internal administration for the Frontier Areas is accepted in principle.
6. Though the question of demarcating and establishing a separated Kachin State within a Unified Burma is one which must be relegated for decision by the Constituent Assembly, it is agreed that such a State is desirable. As a first step towards this end, the Counsellor for Frontier Areas and the Deputy Counsellors shall be consulted in the administration of such areas in the Myitkyina and the Bhamo Districts as are Part II Scheduled Areas under the Government of Burma Act of 1935.
7. Citizens of the Frontier Areas shall enjoy rights and privileges which are regarded as fundamental in democratic countries.
8. The arrangements accepted in this Agreement are without prejudice to the financial autonomy now vested in the Federated Shan States.
9. The arrangements accepted in this Agreement are without prejudice to the financial assistance which the Kachin Hills and the Union Hills are entitled to receive from the revenues of Burma, and the Executive Council will examine with the Frontier Areas Counsellor and Deputy Counsellors the feasibility of adopting for the Kachin Hills and the Chin Hills financial arrangement similar to those between Burma and the Federated Shan States.

Burmese Government.

(Signed) Aung San

Kachin Committee.

(Signed) Sinwa Naw, Myitkyina

(Signed) Zaurip, Myitkyina

(Signed) Dinra Tang, Myitkyina

(Signed) Zau La, Bhamo

(Signed) Zau Lawn, Bhamo

(Signed) Labang Grong, Bhamo

Chin Committee

(Signed) Pu Hlur Hmung, Falam

(Signed) Pu Thawng Za Khup, Tiddim

(Signed) Pu Kio Mang, Haka

Shan Committee

(Signed) Saohpalong of Tawngpeng State.

(Signed) Saohpalong of Yawnghwe State.

(Signed) Saohpalong of North Hsenwi State.

(Signed) Saohpalong of Laihka State.

(Signed) Saohpalong of Mong Pawn State.

(Signed) Saohpalong of Hsamonghkam State

(Signed) Representative of Hsahtung Saohpalong. Hkun Pung

(Signed) U Tin E

(Signed) U Htun Myint

(Signed) U Kya Bu

(Signed) Hkun Saw

(Signed) Sao Yape Hpa

(Signed) Hkun Htee

Aung San-Atlee Agreement (27 January 1947)

His Majesty's Government and the Delegation of the Burma Executive Council having discussed all the matters affecting the future relations between Great Britain and Burma which were raised by the Delegation have reached the following agreed conclusions as to the methods by which the people of Burma may achieve their independence, either within or without the Commonwealth, as soon as possible: --

1. The Constituent Assembly

In order that the people of Burma may decide on the future constitution of their country as soon as possible a Constituent Assembly shall be elected instead of a Legislature under the Act of 1935. For this purpose the electoral machinery of the 1935 Act will be used.

Elections will take place in April for the general non-communal, the Karen, and the Anglo-Burman constituencies as constituted under the Act of 1935, and for each constituency two members shall be returned. Any Burma nationals (as defined in Annex A) registered in a general constituency other than one of those mentioned above shall be placed on the register of a general non-communal constituency.

2. Transitional Form of Government

During the period of transition the Government of Burma will be carried on as at present under the special powers of Section 139 of the Act of 1935 and the Temporary Provisions Act of 1945 together with any Orders in Council made there under.

If any exceptional circumstances arise which, in the opinion of either Government require special treatment, His Majesty's Government will consider what, if any, alteration can be made to meet such circumstances.

3. Interim legislature

During the interim period there will be a Legislative Council as provided by the Act of 1945. Power will be sought by His Majesty's Government by Order in Council to increase the numbers authorized from 50 to 100. As soon as the elections to the Constituent Assembly are completed the Governor will nominate a Legislative Council of 100. It will be drawn from among those elected to the Constituent Assembly with the inclusion of a small number of persons to present the non-indigenous minorities. The powers of the Legislative Council will be identical with those possessed by the recently dissolved Legislative Council of 50.

4. Interim Government

The Executive Council of Governor will constitute the Interim Government of Burma. While it is not possible to alter the legal powers of the Executive Council, or of the Governor, which must continue within the framework set out in paragraph 2 above, the Interim Government will be conducted generally in the same manner as the Interim Government of India at the present time, and in particular:

(a) The Executive Council will be treated with the same close consultation and consideration as a Dominion Government, and will have the greatest possible freedom in the exercise of the day-to-day administration of the country. The convention exercised during the currency of the Act of 1935 as to the Governor presiding at the meeting of the Council of Ministers shall be continued in relation to the Executive Council.

(b) His Majesty's Government agree in principle that the Government of Burma shall have financial autonomy (see Annex B).

(c) Matters concerning Defence and External Affairs will be brought before the Executive Council, which will be fully associated with the disposal of business in such matters.

(d) The Governor will depute to his Counsellor for Defence and External Affairs the day-to-day administrations of those subjects. Subject only to the limitations inherent in the legal position, the Executive Council will be at full liberty to raise, consider, discuss and decide on any matters arising in the field of policy and administration.

5. External Affairs

There shall be appointed forthwith a High Commissioner for Burma to represent the Burmese Government in London. His Majesty's Government will request the Governments of the countries with which Burma wishes to exchange diplomatic representatives to agree to such an exchange.

6. Membership of International Organisations

His Majesty's Government will lend their full support to any application by Burma for membership of the United Nations Organisation as soon as Burma's constitutional position makes it possible for such an application to be entertained. In the meantime His Majesty's Government will explore with the Secretary-General how far it is possible for Burma to be represented at any meetings of, or under the auspices of the United Nations

Organisation.

They will also approach any other international bodies as a member nation or otherwise.

7. Defence

(a) In accordance with settled practice all British forces stationed in Burma will remain under the ultimate control of His Majesty's Government.

(b) All Burmese forces will forthwith come under the control of the Government of Burma.

(c) His Majesty's Government have agreed in principle that the G.O.C. in Burma shall become subordinate to the Governor and Government of Burma at the earliest practicable moment, but for the present, until the liquidation of inter-Allied arrangements of Command which cover many countries, the G.O.C. in Burma will remain under S.E.A.L.F. During this period there will of course be close collaboration between the Governor, the Government of the Burma and the authorities concerned. Appropriate arrangements on similar lines will apply in respect of the naval and Air Services.

(d) The question of assistance in building up the Defence Forces of Burma will be a matter for discussion between the two Governments. His Majesty's Government wish to do their utmost to help the Government of Burma in this matter, but must have regard to their already heavy commitments in other parts of the world.

(e) The question of the retention or use of any British Forces in Burma after the coming into operation of the new Constitution will be a matter for agreement between His Majesty's Government and the Government of Burma.

8. Frontier Areas

It is agreed objective of both His Majesty's Government and the Burmese Delegates to achieve the early unification of the Frontier Areas and Ministerial Burma with the free consent of the inhabitants of those

areas. In the meantime, it is agreed that the people of the Frontier Areas should, in respect of subjects of common interest, be closely associated with the Government of Burma in a manner acceptable to both parties. For these purposes it has been agreed: -

(a) There shall be free intercourse between the peoples of the Frontier Areas and the people of Ministerial Burma without hindrance.

(b) The leaders and representatives of the peoples of the Frontier Areas shall be asked, either at the Panglong Conference to be held at the beginning of next month or at a special Conference to be convened for the purpose, to express their views upon the form of association with the Government of Burma which they consider acceptable during the transition period: whether –

(I) by the appointment of a small group of Frontier representatives to advise the Governor on Frontier affairs and to have close liaison with the Executive Council; or

(II) by the appointment of the Frontier Area representative as Executive Councillor in charge of Frontier affairs; or

(III) by some other method.

(c) After the Panglong meeting, or the special conference, His Majesty's Government and the Government of Burma will agree upon the best method of advancing their common aims in accordance with the expressed views of the peoples of the Frontier Areas.

(d) A Committee of Enquiry shall be set up forthwith as to the best method of associating the Frontier peoples with the working out of the new Constitution for Burma. Such Committee will consist of equal numbers of person from Ministerial Burma, nominated by the Executive Council, and persons from the Frontier Areas, nominated by the Governor after consultation with the leaders of those areas, with a neutral Chairman from outside of Burma selected by agreement. Such Committee shall be asked to report to the Government of Burma and His Majesty's Government before the summoning of the Constituent Assembly.

9. Finance

A number of financial questions have been considered and an agreement has been arrived at as to how these matters should be dealt with, which is set out in Annex B attached hereto.

10. Other Matters

A number of other questions will arise for settlement between His Majesty's Government and the Government of Burma connected with the change in the status of Burma. These will be taken up as they arise and will be dealt with in the same friendly and cooperative spirit that has marked the present discussions. Both His Majesty's Government and the Delegates of the Burma Executive Council are convinced that by a continuation of the present method towards their common objective of a free and independent Burma, whether within or without the British Commonwealth of Nations, and they have, therefore, agreed to cooperate in the settlement of all future matters which shall arise between them through the transitional period until Burma's new Constitution comes into operation.

R. ATLEE (Sd.) AUNG SAN

10 Downing Street, S.W. 1,
27th January 1947.

Note: The Hon. Thakin Ba Sein and the Hon. U Saw are unable to associate themselves with these conclusions.

