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Sovereignty and statelessness in the border enclaves of India and Bangladesh

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ABSTRACT

This article investigates the 198 political enclaves along the northern section of the border between India and Bangladesh. The enclaves are a remnant of the partition of British India in 1947 and are effectively stateless spaces because most are small and located several kilometers within their host country, which has prevented any administrative contact with their home country. Drawing on interviews with current enclave residents, this article describes the creation of the enclaves and analyzes the disputes that prevented their normalization over the past 60 years. The enclaves provide an important site for scrutinizing the connections between bordering practices and sovereignty claims. They also demonstrate both the social benefits the sovereign state system has brought through the establishment of law and order and the devastating consequences it has caused by territorializing those basic social protections. The article concludes that the failure to exchange the enclaves displays the powerful role nationalist homeland narratives play in institutionalizing the concepts of sovereignty and territorial integrity, often at the expense of human rights.

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Introduction

> All of the people in our enclave are human beings by name only. Allah made us and because of that we are human beings. But in terms of society or politics we are not worth anything at all.
> –45-year-old resident of an Indian enclave in Bangladesh

> There are no roads, no bridges, no food, it has become a jungle and I am a jungle animal.
> –70-year-old resident of an Indian enclave in Bangladesh

Along the northern border between India and Bangladesh there are 198 enclaves of one country's territory completely surrounded by the other (see Fig. 1). Most of the 106 Indian and 92 Bangladeshi enclaves are small and located several kilometers inside their "host country," the country that surrounds them, which has resulted in their complete loss of contact over the past 60 years with their "home country," the country that continues to claim sovereignty over them. The enclaves were originally created in 1949, two years after the partition of British India, when the previously non-territorial administrative system of the princely state of Cooch Behar was used to define the territorial boundary between India and East Pakistan (contemporary Bangladesh). While the home countries make formal claims of sovereignty over their enclaves, the enclaves are effectively stateless spaces due to the complete lack of contact with the home country and the absence of administration from the host country. Estimates of the total population in the enclaves on both sides of the border vary widely from 50,000 to 500,000 people because formal censuses have not been conducted since the early 1950s (van Schendel, 2002; Whyte, 2002). Based on interviews with enclave leaders and previous estimates of the population (Whyte, 2002), it seems likely that in 2009 there are approximately 100,000 people living in the enclaves.

Although a few of the larger enclaves have established local councils for basic administration, most of the enclaves have no form of government at all. All of the typical services provided by a government are either completely absent in the enclaves or are carried out by the residents themselves. Without a public school system, many children receive no education. Without a public works department, the few bridges that do exist are built by the residents from dirt and bamboo. Without hospitals or health clinics, many people die of curable diseases like cholera. Without a government to record them, official documents such as land titles or marriage certificates are drawn up by the enclave residents themselves. Without police or judges, vigilante justice is the only way to settle disputes. Even the most basic infrastructure of electricity, telephones, and roads, which are widely available in the neighboring areas of the host countries, is absent in the enclaves.

The enclaves are spaces that were effectively put on hold for the past 60 years as the territories of India and Bangladesh were

