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## TABLE OF CONTENTS

From the Editor

*Syed S. Andaleeb* ..... iv

## ARTICLES

Tariff and Non-Tariff Barriers in South Asia Trade:  
A Bangladesh Perspective

*Zaidi Sattar* ..... 1

Productivity Change in Bangladesh Agriculture

*Bilkis Raihana* ..... 17

Supportive Agencies and Their Support for Small  
Enterprises in Bangladesh: An Exploration

*Serazul Islam* ..... 26

Bangladesh-India Water Sharing Disputes:  
Possible Policy Responses

*Shariful Islam* ..... 38

## COMMENTARIES

Commentary on "Bangladesh-India Water Sharing  
Disputes: Possible Policy Responses"

*Tariq A. Karim* ..... 50

Microfinance and its Discontents: Response to Munir Quddus (cont.)

*Taj Hashmi* ..... 53

Microfinance and its Discontents: Response to Taj Hashmi (cont.)

*Munir Quddus* ..... 55

## Commentary on “Bangladesh-India Water sharing disputes: Possible Policy Responses”

Tariq A. Karim

The author’s approach to water sharing issues between Bangladesh and India is worthy but, to my mind, somewhat incomplete. While a valid scholarly approach is adopted, with some good and substantive ideas, the author’s analysis of the causes and hindrances that prevent the two countries from resolving their disputes is somewhat loosely stitched together.

The author has correctly identified the various causes, whether conventional or hidden. However, there is some danger in making a generalization, since the causes/malaise in the two countries, while somewhat similar in manifestation, vary in nature and form. While there is a palpable lack of political will on the part of one side in the schizophrenic polity of Bangladesh (BNP-Jamate Islami-rightist parties) to address this issue and try to arrive at an amicable resolution, the other side of this political divide (AL and its centrist-left leaning allies) has consistently displayed inclination, and even firm will to the contrary.

The point regarding lack of consensus is more valid for Bangladesh than for India where, by and large, there exists a national all-party consensus on foreign policy issues even when parties across the political divide sometimes differ widely on the means and methods of attaining their common goals. As regards the perception of India’s indifference to issues of interest to Bangladesh, it has to be acknowledged that this apparent lackadaisical attitude is in reaction to the former’s perception of latent or overtly-manifested hostility or unfriendly acts/attitude on the part of Bangladesh towards its larger neighbor, particularly in security related-matters; in other words, perception of the one feeds the perception of the other, pushing both into a vicious cycle. However, whenever Bangladesh has displayed a concrete resolve to address India’s security concerns, India has reciprocated positively, even commendably: first in 1996-97, when the two countries successfully addressed (a) the Farakka issue and (b) the problem of the Chittagong Hill Tracts (CHT) and cross-border insurgency; and then, more currently, in 2009-11, when India, among other things, (a) opened up trade prospects for Bangladeshi exporters by removing from its negative list virtually all items that are or could be of interest to Bangladesh, and allowing their unfettered entry into

India duty-free and quota free, (b) arriving at a framework agreement that casts aside the six-decades long bilateral paradigm in which India had boxed itself in and agreeing publicly to entering into sub-regional dialogue and agreements on holistic (basin-wide) water management including hydro-power generation, (c) signing the Protocol to the 1974 Land Boundary Agreement that resolves once and for all the various problems related to border demarcation left by the Radcliffe Award of 1947, (d) opening up the Teen Bigha corridor in Dahagram-Angarpota for 24-hour unfettered access by otherwise marooned citizens, and (e) agreeing to Bangladesh’s participation in power generation schemes (whether hydro or gas/thermal), either jointly or entirely on its own, whether in India, Bhutan or Nepal, thus assisting Bangladesh in attaining its medium/long term energy security goals, including allowing evacuation of power so generated across Indian territory and via its grid lines into Bangladesh. These are no mean achievements, considering over three decades of inertia and varying levels of obtuseness or outright hostility on all these issues.