1. His Majesty's Government have agreed in principle that Burma should have financial autonomy.
2. His Majesty's Government have undertaken to do all they can to secure her effective membership, as soon as she is in a position to make the application and should she so desire, of the International Monetary Fund and the International Bank.
3. Burma has received as an interest-free loan approximately £8 million (net) for the Burma financial year October 1945 September 1946 to September 1947, she should receive a further £7.5 million (net). His Majesty's Government have now agreed that they will make a further contribution towards this year's deficit on the Ordinary Budget, taking account of any contribution for the Frontier Areas.
4. As regards the Projects Budget (which deals mainly with the governmental trading activities) His Majesty's Government will examine the possibility of a credit with a definite ceiling, without United Kingdom control, but with the fullest exchange of information.
5. His Majesty's Government are prepared to agree in principle to the possibility of converting a part of any interest-free loan into an outright grant in the light of the results of the further joint study of the facts of the financial situation (see next paragraph).
6. It is agreed that there should be a further joint study in Burma of the facts of the financial situation, without commitment on either side. Should further financial assistance be needed from His Majesty's Government beyond that agreed in paragraphs 3 and 4 of this Annex, this assistance, if given, will be subject to such conditions as may be agreed upon.

Table 3.1

Agreement between the Government of the Union of Burma and the Government of the Islamic Republic of Pakistan on the Demarcation of a fixed Boundary between the two countries in the Naff river	09-05-1966
Trade Agreement between the Government of the people's Republic of Bangladesh and the Government of the Union of Burma	03-08-1973
Air Transport Agreement between the Government of the people's Republic of Bangladesh and the Government of the Socialist Republic of the Union of Burma	03-08-1977
Agreement on the Repatriation of the Rohingya Refugee between the Government of the people's Republic of Bangladesh and the Government of the Socialist Republic of the Union of Burma	23-05-1978
Boundary Agreement between the Government of the people's Republic of Bangladesh and the Government of the Socialist Republic of the Union of Burma on the Demarcation of the Land section of the Boundary North of the Naff river	23-05-1979
Agreement between the Government of the people's Republic of Bangladesh and the Government of the Socialist Republic of the Union of Burma on Border Agreements and Co-operation	19-12-1980
Counter Purchase Agreement Between Myanmar Export and Import Services and the Trading Corporation of Bangladesh	01-06-1989
Agreement for Physical Arrangements for Repatriation of Myanmar Residents between the Government of the Republic of the Union of Myanmar and the Government of the people's Republic of Bangladesh	07-05-1992
Agreement on Border Trade between the Government of the Republic of the Union of Myanmar and the Government of the people's Republic of Bangladesh	18-03-1994
Banking Arrangement between the Sonali Bank and the Myanmar Investment and Commercial Bank for Implementation of the Border Trade Agreement dated 18 th May 1994 signed between the Government of the Republic of the Union of Myanmar and the Government of the people's Republic of Bangladesh	18-05-1994
Agreement for Mutual Co-operation between the Government of the Republic of the Union of Myanmar and the Government of the people's Republic of Bangladesh for Preventing Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Controlled Precursors	01-12-1994
Treaty between the Government of the people's Republic of Bangladesh and the Government of the Socialist Republic of the Union of Burma on the Demarcation of the Land section of the Boundary North of the Naff river	12-11-1998

Agreement on Cultural Co-operation between the Government of the Republic of the Union of Myanmar and the Government of the people's Republic of Bangladesh	17-12-2002
Agreement on Coastal and Maritime Shipping between the Government of the Republic of the Union of Myanmar and the Government of the people's Republic of Bangladesh	20-03-2003
Agreement for the Establishment of Direct Road link between the Government of the Republic of the Union of Myanmar and the Government of the people's Republic of Bangladesh	27-04-2007
Agreement on Coastal and Maritime Shipping between the Government of the Republic of the Union of Myanmar and the Government of the people's Republic of Bangladesh	20-03-2003 Amended on 19-06-2008
Agreement between the Government of the Republic of the Union of Myanmar and the Government of the people's Republic of Bangladesh for the Avoidance of Double Taxation and Prevention of Fiscal Evasion with Respect to Taxes on Income	07-10-2010
Agreement on the Establishment of a Joint Commission for Bilateral Co-operation between the Government of the Republic of the Union of Myanmar and the Government of the people's Republic of Bangladesh	06-12-2911
Shipping Service Agreement between bangladesh and myanmar.	March, 2012
Air Service Agreement between bangladesh and myanmar.	29 August, 2013

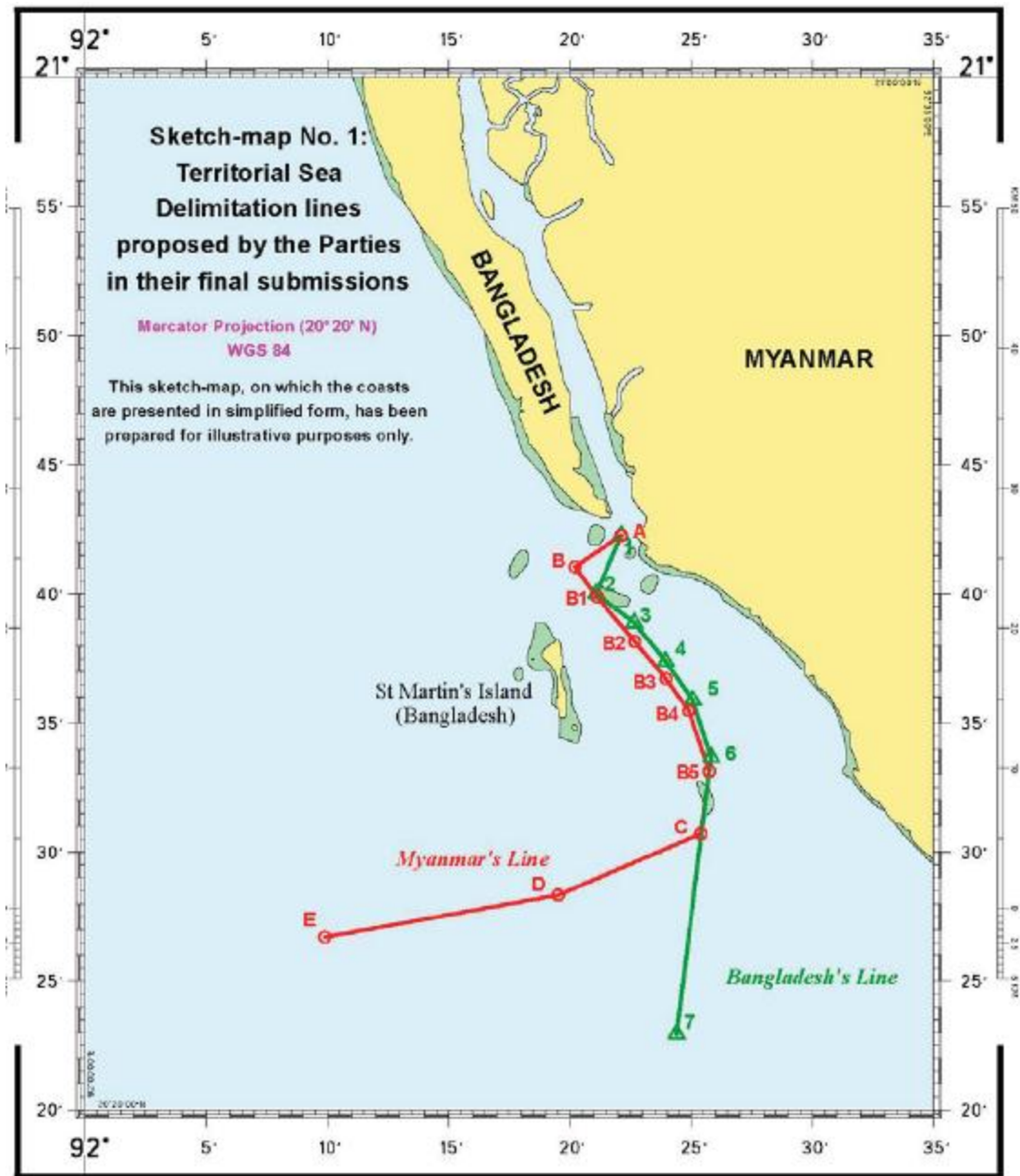
Source: Bangladesh Ministry of foreign Affairs, SAE, M. See., File No. 610.

Table 3.2: Bangladesh – Myanmar Trade (1972-2010)

Year	Exports from Bangladesh	Imports into Bangladesh	Balance Taka in Lakh
1972-1973	-	318.86	(-)318.86
1973-1974	-	68.65	(-)68.65
1974-1975	120	-	(+)120
1975-1976	198	-	(+)198
1976-1977	274.41	742.00	(-) 467.59
1977-1978	367.85	2931.00	(-) 2563.15
1978-1979	955.37	24.00	(+) 981.37
1979-1980	1338.00	5022.00	(-) 3684.00
1980-1981	1440.00	566.00	(+) 874.00
1981-1982	908.88	850.34	(+) 58.54
1982-1983	1891.83	2502.00	(-) 611.17
1983-1984	1705.10	956.00	(+) 749.10
1984-1985	1069.43	3377.00	(-) 2307.57
1985-1986	1209.00	1121.00	(+)88
1986-1987	1186.05	799.00	(+)387
1987-1988	1365.00	1167.00	(+)198
1988-1989	800.00	757.00	(+)43
1989-1990	879.00	443.00	(+)436
1990-1991	600.00	105.00	(+)495
1991-1992	890.00	49.00	(+)841
1992-1993	754.00	970.00	(-)216
1993-1994	987.00	2680.00	(-)1693
1994-1995	897.00	3659.00	(-)2762
1995-1996	1000.00	757.00	(+)243
1996-1997	1232.00	1615.00	(-)383
1997-1998	1576.00	3887.00	(-)3211
1998-1999	1700.00	7422.00	(-)5722
1999-2000	412.00	6588.00	(-)6176
2000-2001	879.00	13326.00	(-)12447
2001-2002	687.00	9729.00	(-)9042
2002-2003	978.00	20809.00	(-)19822
2003-2004	765.00	15634.00	(-)14869
2004-2005	456.00	20050.00	(-)19994
2005-2006	346.13	19836.00	(-)19490
2006-2007	409.35	14194.00	(-)13780
2007-2008	658.56	79445.00	(-)78780
2008-2009	632.96	45855.00	(-)45220
2009-2010	693.87	48189.00	(-)47490
2010-2011	688.14	128470.00	(-)12181
2011-2012	1063.97	51615.00	(-)50550