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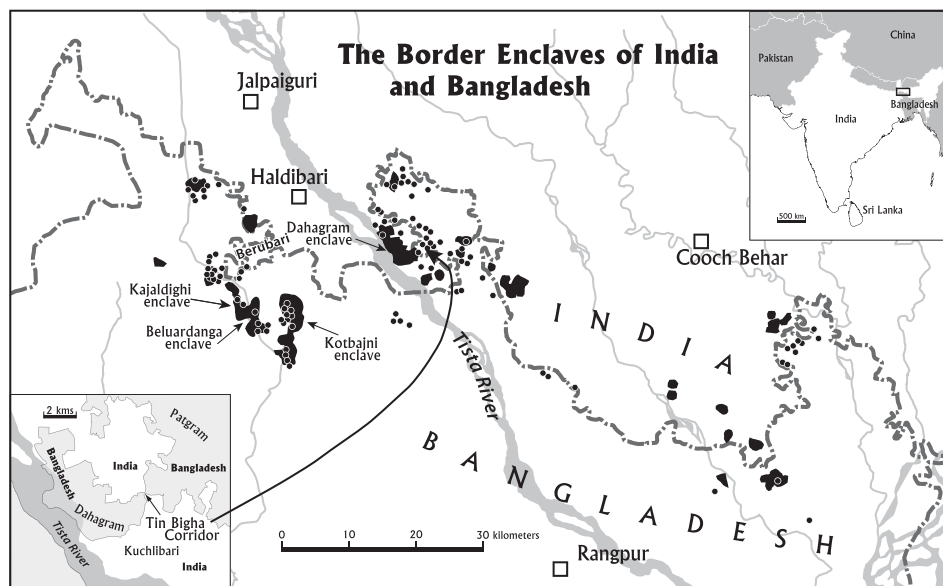 E-mail address: reecej@hawaii.edu

Fig. 1. The border enclaves of India and Bangladesh.

incorporated into the modern sovereign state system. Because they are relatively small and remote, they garnered only meager attention in Indian and Bangladeshi political circles and the residents remained in a state of uncertainty since the partition of British India. They find themselves in an alternate space that is shaped by the processes of modernity but not incorporated into it. Indeed, the enclaves are spatially set outside the social, political, and economic processes that swept up their otherwise similar neighbors. In a time when many–in academia at least–foresee, or dream of, a post-modern world where the categorizing, ordering, and totalizing processes of modernity are challenged and transcended, the enclaves remain a counterpoint of spaces that have not joined the modern era.

Why do the enclaves continue to exist? The home countries never had control of the enclaves, they are not contiguous with the enclaves, and they never reaped any economic benefit from them. Indeed, the enclaves on both sides of the border consist of only subsistence farmland and do not represent a potential future economic asset. Not only do the residents not want to be reunited with their home country, the majority of the current residents, as will be described below, moved into the enclaves specifically to flee violence directed at them in their home country. A more palatable solution (at least from the perspective of the enclaves' residents) would be for each host country to absorb the enclaves that are within their territory through an exchange. Hypothetically, this should be achievable diplomatically–indeed an agreement has been in place on paper since 1958–but practically such an exchange has proven illusive; it does not appear that the political standoff is any closer to a resolution today than when the enclaves formally came into existence in 1949.

This article analyzes the continued existence of the enclaves along the border between India and Bangladesh and it explores the implications they have for understanding the uneven imposition of the modern sovereign state system around the world. The research is based on fieldwork conducted in India and Bangladesh from August 2006 through April 2007. The data includes discourse analyses of government documents and media reports as well as interviews and focus groups conducted in 15 Indian enclaves and in the surrounding Bangladeshi communities. These enclaves were chosen due to their varying size and their distance from the main international border. Due to visa restrictions and inaccessibility,

Bangladeshi enclaves in India were not included in the interview process for this article. Secondary sources suggest the situation in the Bangladeshi enclaves is similar and it can reasonably be inferred that the experiences of enclave Indian residents described here also likely apply to the Bangladeshi enclaves inside India (van Schendel, 2002; Whyte, 2002). All interviews were originally conducted in Bengali and were translated by the author in collaboration with a research assistant in Bangladesh.

The next section situates the India-Bangladesh enclaves within the study of political enclaves and it describes the process that led to their creation in 1949. The middle sections of the article argue that the continued existence of the enclaves simultaneously displaces and reinforces traditional understandings of sovereignty as a tight connection between the state, its citizens, and a particular territory. The enclave residents live a tenuous existence in which they operate as if they are residents of the host country in most quotidian activities. However, even minor disputes or emergencies expose their lack of citizenship and subject them to violence and unsettling insecurity. The article concludes that the failure to exchange the enclaves after 60 years demonstrates the powerful role nationalist identity politics of religion and homeland play in institutionalizing the concepts of sovereignty and territorial integrity, often at the expense of basic human rights.