True, there has been a lot of hype among certain quarters in Bangladesh about what remains unresolved, namely an agreement on sharing of the Teesta river waters, which has become hostage to the recalcitrance of the Trinamul Congress state government of West Bengal elected in April 2011 that chose to embarrass its coalition partners in the Union government at an unfortunate juncture of time. This validates the author’s contention that in India, lack of proper homework or forging consensus between state and Union government (provincial and national authorities), if not correctly assessed or anticipated, can exacerbate rather than resolve festering problems since the nature of division of powers in the Indian Constitution creates grey areas of jurisdiction, while foreign policy and the conduct of foreign relations is a federal subject. Thus, domestic political dynamics within a provincial configuration may create a disjoint between provincial and national perceptions, which if not handled with finesse can cause problems for India in conducting relations with its neighbours. On water sharing issues, clearly the prerogative of entering into agreements with other sovereign entities vests with the central government – but the situation becomes complicated because water management and use

within the boundaries of the provincial entity is a state subject (but construction of dams is a central subject). On Teesta, it should be noted, unless West Bengal undertakes construction of additional dams for diversion of waters (which it cannot do because that is squarely a central subject) Bangladesh will continue to receive the same quantity of waters that it has been receiving for close to three decades, and the only fluctuations that may result will be on account of Divine dispensation on quantity of rainfall affecting the levels of the river and its tributaries or distributaries. The Teesta issue has assumed importance leading to the current political hype, primarily on account of its increasing politicization for the almost three decades, mainly by one party in Bangladesh that has forced the other party, for defensive purposes, to echo this hype. In the purely political context, it has transformed into a lightning rod that needs to be insulated and grounded quickly so as not to electrocute anyone in the political landscape (or waterscape). The draft interim agreement that was arrived at by the senior officials of the two sides (that also had the acquiescence of the West Bengal provincial dispensation then in power) in early 2011 was meant to do precisely that. Having said that, there is a very broad consensus at the federal level (spanning across the political divide) and indeed broadly across civil society as well, that India must keep its commitment to Bangladesh on this issue. The central government is continuing its efforts to quietly persuade the West Bengal government to come on board by addressing its concerns and economic demands. Bangladesh needs to have patience for some time – I am personally very optimistic that this issue will be resolved amicably, sooner rather than later.

The other issue that had caused consternation in Bangladesh was the matter of India planning to construct a dam on the Barak River at Tipaimukh (in Manipur state) for hydro-electricity generation. Despite repeated assurances from the highest political levels in India that the proposed dam was not for diverting waters for agricultural or other purposes but designed for power generation, and that nothing would be done that would hurt or have harmful impact on Bangladesh, certain sections in Bangladesh have continued to harp on this “non-issue” for political mileage. In order to allay Bangladesh’s fears, as a measure of transparency, India has agreed to a joint working group comprising experts from both countries to examine this project, still in the drawing board phase, in its entirety and report its findings. Should Bangladeshi experts record a

dissenting voice to aspects of the project or to the project in its entirety, India has assured that it would not pursue it but look for alternatives. At the same time, India has also invited Bangladesh to become a shareholder in the project if its experts conclude that the project would benefit, and not harm, Bangladesh. It must be pointed out in this context that in 1972, the Joint Rivers Commission of Bangladesh and India had agreed to look into the possibilities, jointly, of a project that would address the twin objectives of mitigating ravaging floods as well as augmenting lean season flows in downstream areas of the Barak River. Bangladesh, until 1982, had continued to adhere to this stand, changing the rhetoric only thereafter – a step that served progressively to politicize the issue and lend it toxicity in the increasingly zero-sum politics of the country.