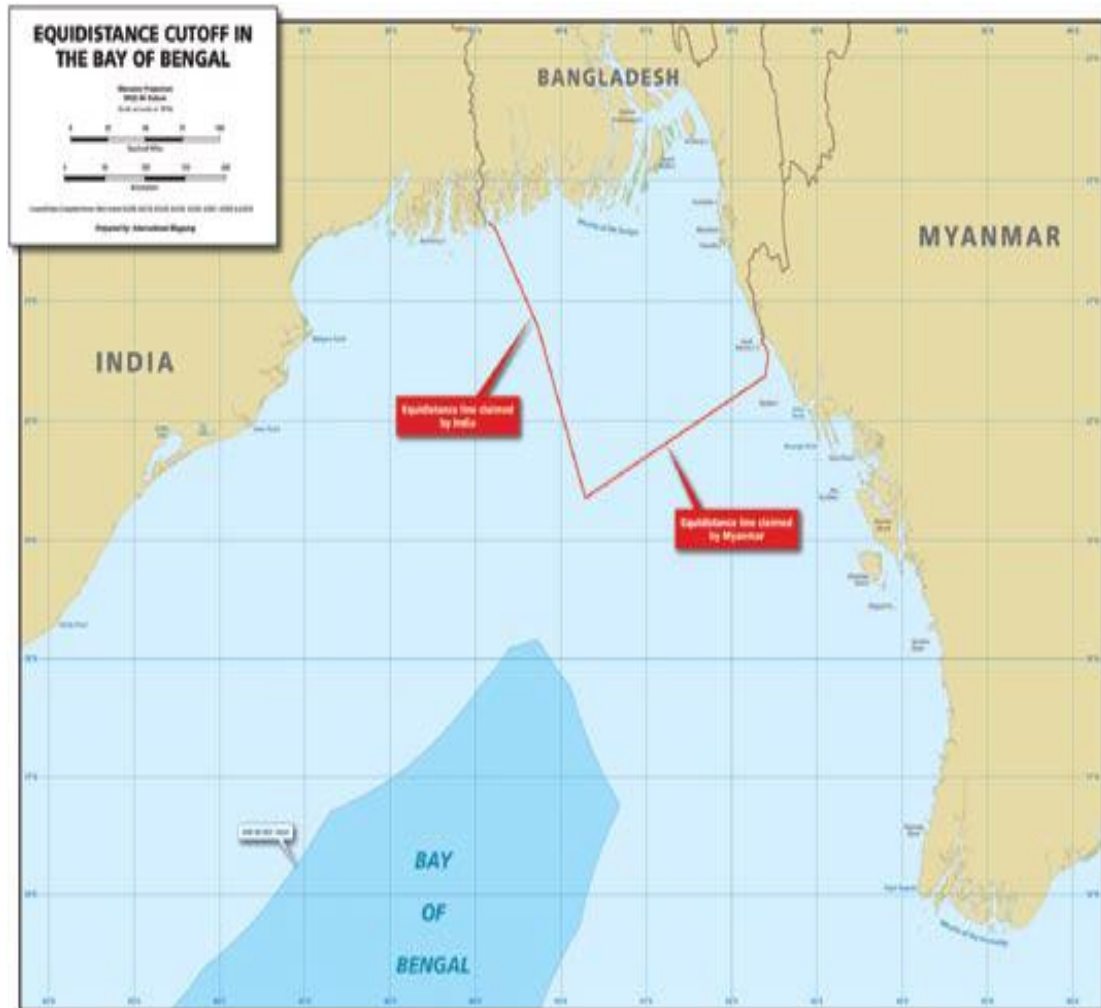
Sources: Bangladesh Bureau of Statistic and Bangladesh Bank

Map-4.1: Showing 12 Nautical Mile Territorial Sea boundaries super imposed on 1974 Agreement.



Source: Judgement 2012.

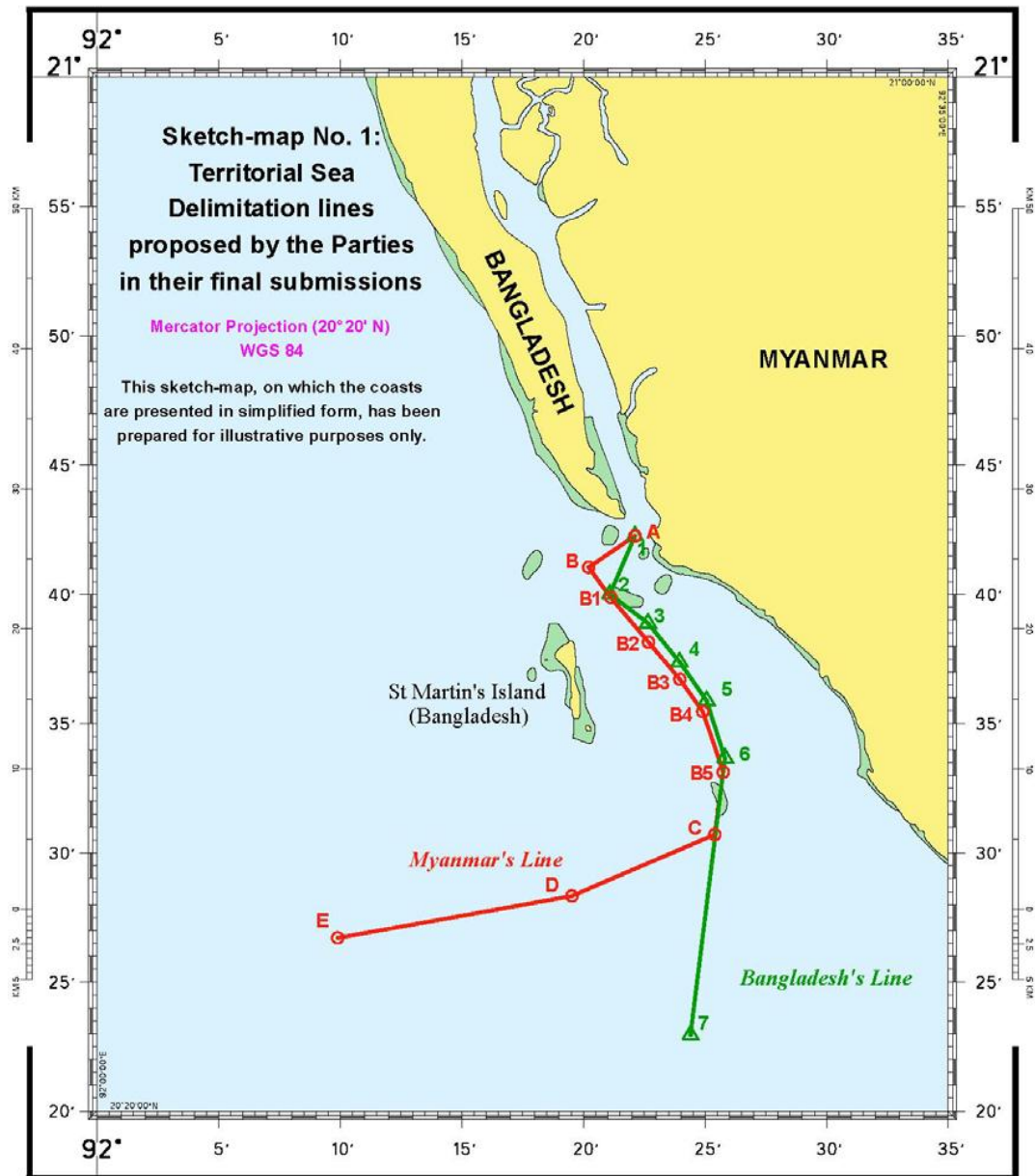
Map 4.2: Showing cut-off at 130 Nautical Mile due equidistant lines claimed by Myanmar and India



Source: Judgement 2012.