Situating the enclaves

Despite the interesting implications political enclaves have for understanding the contemporary sovereign state political system, they have received little attention in the literature (Catudal, 1979; Cons, 2007; Karan, 1966; Minghi, 1963; Robinson, 1959; van Schendel, 2002; Vinokurov, 2007; Whyte, 2002). Indeed, the vast majority of references to "enclaves" do not refer to fragments of states at all, but rather are used to describe the spatial organization of ethnic communities, often in the United States (Li, 2006; Martin, 2007). The lack of interest in political enclaves may be connected to the misconception that there are not very many enclaves left and that they are mostly disappearing as states normalize their borders (Whyte, 2002). Despite these assumptions, in 2009 there are still over 280 "real" political enclaves/exclaves in the world, the vast majority of which were created in the 20th century (Vinokurov, 2007).

Almost all of the enclaves worldwide emerged from three different periods when the sovereign state political system was implemented or reorganized in a particular region. The oldest group of enclaves, the 39 remaining in Western Europe, consists of pre-Westphalian feudal holdings that were never normalized, often due to their small size (Catudal, 1979; Vinokurov, 2007). The second group of over 200 enclaves, mostly in Asia, emerged during the period of decolonization in the mid-20th century as newly independent states were carved out of former colonies. The third event that resulted in the creation of over 20 enclaves was the dismantling of the Soviet Union and Yugoslavia in the early 1990s (Vinokurov, 2007; Whyte, 2002).

The majority of the literature on enclaves focuses on definitional issues and cataloging the enclaves around the world (Catudal, 1979; Robinson, 1959; Vinokurov, 2007; Whyte, 2002). The terms enclave and exclave are largely interchangeable but do have some minor differences. An enclave is a piece of territory completely surrounded by another state. An exclave is a piece of one country's territory that is separated from the mainland. Vatican City and San Marino are enclaves but not exclaves because they are single entities that are not detached from a larger home state. Kaliningrad and Ceuta are exclaves but not enclaves because they are separated from their home states but not completely surrounded by another state. All of the enclaves along the border between India and Bangladesh fit into both categories, however for clarity will be referred to here as enclaves.

While many of the better known enclaves in Europe and North Africa have received the majority of scholarly attention (Catudal, 1979; Carr, 1997; Griffiths, 1994; Strüver, 2005), fully 70 percent of the world's 280 enclaves are along the northern section of the border between India and Bangladesh. In addition to 173 regular enclaves, there are also 24 counter-enclaves (for example, a Bangladeshi enclave inside an Indian enclave inside Bangladesh) and what is believed to be the only counter-counter-enclave in the world (an Indian enclave inside a Bangladeshi counter-enclave inside an Indian enclave inside Bangladesh) (Whyte, 2002).

The enclaves along the India-Bangladesh border came into existence after the authorities used the boundaries of the princely state of Cooch Behar, which were last recorded in a treaty in 1713, as the new borders between India and Pakistan after the 1947 partition of British India (Whyte, 2002). The original treaty was signed between the Maharaja of Cooch Behar and a local leader of the Mogul empire at a time when there was not a modern understanding of sovereignty or territoriality in South Asia (Seed, 1995). Even today, the only visual cues that a boundary exists are a few small concrete markers erected by the British in the 1930s, which are now mostly covered by vegetation or buried in embankments.