### **Policy responses**

The author is spot on in advocating integrated basin-wide management of water bodies and entering into regional cooperation arrangement. I find it intriguing that while the world at large is drawing closer to thinking along this line, there are still some people stuck in a time warp and harping on internationalizing the issue and involving the International Court of Justice. I am afraid the latter approach indicates that we have not learnt anything from the past, and resorting to this will lead us into a dead end. The greater regional approach (that is involving the entire SAARC region, for example) is also not practicable at this point of time because of the built-in problems that bedevils forward movement of South Asia Association for Regional Cooperation (SAARC) as a whole. Recognizing this, it was Bangladesh that took the initiative in 1995 of advocating sub-regionalism within the SAARC, and the adoption of this proposal a couple of years later led to the formation of the South Asia Growth Quadrangle (SAGQ) in the late nineties. The rationale under-pinning this approach was essentially this: that the entire SAARC regional grouping comprises three distinctive sub-regions, namely, the eastern sub-region (Bangladesh-Bhutan-India-Nepal); the southern sub-region (India-Maldives-Sri Lanka); and the western sub-region (Afghanistan, India and Pakistan); that while the entire (or greater) SAARC region with all eight countries may not be interested in all schema of cooperation at the same time, the eastern or southern sub-region may have arrived at a stage where they can get on the fast track in some areas of cooperation. The time appears to have arrived now for adoption and active pursuit of the sub-regional approach in the eastern sector. This is

evinced by the fact that Bangladesh, Bhutan and India have publicly indicated their willingness to enter into such a formalized arrangement on water management and renewable (and green) power generation. Nepal has also publicly declared its willingness in principle to eventually joining this configuration. Again, credit must be given where it is due: this sub-regional configuration is coming into place because of the visionary leadership and initiative of the present governments in power in Bangladesh and India. Once Bangladesh and India had agreed and conveyed this to Bhutan, Bhutan very readily, and spontaneously, also came on board. Domestic political developments in Nepal, one is hopeful, will also persuade its people and leadership into looking dispassionately at the merits of joining this new paradigm of cooperation in its own larger interest.

The author, however, makes a couple of assertions which are uninformed and not valid. One is that “in bilateral meetings with India we depend mainly on Indian statistics. Thus, the decisions of such meetings are usually favorable to India”. This is certainly not true in respect of Bangladesh negotiators in the Teesta water talks. In fact, Bangladesh was able to establish the case that because the two sides have completely different (and conflicting) data on water availability in this river, the two sides can only enter into an interim arrangement under which, while in effect, the existing or historical (for almost last three decades) water flow is not adversely affected in any way, the two sides will jointly measure the water availability and flows over the next fifteen years to finally determine the size, shape and volume/weight of the cake to be shared equitably between them. The author also refers to “India’s non-compromising attitude in the negotiating table”. Again, the slew of major agreements that have been arrived at during the last three years by the two sides belie this simplistic assertion and point to, if anything, the remarkable spirit of mutual understanding and accommodation displayed that have resulted in win-win arrangements that eluded both sides in the last thirty years.

Finally I would like to leave the author and readers with some food for thought. I would posit that the entire world, by dint of progressive population expansion, is moving into a stage in this century where the fresh-water to human population ratio will become more exacerbated and adverse to human population. With glaciers world-wide on the retreat, and unpredictable effect of global warming on global,

regional and local climatic factors, recharging of fresh water sources will also very likely be adversely affected – at the very least, it would be prudent for us to assume this ultimate scenario. We may well imagine a depleting fresh-water world where mankind, as a whole, needs to re-examine his approach to water consumption and water management. In such a diminishing fresh-water world, water may have to be declared as a scarce and fungible commodity whose management and administration needs to be reposed with an authority that is larger than the present geo-political configurations of states-provinces and national governments. Citizenry of such a hard-pressed fresh-water world must adopt rules analogous to the rights of citizenry in today’s nation-states, the fundamental underpinnings of which are two, namely: rights go hand in hand with responsibilities (to the state and fellow citizens); and no one citizen’s rights can be at the expense of the rights of another fellow citizen. In this context, we in South Asia must, sooner rather than later, politically evolve to a regime of water governance in which the member states will have, by mutual consensus and consent, set up a “South Asian Water Resources Management Authority” (which will have real authority and powers vested in it, as opposed to the present configuration of a “South Asian Association for Regional Cooperation”). This supra-national authority will measure, monitor and keep track of all available water resources (ground and surface), set strict usage, conservation and management regulations, and oversee adherence to and enforcement of these regulations, to ensure the rights equally for all its denizens. This may appear at present to be a far cry from where we are today. But I do believe that we must indulge in anticipatory thinking now, and move away from the present paradigm of water profligacy to a safer regime of equitable water availability for all.

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*The views expressed in this commentary are in his personal capacity and not attributable to the Government of Bangladesh.*