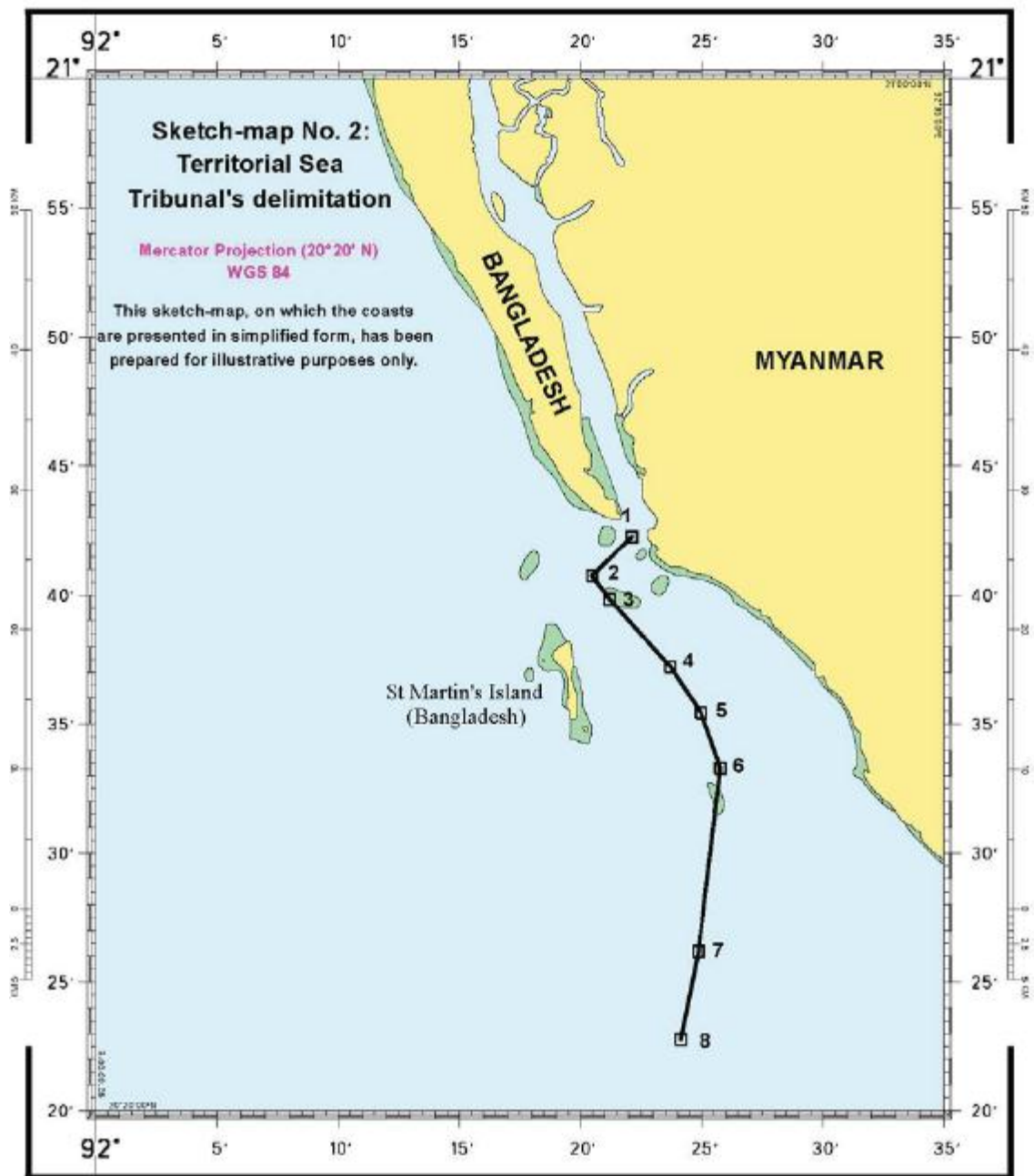
Figure 1.1

Map 4.3: The territorial sea boundary proposed by both Bangladesh and Myanmar.



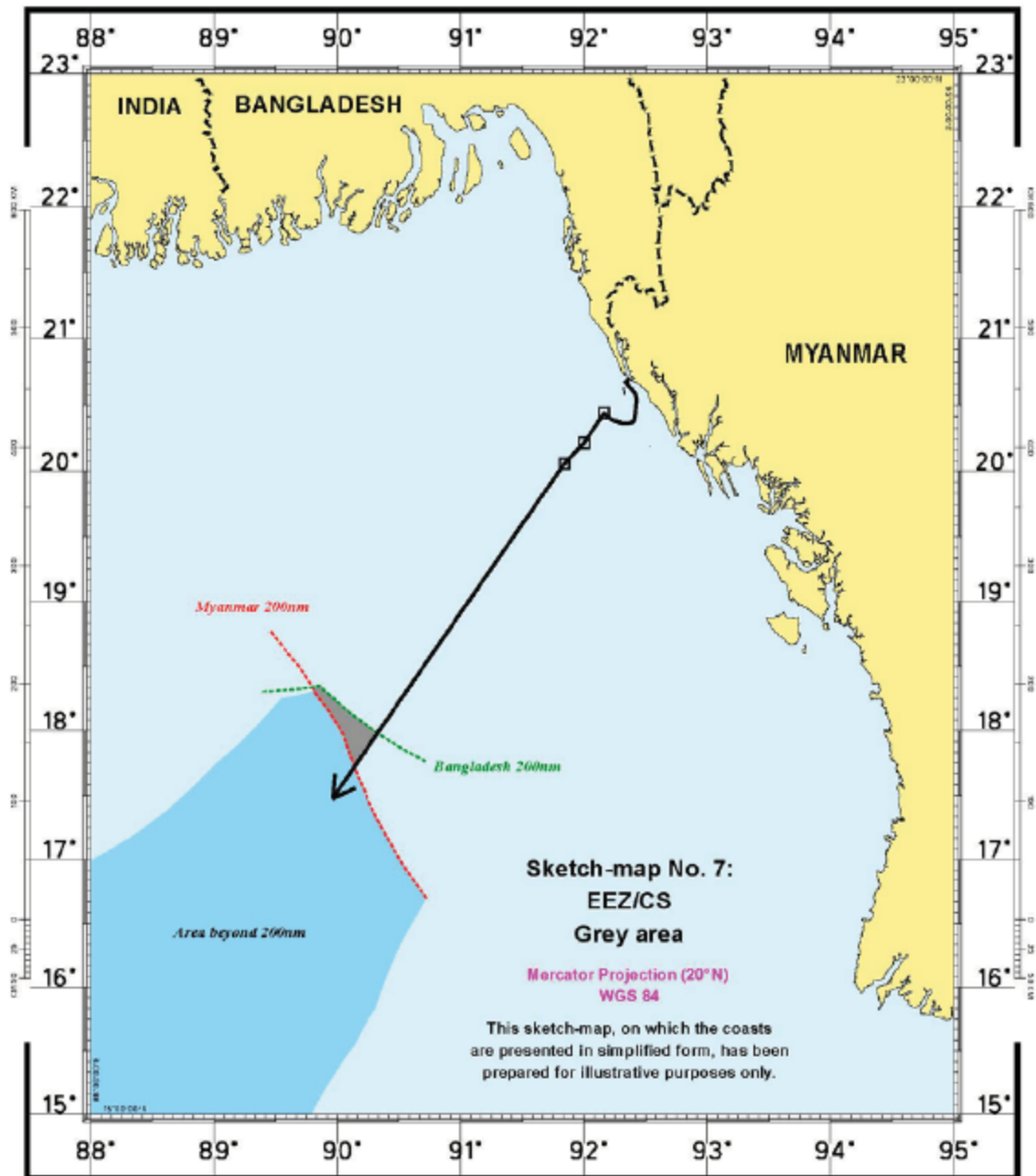
Source: Judgement 2012.

Map 4.4: The territorial sea boundary delimited by the ITLOS (Judgment, p.7)



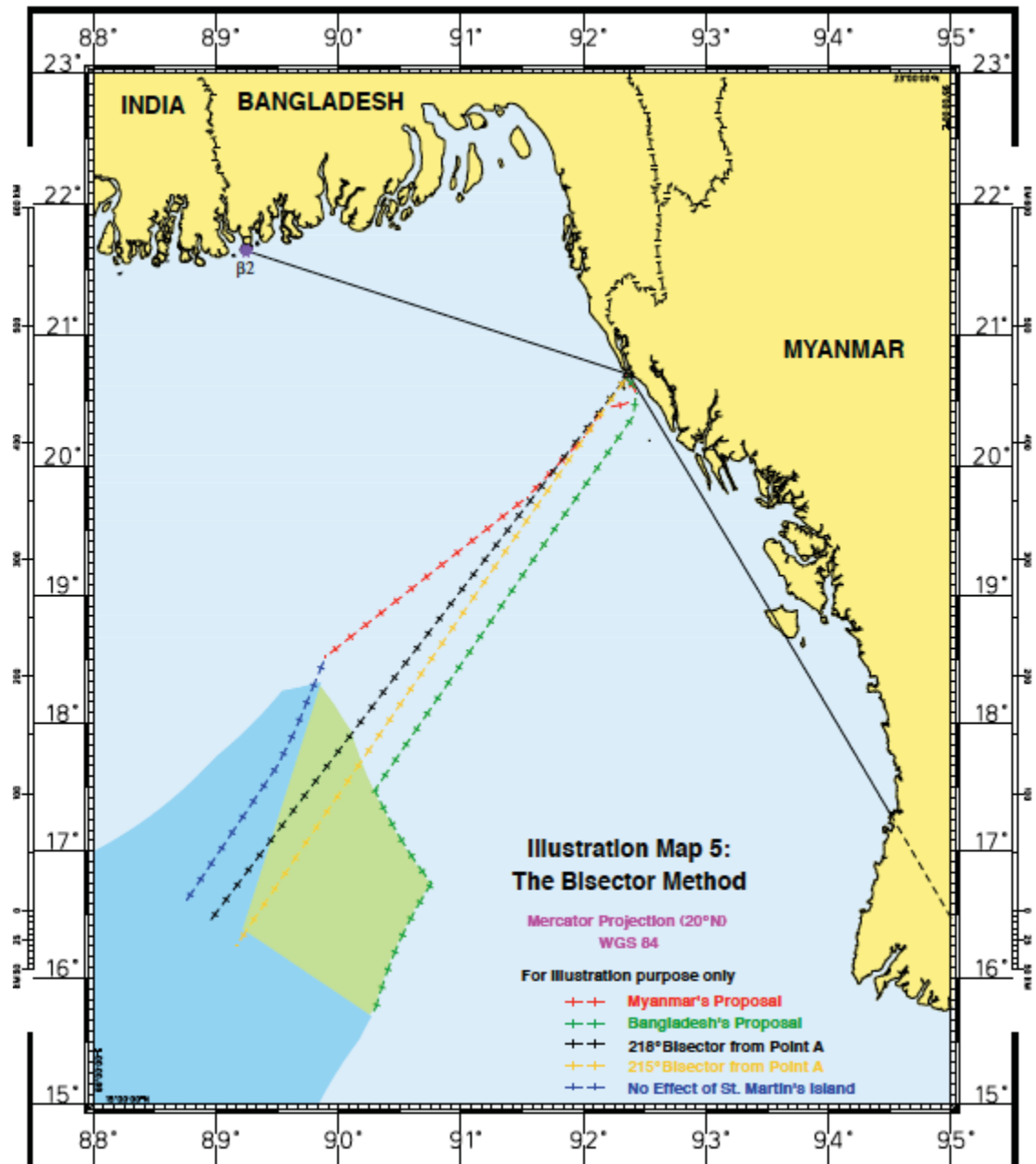
Source: Judgment 2012.