The obscure origins of the enclaves and the almost unbelievable complexity of the boundaries—just imagine the difficulties of owning property in a counter-counter enclave—have led many current residents to rely on colorful folktales to explain how they ended up in this predicament. By far the most common story, which is even repeated by Indian government officials, suggests that the enclaves resulted from the profligate gambling habits of the local Maharajas in the 18th and 19th centuries (Chanda, 2006). The folk tale says that when the Maharajas would meet for a monthly night of drinking and gambling, if a Maharaja lost his money he would resort to gambling the rights to estates he owned in the area, which resulted in a patchwork of different sovereign rulers. Another apocryphal explanation is that a British officer decided to have a few drinks as he was finishing the partition boundary line in 1947 (Whyte, 2002). As he got drunk, he knocked over an ink bottle and it spilled across the map. The next morning his associates saw the markings, assumed it was an intended part of the partition award, and the enclaves were retained in the final draft.

The true story is a bit less exciting. After the 1713 treaty was signed between the Maharaja and the Mogul leaders, the political organization of the area was not substantially altered until the 1947 partition. The 1713 treaty stated that the hostilities would end and the areas controlled by the armies of each side would be taxed by that ruler (Whyte, 2002). The arrangement had little impact on the daily lives of the residents; it only meant that some people's taxes and documents were handled in Cooch Behar while others were handled in the equally close Mogul towns of Jalpaiguri or Rangpur. Eventually the British conquered the Mogul empire but left the princely state of Cooch Behar as it was (Bhattacharyya, 2000; Vyas, 1990). The boundaries between Cooch Behar and the British Empire were finally surveyed and marked in the 1930s but the enclaves were left in place because there was local resistance to any changes to the tax system (Whyte, 2002).

In 1947, the new border created by the partition of British India was drawn through the area of northern Bengal near the princely state of Cooch Behar (Chatterji, 1999). The partition boundary commission did not address the enclave issue because the partition agreement only applied to the areas that were directly controlled by the British government and did not decide the fate of Cooch Behar and the other princely states (van Schendel, 2002; Whyte, 2002). Instead, the princely states were given the option of joining either of the new sovereign states. The Maharaja of Cooch Behar opted to join India on 20 August 1949, the date that marks the official creation of the enclaves. In the years since partition, the main border between India and East Pakistan (contemporary Bangladesh), which was not previously inscribed into the landscape, was marked with border stones in the 1950s, guarded by border security forces in the 1960s, and in the past decade large sections were fenced by India (Jones 2009a; 2009b).

The leaders of India and Pakistan immediately recognized the enclaves as a problem and worked to develop an agreement to exchange the enclaves, which was eventually signed in 1958 (Whyte, 2002). The agreement was unpopular in India and the authority of the government to cede sovereign territory to another state was challenged in the courts. These cases represent the beginning of a protracted effort by the Hindu Right in India to prevent the transfer of any additional territory to what it perceives to be illegitimate governments in Pakistan and Bangladesh, a process that will be analyzed further below. Nevertheless, the Indian Supreme court eventually ruled on 29 March 1971 that the agreement to exchange the enclaves was valid (Whyte, 2002). Unfortunately for the enclave residents, Bangladesh had declared independence from Pakistan three days earlier on 26 March 1971, and once it gained its independence later that year, the agreement had to be renegotiated with the new government. The new agreement was signed in 1974, ratified by the parliament of Bangladesh, and Bangladesh fulfilled its obligations by transferring the disputed territory of Berubari to India. Berubari is a small territory located in the same general area as the enclaves that was mislabeled in the partition award. The text of the award said it was to go to India but the map showed it as part of Pakistan (Whyte, 2002). The 1958 agreement had resolved the dispute by splitting it in half but the 1974 agreement was revised to transfer all of Berubari to India in order to partially equalize the land area of the enclave exchange. Despite these concessions by the government of Bangladesh, the Indian parliament has not ratified the agreement. The fate of the enclaves is still in doubt 35 years after the India-Bangladesh treaty, 51 years after the India-Pakistan treaty, and 60 years after the creation of the enclaves.