Map 4.5 Tribunal Delimited Grey Area



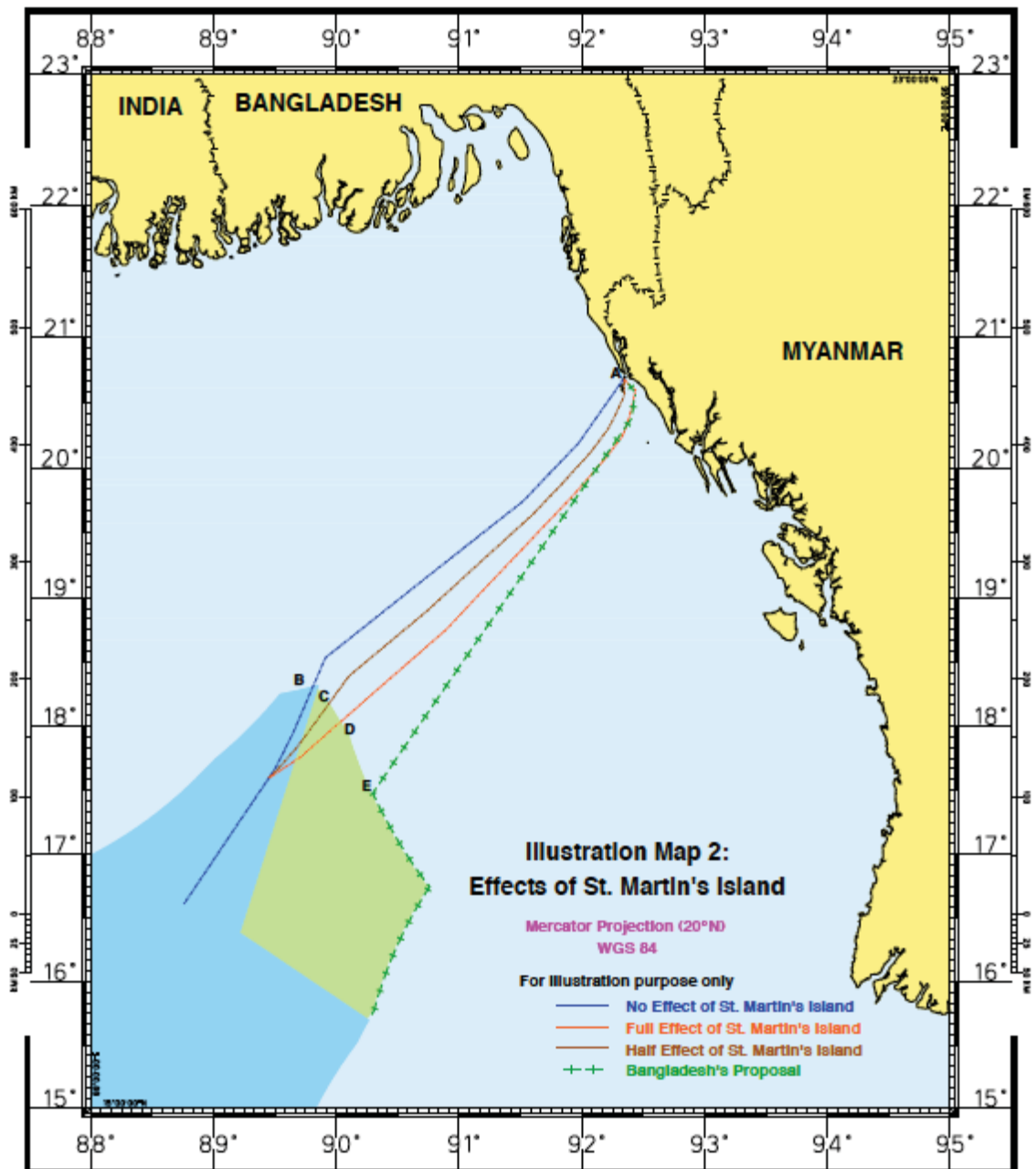
Source: Judgement 2012.

Map 4.6: Recommended Delimitation from Judge Zhiguo Gao



Source: Judgement 2012.

Map 4.7: Recommended Effect of St. Martin's Island from Judge Zhiguo Gao



Source: Judgement 2012.

4.1 Territorial Waters and Maritime Zones Act 1974, Act No. XXVI of 1974

An act to provide for the declaration of the territorial waters and maritime zones. Whereas clause (2) of Article 143 of the Constitution provides that Parliament may, from time to time, by law provide for the determination of the territorial waters and the continental shelf of Bangladesh; And whereas it is necessary to provide for the declaration of the territorial waters, continental shelf and other maritime zones and for matter ancillary thereto; It is hereby enacted as follows:

Short title

1. This Act may be called the Territorial Waters and Maritime Zones Act, 1974.

Definitions

2. In this Act, unless there is anything repugnant to the subject or context:

- (a) "Conservation zone" means a conservation zone established under section 6;
- (b) "Contiguous zone" means the zone of the high seas declared by section 4 to be the contiguous zone of Bangladesh;
- (c) "Continental shelf" means the continental shelf of Bangladesh referred to in section 7;
- (d) "Economic zone" means the zone of the high seas declared under section 5 to be the economic zone of Bangladesh;
- (e) "Territorial waters" means the limits of sea declared under section 3 to be the territorial waters of Bangladesh.

Territorial waters

3. (1) The Government may, by notification in the official Gazette, declare the limits of the sea beyond the land territory and internal waters of Bangladesh which shall be the territorial waters of Bangladesh specifying in the notification the baseline:

- (a) from which such limits shall be measured; and
- (b) the waters on the landward side of which shall form part of the internal waters of Bangladesh.

(2). Where a single island, rock or a composite group thereof constituting the part of the territory of Bangladesh is situated seawards from the main coast or baseline, territorial waters shall extend to the limits declared by notification under sub-section (1) measured from the low waterline along the coast of such island, rock or composite group.

(3) The Sovereignty of the Republic extends to the territorial waters as well as to the air space over and the bed and subsoil of, such waters.

(4). No foreign ship shall, unless it enjoys the right of the innocent passage, pass through the territorial waters.

(5). Foreign ship having the right of innocent passage through the territorial waters shall, while exercising such right, observe the laws and rules in force in Bangladesh.

(6). The Government may, by notification in the official Gazette, suspend, in the specified areas of the territorial waters, the innocent passage of any ship if it is of opinion that such suspension is necessary for the security of the Republic.

(7). No foreign warship shall pass through the territorial waters except with the previous permission of the Government.

(8). The Government may take such steps as may be necessary:

- (a). to prevent the passage through the territorial waters of any foreign ship having no right of innocent passage;
- (b). to prevent and punish the contravention of any law or rule in force in Bangladesh by any foreign ship exercising the right of innocent passage;
- (c) to prevent the passage of any foreign warship without previous permission of Government; and
- (d) to prevent and punish any activity which is prejudicial to the security or interest of the Republic.

Explanation - In this section "warship" includes any surface or sub-surface vessel or craft which is or may be used for the purpose of naval warfare.

Contiguous zone

4. (1) The zone of the high seas contiguous to the territorial waters and extending seawards to a line six nautical miles measured from the outer limits of the territorial waters is hereby declared to be the contiguous zone of Bangladesh.

(2) The Government may exercise such powers and take such measures in or in respect of the contiguous zone as it may consider necessary to prevent and punish the contravention of, and attempt to contravene, any law or regulation in force in Bangladesh relating to:

- (a) the security of the Republic;
- (b) the immigration and sanitation; and
- (c) customs and other fiscal matters.

Economic Zone

5. (1) The Government may, by notification in the official Gazette, declare any zone of the high seas adjacent to the territorial waters to be the economic zone of Bangladesh specifying therein the limits of such zone.

(2) All natural resources within the economic zone, both living and non-living, on or under the seabed and sub-soil or on the water surface or within the water column shall vest exclusively in the Republic.

(3) Nothing in sub-section (2) shall be deemed to affect fishing within the economic zone by a citizen of Bangladesh who uses for the purpose vessels which are not mechanically propelled.

Conservation Zone

6. The Government may, with a view to the maintenance of the productivity of the living resources of the sea, by notification in the official Gazette, establish conservation zones in such areas of the sea adjacent to the territorial waters as may be specified in the notification and may take such conservation measures in any zone so established as it may deem appropriate for the purpose including measures to protect the living resources of the sea from indiscriminate exploitation, depletion or destruction.

Continental shelf

7. (1) The continental shelf of Bangladesh comprises:

(a) the seabed and subsoil of the submarine areas adjacent to the coast of Bangladesh but beyond the limits of the territorial waters up to the outer limits of the continental margin bordering on the ocean basin or abyssal floor; and

(b) the seabed and subsoil of the analogous submarine areas adjacent to the coasts of any island, rock or any composite group thereof constituting part of the territory of Bangladesh.

(2) Subject to sub-section (1), the Government may, by notification in the official Gazette, specify the limits thereof.

(3) No person shall, except under and in accordance with the terms of, a licence or permission granted by Government explore or exploit any resources of the continental shelf or carry out any search or excavation or conduct any research within the limits of the continental shelf: Provided that no such licence or permission shall be necessary for fishing by a citizen of Bangladesh who uses for the purpose vessels which are not mechanically propelled.

Explanation: Resources of the continental shelf include mineral and other non-living resources together with living organisms belonging to sedentary species, that is to say, organisms which at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

(4) The Government may construct, maintain or operate within the continental shelf installations and other devices necessary for the exploration and exploitation of its resources.

Control of Pollution

8. The Government may, with a view to preventing and controlling marine pollution and preserving the quality and ecological balance in the marine environment in the high seas adjacent to the territorial waters, take such measures as it may deem appropriate for the purpose.

Power to Make Rules

9. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide –

(a) for the regulation of the conduct of any person in or upon the territorial waters, contiguous zone, economic zone, conservation zone and continental shelf;

(b) for measures to protect, use and exploit the resources of the economic zone;

(c) for conservation measures to protect the living resources of the sea;

(d) for measures regulating the exploration and exploitation of resources within the continental shelf, (e) for measures designed to prevent and control of marine pollution of the high seas.

(3) In making any rule under this section the Government may provide that a contravention of the rule shall be punishable with imprisonment which may extend to one year or with fine which may extend to five thousand takas.

Table 5.1

Year	Numbers of refugees
1992	5962
1993	46129
1994	82753
1995	61504
1996	23045
1997	10073
1998	106
1999	1128
2000	1323
2001	283
2002	760
2003	3231
2004	210
2005	92
Total	2,36,599

Year wise repatriations of Rohingya Refugee

Table 5.2

Resettlement of Myanmar refugees from Bangladesh, 2006-2010

Year	Destination	Submissions	Departures	
2006	Canada	28	13	
Total		28	13	
2007	Canada	204	75	
	New Zealand	54		
	United Kingdom	121		
Total		379	75	
2008	Australia	151	76	
	Canada	212		
	Ireland	112		
	New Zealand	11		23
	Norway	12		4
	Sweden	19		19
	United Kingdom	32		34
Total		549	156	
2009	Australia	120	108	
	Canada	3	122	
	Ireland		82	
	New Zealand	12	27	
	United Kingdom	112	109	
	United States	302	17	
Total		549	465	
2010	Australia	108	134	
	Canada		17	
	New Zealand		6	
	United Kingdom	112	47	
	United States	272	7	
Total		492	211	
Grand Total		1997	920	

Map 6.1: Kunming-Chittagong Road Link

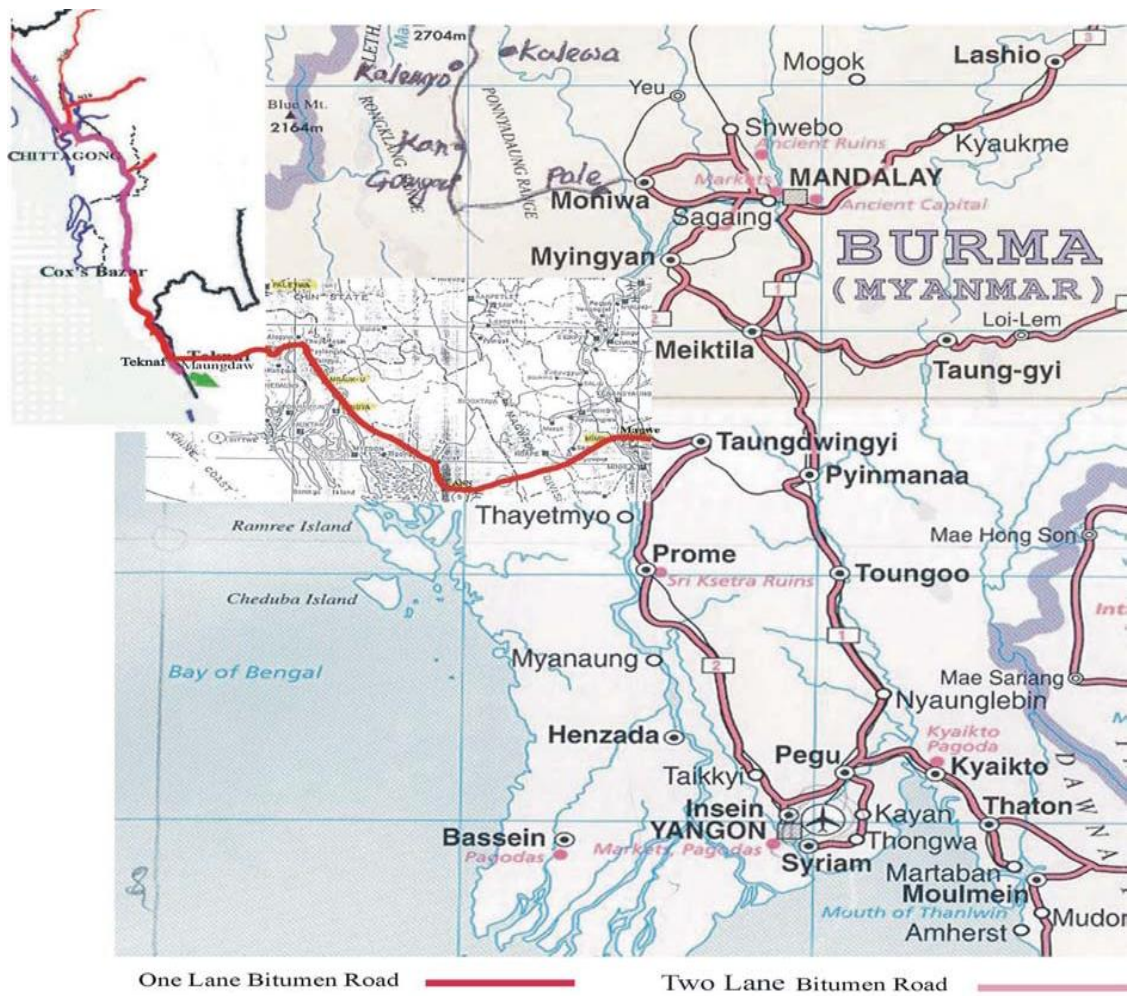


Table 7.2: Agriculture, 1990 and 2010

Country	Crop production index		Food production index		Agricultural yield (kg per ha)	
	1990	2010	1990	2010	1990	2010
Bangladesh	66	134.9	63	132.1	2491	4191
Myanmar	42	131.8	41	138.9	2762	3880

Note: Agricultural yield kg per ha; crop production and food production index 2004-06=100

Source: World Bank –World Development Indicators 2013.

Table 7.3: Food Security Index, 2010

Country	Affordability		Availability		Quality and safety		Overall global food security index	
	rank	score	rank	score	rank	score	rank	score
Bangladesh	80	33.0	78	39.1	95	30.9	81	35.3
Myanmar	73	38.4	89	37.0	63	52.9	74	40.1

Note: Overall Global Food Security Index (score) = 0-100, where 100 is most favourable

Source: EIU (2013) Global Food Security Index.

Table 7.4: Gender Equality

Country	Social Institutions and Gender Index (SIGI), 2010 ₁		Gender Inequality Index, 2010 ₂		Gender Gap Index, 2010 ₃	
	Rank out of 86countries	Score*	Rank out of 186 countries	Value**	Rank out of 135 countries	Score***
Bangladesh	63	0.3524	111	0.518	86	0.6684
Myanmar	44	0.2405	80	0.437	NA	NA

Note: * 0 = low discrimination; 1 = high discrimination

** 0 = women and men fare equally; 1= one gender fares as poorly as possible in all dimensions

*** 0 = lowest possible score (inequality); 1= highest possible score is 1 (equality)

Source: ₁OECD 2012; ₂UNDP 2013; ₃WEF 2012.

Table 7.5: Progress in Health

Indicators	Period	Bangladesh	Myanmar
Outcome Indicators		■	▲
Life expectancy at birth, total (years)	1994-2012% change	▼	N/A
Healthy life expectancy (years)	1990-2010 % change	▲	▲
Mortality rate, infant (per 1000 live births)	1994-2011% change	▲	▲
Mortality rate, under-5 (per 1000 live births)	1994-2011 % change	▲	N/A
Maternal mortality rate (per 100,000 live births)	(1990-1999) – (2006-2011) (% change)	▲	N/A
Prevalence of undernourishment (% of population)	(1990-1992)-(2006-2011)% point change	▲	▲
Prevalence of HIV, total (% of population ages 15-49)	1994-2011% point change	▲	▲
Incidence of tuberculosis (per 100,000 people)	1994-2011% change	▲	▲

Note: better ▲; worse ▼; similar ■

Source: World Bank – World Development Indicators 2012; UNDP – Human Development Report 2013; Salomon *et al.* (2012) for estimates of healthy life expectancy.

Table 7.6: Current Health Status

Indicators	Year	Bangladesh	Myanmar
Outcome Indicators			
Life expectancy at birth, total (years)	2012	▼	▼
Healthy life expectancy (years)	2010	▼	
Mortality rate, infant (per 1000 live births)	2011	▲	▲
Mortality rate, under-5 (per 1000 live births)	2011	▲	▲
Maternal mortality rate (per 100,000 live births)	2006-2011	▲	N/A
Prevalence of undernourishment (% of population)	2006-2011	■	N/A
Prevalence of HIV, total (% of population ages 15-49)	2011	▼	■
Incidence of tuberculosis (per 100,000 people)	2011	▼	▼
<i>Access and Input Indicators (disease prevention and health facilities)</i>			
Births attended by skilled health staff (% of total)	2006-2011	▲	■
Physicians (per 1000 people)	2006-2011	▼	▼
Nurses and midwives (per 1000 people)	2006-2011	▲	■
Public expenditure on health (% of GDP)	2010	▲	▼

Note: better ▲; worse ▼; similar ■

Source: World Bank – World Development Indicators 2012; UNDP – Human Development Report 2013; Salomon *et al.* (2012) for estimates of healthy life expectancy.

Table 7.7: Progress in Education

Country	Year	Bangladesh	Myanmar
Youth literacy rate, total (% of people ages 15-24)	1998/2001-2008/2010	▼	▲
Primary school enrolment (% gross)	1990-2002/2011	N/A	▲
Secondary school enrolment (% gross)	1990-2002/2011	N/A	N/A
Tertiary education enrolment (% gross)	1990-2002/2011	▲	N/A
Primary school completion (% net)	1991-2010/2011	▲	N/A
Pupil-teacher ratio, primary	1999-2010/2011	N/A	▼

Note: better ▲; worse ▼; similar ■

Source: World Bank – World Development Indicators 2012, 2013; UNDP – Human Development Report 2013.

Table 7.8: Education Indicators in Science and Technology

Indicators	Bangladesh	Myanmar
Researcher in R&D 2000-10 (per million people)	N/A	18
Technician in R&D 2000-10 (per million people)	N/A	137
Scientific and technical journal articles 2009	260	10
Expenditure on R&D 2000-10 (% GDP)	N/A	0.16
High technology exports 2010-11 (USD million)	134	0
% of manufactured exports 2011	1.2	0

Source: World Bank – World Development Indicators 2011, 2012, 2013.

Table 7.9: Land Use (Ha per Capita), 1990-2011

Country	Population (million)		Forest land (ha per capita)		Arable land (ha per capita)		Agricultural land (ha per capita)	
	1990	2011	1990	2011	1990	2011	1990	2011
Bangladesh	107.39	152.86	0.01	0.01	0.09	0.05	0.10	0.06
Myanmar	42.12	52.35	0.93	0.60	0.23	0.21	0.25	0.24

Source: World Bank – World Development Indicators 2012, 2013.

Table 7.10: Internal Renewable Fresh Water Resources, 2010.

Country	Internal renewable freshwater resources (cu. m per capita)	Annual freshwater withdrawals			
		% of total internal resources	% for agriculture	% for industry	% for domestic use
Bangladesh	698	34.2	88	2	10
Myanmar	20,750	3.3	89	1	10

Source: World Bank – World Development Indicators 2013.

Table 7.11: Total Fisheries Production, 2012

Country	Total production (thousand tonnes)	Per capita (kg)
Bangladesh	3035	20.41
Myanmar	3914	81.54

Source: World Bank, The Little Green Data Book 2013.

Table 7.12: Carbon Dioxide Emissions, 1990-2010.

Indicators	Year	Bangladesh	Myanmar
CO ₂ emissions (% change)	1990-2010	228.57	159.42
CO ₂ emissions (million tonnes)	2010	51.0	11.1
CO ₂ emissions per capita (% change)	1990-2010	200.00	100.00
CO ₂ emissions per capita (tonnes)	2010	0.3	0.2

Source: World Bank – World Development Indicators 2013.

Table 7.13: Trade-GDP Ratios, 1990-2011

Country	1990	1995	2000	2005	2011
Bangladesh	20	28	33	40	55
Myanmar	6	3	1	NA	NA

Source: World Bank – World Development Indicators 2013.

Table 7.14: Contribution of Travel and Tourism to Income and Employment 2012

Country	Contribution to Income (percentage share of GDP)		Contribution to Employment (percentage share of total employment)	
	Direct	Total (Direct + Indirect)	Direct	Total (Direct + Indirect)
Bangladesh	2.1	4.3	1.8	3.7
Myanmar	1.3	3	1.1	2.6

Source: World Travel & Tourism Council, Economic Impact 2013.

Table 7.15: Infrastructure –Road, Rail and Air Transport, 2010

Country	Road, total network (km per 100 km ²)	Road, paved (% of total roads)	Rail total route (km per 100 km ²)	Air freight (million tonnes per km)
Bangladesh	166.13	9.5	1.98	183.5
Myanmar	4.13	11.44	0.38	2.7

Source: ADB and ADBI (2011).

Table 7.16: Democracy Index, 2011

Country	Rank	Overall score	Electoral process and pluralism	Functioning of government	Political participation	Political culture	Civil liberties
Bangladesh	83	5.86	7.42	5.43	5	4.38	7.06
Myanmar	161	1.77	0	1.79	0.56	5.63	0.88

Note: Each category has a rating on a 0 to 10 scale, and the overall index of democracy is the simple average of the five category indexes: electoral process and pluralism; civil liberties; the functioning of government; political participation; and political culture.

Source: Economic Intelligence Unit 2013.

Table 7.17: Access to Consumer Goods

Country	Households with television sets (%) (2011)	Passenger cars (per 1000 people) (2010)	Internet users (% of population)* (2011)	Mobile phone subscriptions (per 100 people) (2011)
Bangladesh	36	2	5.0	56
Myanmar	NA	5	1.0	3

Note: * refers to the percentage of individuals using the internet (via computer, mobile phone, personal digital assistant, games machine, digital TV etc.) in the last 12 months.

Source: World Bank – World Development Indicators 2013.

Table 7.18 Products of Export Potentials Which Are Not Exported Bangladesh to the Chinese Market

Code	Product Name	Bangladesh's Export to World (Million US\$)	China's Import from World (Million US\$)	Bangladesh's Unit Export Price (\$/Unit)	China's Unit Import Price (\$/Unit)	Average RCA
392690	Other articles of plastics, nes	6,96	1888,98	1,22	10,29	4,7
300490	Other medicaments of mixed or unmix	5,67	1685,22	23,25	83,33	9,5
530510	Jute & oth, textile bast fibres, raw/retted	144,98	178,45	84,45	105,78	78,45
846693	Parts and accessories nes for use	38,72	447,01	23,70	11,77	0,11
640399	Footwear with rubber... soles, leat	19,08	221,97	8,34	23,50	15,78
960719	Slide fasteners, nes	8,38	165,16	15,00	21,06	1,14
410620	Goat or Cow skin leather,	39,62	131,88	11,91	22,03	24,79
640419	Other foot wear, with rubber or plast	8,90	44,72	4,27	16,86	10,12
620331	Men's or boys' jackets and blazers	9,87	23,04	7,92	64,64	6,45
620433	Women's or girls' jackets and blaze	42,04	22,83	6,74	12,83	4,51
850710	Lead-acid electric accumulators of	8,73	22,52	26,61	38,76	0,72
621710	Clothing accessories, nes	7,41	22,16	3,42	28,31	7,48
620432	Women's or girls' jackets and blaze	23,23	20,09	5,68	14,34	2,45
620293	Woman's or girls' anoraks, wind-che	6,07	19,76	10,13	14,40	2,14
640319	Sports footwear, with rubber, plast	47,63	17,25	7,03	30,97	7,15
880390	Parts of balloons, dirigibles, and	8,31	14,54	6,15	209,69	15,8
490700	New stamps: stamp-impressed paper	46,81	12,39	38,32	500,65	15,17
620341	Men's or boys' trousers, breeches	176,15	12,13	3,63	25,62	3,45

Table 7.19: Products of Export Potentials Which Are Not Exported Bangladesh to the Indian Market

Code	Product Name	Bangladesh's Export to World (Million US\$)	India's Import from World Market	Bangladesh's Export Price (\$/Unit)	India's Import Price (\$/Unit)	Average RCA
232510	Cements, portland, aluminous, slag, supersulfate & similar hydraulic	8,5	78,45	35,15	44,15	31,72
271000	Petroleum oils, etc, (excl crude)	208,86	8,618,07	0,3	0,64	0,15
293339	Compounds containing an unfused pyr	2,715	63,108	20,16	8,35	0,1
300420	Medicaments of other antibiotics,	3,077	11,46	10,1	95,6	2,1
490700	New stamps: stamp-impressed paper	46,812	367,568	38,32	297,51	8,4
491199	Other printed matter, nes	6,052	83,949	36,82	27,37	0,34
520839	Dyed woven cotton fabrics, with >=8	3,234	12,572	3,55	13,97	3,5
520931	Dyed plain cotton weave, with	6,045	23,938	3,96	9,74	6,78
530510	jute & oth textile bast fibres, raw/retted	144,98	37,98	84,45	95,78	150,45
540752	Dyed woven fabrics of synthetic fil	6,699	40,916	5,73	7,93	10,75
590390	Textile fabrics impregnated,.. with	5,44	67,861	6,31	9,83	1,01
640299	Footwear, nes, not covering the ank	10,213	13,028	7,64	4,62	3,8
640319	Sports footwear, with rubber, plast	47,626	11,342	7,03	4,96	4,79
640590	Footwear, nes	5,265	18,743	8,39	2,15	1,11
640620	Outer soles and heels of rubber or	9,542	23,102	3,83	4,37	2,41
721049	Flat rolled prod, vnas, plated or	14,137	123,47	1,22	0,81	0,78
846693	Parts and accessories nes for use o	38,722	130,244	23,7	35,14	1,11
853650	Electrical switches for a voltage n	3,375	85,968	13,59	13,75	0,97
871499	Bicycle parts nes	5,446	88,815	1,9	6,58	4,78
880390	Parts of balloons, dirigibles, and	8,306	79,987	6,15	442,06	0,94

Table: 7.20

Key Statistics 2012				
	Population	GDP (US\$)	GDP Growth	Total Trade (US\$)
Bangladesh	154.7 Million	115.60 billion	6.3%	60.81 billion
China	1.35 billion	8.23 billion	7.8%	3.87 billion
India	1.24 billion	1.84 billion	3.2%	794.00 billion
Myanmar	58 Million	51.92 billion	6.3%	13.30 billion

Sources: World Bank and CIA World Fact book, 2013

Table-7.21 (A): Bangladesh's Export to ASEAN Countries and rest of the world, 1999-2010.*(Values in Crore Taka)*

Year/ ASEAN Countries	Brunei	Cambodia	Indonesia	Laos	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam	Total Export to ASEAN	World	ASEAN's Share (%)	Growth of Export to ASEAN (%)	Growth of Total Export (%)
1999-2000	0.90	0.17	35.32	0.60	35.79	3.42	4.68	90.40	187.90	32.96	392.15	21266.73	1.84		18.54
2000-2001	2.23	0.09	28.49	0.76	33.01	3.82	4.60	164.09	120.34	52.80	410.24	27652.97	1.48	4.61	30.03
2001-2002	4.64	0.21	29.34	0.00	33.06	4.73	2.62	147.61	69.77	68.08	360.05	25958.99	1.39	-12.23	-6.13
2002-2003	6.48	0.78	44.03	0.00	21.55	8.73	14.98	240.22	79.74	39.14	455.64	27863.95	1.64	26.55	7.34
2003-2004	1.73	4.86	43.64	0.00	36.73	16.49	39.90	176.10	73.22	87.45	480.13	34525.57	1.39	5.37	23.91
2004-2005	3.06	4.92	122.26	0.00	56.04	14.27	28.89	262.13	64.25	101.36	657.19	43589.85	1.51	36.88	26.25
2005-2006	3.27	6.22	101.94	4.19	79.09	71.88	23.40	524.49	158.59	150.51	1123.57	53463.25	2.10	70.97	22.65
2006-2007	2.69	7.54	131.79	1.62	86.74	20.83	37.17	403.41	149.28	154.73	995.80	68466.09	1.45	-11.37	28.06
2007-2008	3.01	5.07	140.22	1.58	141.89	44.67	24.91	314.91	47.18	103.00	826.44	75137.69	1.10	-17.01	9.74
2008-2009	1.99	4.62	135.11	1.95	187.64	34.55	87.80	390.90	243.17	118.97	1206.70	84423.80	1.43	46.01	12.36
2009-2010	1.33	10.73	291.17	64.84	408.76	38.05	246.65	524.70	156.58	219.87	1962.68	87269.10	2.25	62.65	3.37
Total	31.33	45.21	1103.31	75.54	1120.30	261.44	515.60	3238.97	1350.01	1128.88	8870.59	54961800	17.58	212	176
Average	2.85	4.11	100.30	6.87	101.85	23.77	46.87	294.45	122.73	102.63	806.42	49965.27	1.60	21	16
Std.	1.59	3.47	78.42	19.27	114.25	21.50	70.45	150.24	61.75	56.40	491.29	24964.73	0.34	32	12

Source: Annual Export Receipts 2009-2010, Bangladesh Bank Statistics Department

Table-7.21 (B): Bangladesh's Import from ASEAN Countries and rest of the world, 1999-2010.*(Values in Crore Taka)*

Year/ ASEAN Countries	Brunei	Cambodia	Indonesia	Laos	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam	Total Export to ASEAN	World	ASEAN's Share (%)	Growth of Export to ASEAN (%)	Growth of Total Export (%)
1999-2000	5.26	0.00	813.31	3.19	542.85	65.88	12.15	3526.78	774.17	25.32	5768.91	38781.89	14.88		7.44
2000-2001	6.76	0.00	1021.78	3.29	796.47	133.26	51.90	4444.37	1078.8	39.51	7576.14	46672.64	16.23	31.33	20.35
2001-2002	1.45	0.00	997.13	3.28	834.35	97.29	65.05	5005.11	912.7	16.45	7932.81	45447.37	17.45	4.71	-2.63
2002-2003	1.38	0.00	1086.3	1.92	980.97	208.09	108.49	5790.94	1029.93	18.92	9226.94	51708.33	17.84	16.31	13.78
2003-2004	1.73	0.00	1423.41	7.56	1500.84	156.34	76.88	5369.68	1409.96	16.15	9962.55	59031.96	16.88	7.97	14.16
2004-2005	3.05	0.00	1595.23	49.23	1694.27	200.50	107.10	5450.35	2014.49	56.84	11171.06	75051.28	14.88	12.13	27.14
2005-2006	2.37	0.00	1921.24	4.72	2228.50	198.36	149.92	5697.00	2165.35	96.73	12464.19	92007.57	13.55	11.58	22.59
2006-2007	2.7	0.53	2449.15	8.11	2309.46	141.94	218.05	7135.00	2862.45	97.36	15224.75	110587.85	13.77	22.15	20.19
2007-2008	9.73	0.70	3059.25	15.05	3092.79	794.45	341.74	8733.00	3429.69	80.44	19556.84	139494.49	14.02	28.45	26.14
2008-2009	2.93	7.08	3497.40	6.07	4838.52	458.55	548.75	12165.84	3709.02	239.22	25473.38	145868.18	17.46	30.25	4.57
2009-2010	3.20	0.00	4603.23	17.54	8523.51	481.89	263.77	10727.64	4381.59	294.22	29296.59	154468.59	18.97	15.01	5.90
Total	40.56	8.31	22467.43	119.96	27342.53	2936.55	1943.80	74045.71	23768.15	981.16	153654.16	959120.15	175.93	180	160
Average	3.69	0.76	2042.49	10.91	2485.68	266.96	176.71	6731.43	2160.74	89.20	13968.56	87192.74	16	18	15
Std.	2.58	2.11	1226.02	13.66	2359.50	221.07	158.19	2712.98	1262.80	93.76	7702.36	43820.76	1.86	10	10

Source: Annual Import Payment 2009-2010, Bangladesh Bank Statistics Department

Table-7.22: Bangladesh's Trade Balance with ASEAN Countries, 1999-2010.*(Values in Crore Taka)*

Year/ ASEAN Countries	Brunei	Cambodia	Indonesia	Laos	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam	Total Trade Deficit	Growth of Trade Deficit (%)
1999-2000	-4.36	0.17	-777.99	-2.59	-507.06	-62.46	-7.47	-3436.38	-586.27	7.64	-5376.76	
2000-2001	-4.53	0.09	-993.29	-2.53	-763.46	-129.44	-47.30	-4280.28	-958.46	13.29	-7165.90	33.28
2001-2002	3.19	0.21	-967.79	-3.28	-801.29	-92.56	-62.43	-4857.50	-842.93	51.63	-7572.76	5.68
2002-2003	5.10	0.78	-1042.27	-1.92	-959.42	-199.36	-93.52	-5550.72	-950.19	20.22	-8771.30	15.83
2003-2004	0.00	4.86	-1379.77	-7.56	-1464.11	-139.85	-36.98	-5193.58	-1336.74	71.30	-9482.42	8.11
2004-2005	0.01	4.92	-1472.97	-49.23	-1638.23	-186.23	-78.21	-5188.22	-1950.24	44.52	-10513.87	10.88
2005-2006	0.90	6.22	-1819.3	-0.53	-2149.41	-126.48	-126.52	-5172.51	-2006.76	53.78	-11340.62	7.86
2006-2007	-0.01	7.00	-2317.36	-6.49	-2222.72	-121.11	-180.88	-6731.59	-2713.17	57.37	-14228.95	25.47
2007-2008	-6.72	4.38	-2919.03	-13.47	-2950.9	-749.78	-316.83	-8418.09	-3382.51	22.56	-18730.39	31.64
2008-2009	-0.94	-2.46	-3362.29	-4.12	-4650.88	-424.00	-460.95	-11774.94	-3465.85	-120.25	-24266.68	29.56
2009-2010	-1.87	10.73	-4312.06	47.30	-8114.75	-443.84	-17.12	-10202.94	-4225.01	-74.35	-27333.91	12.64
Total	-9.23	36.90	-21364.1	-44.43	-26222.23	-2675.11	-1428.20	-70806.74	-22418.13	147.72	-144783.57	181
Average	-0.84	3.35	-1942.19	-4.04	-2383.84	-243.19	-129.84	-6436.98	-2038.01	13.43	-13162.14	18
Std.	3.44	3.91	1153.02	21.92	2246.52	210.30	141.02	2613.95	1243.79	59.22	7261.22	11

Source: Bangladesh Bank

Table-7.23: The Export-Import Ratio, 1999-2010.

Year/ Countries	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	Average
Total Export-Import Ratio to ASEAN (%)	0.07	0.05	0.05	0.05	0.05	0.06	0.09	0.07	0.04	0.05	0.07	0.06
Total Export-Import Ratio of Bangladesh (%)	0.55	0.59	0.57	0.54	0.58	0.58	0.58	0.62	0.54	0.58	0.56	0.57

Source: Bangladesh Bank

Map 7.1: ASEAN in orange and ASEAN Regional Forum participants in yellow