The only exception to the lack of progress is the creation of the Tin Bigha corridor between the large Bangladeshi enclave of Dahagram/Angarpota and the mainland of Bangladesh (Cons, 2007). Dahagram is unique among the enclaves because it was able

to maintain contact with its home country. It has a population of over 16,000 people and is separated from Bangladesh by the Tista River to the west and a stretch of only 175 meters of Indian territory to the east (Cons, 2007). Both the 1958 and 1974 agreements allowed the enclave to remain under the sovereignty of Bangladesh by creating a corridor to the mainland through the Indian territory. Even the creation of the small corridor is contentious because the Indian village of Kuchlibari is connected to the mainland of India through the same corridor. Therefore, if the corridor is in use by Bangladeshi residents of Dahagram, the Indian residents of Kuchlibari are cut off from India in what, in effect, becomes a new enclave. In 1992, the governments eventually reached an agreement that allowed India to maintain sovereignty over the corridor but allowed Bangladesh to rent access to it in perpetuity (Kabir, 2005). The agreement was protested by the Bharatiya Janata Party (BJP) of India, which claimed the arrangement effectively ceded sovereignty over Indian territory to Bangladesh (The Economist, 1992).

Strict adherence to the concept of territorial integrity, then, not only prevents a rapid solution to the enclave issue, but also results in protests over any arrangements that could be perceived as threatening the state's sovereignty, even if it is only over a tiny strip of land in a remote part of India. But what is it about sovereignty that makes these small territories crucially important?

Sovereignty, enclaves, and the state

Sovereignty is traditionally understood as "the recognition of the claim by a state to exercise supreme authority over a clearly defined territory" (Zaum, 2007: 3). Most research into the concept of sovereignty, even recent critical scholarship, relies on the basic assumption that the territory of the world is divided up into "nonoverlapping, juridically autonomous spaces" and that the only question is how authority in those spaces is exercised (Murphy, 2005: 281). However, the enclaves along the northern section of the India-Bangladesh border were never under the sovereignty of a modern state. During the British colonial period they were part of the princely state of Cooch Behar and sovereignty was embodied by the Maharaja (Bhattacharyya, 2000). After the partition of British India into India and Pakistan, sovereignty was transferred to the new states; however it was never enacted or practiced due to the inaccessibility of the enclaves, which are completely surrounded by the territory of the other state. Rather than violating the host state's sovereignty by travelling to the enclaves or violating the home state's sovereignty by occupying the enclaves and incorporating them into the host country, they were simply left alone.

The traditional definition of sovereignty as the unambiguous connection between a single sovereign entity and a clearly defined territory is, of course, increasingly contested. On the one hand, scholars drawing on the work of Carl Schmitt (1985; 1996) and Giorgio Agamben (1998; 2005), argue that the power of sovereignty lies not simply in the legal monopoly on violence in a territory but specifically in the ability to suspend the rule of law through a state of emergency and exclude people from the political rights of citizenship. These scholars argue that as the 'global war on terror' was represented as an exceptional threat to the survival of the state, the fear it generated was used by many governments to consolidate their sovereign power by expanding security practices and locking down political borders (Gregory, 2004; Gregory & Pred, 2007; Jones 2009a). On the other hand, despite this evident expansion of sovereign power by a few particular states, other scholars have identified increasing weakness in the previously inviolable connection between sovereignty and the state (Agnew, 2005; Elden, 2006; Kolossov & O'Loughlin, 1999; Murphy, 2005). This weakness is evident in recent responses to humanitarian crises, the

emergence of the doctrine of contingent sovereignty, and the growing willingness to consider the sovereignty claims of independence movements.

Throughout the last three hundred years, there were periods of relative stability and anarchy in the relations between sovereign states (Murphy, 1996). With the creation of the United Nations after World War II, a period of relative stability began as each member state recognized the authority of other states to handle internal affairs without external intervention. The mutual recognition of sovereignty eased the process of decolonization as, for the most part, the boundaries of colonies were maintained as the borders of the newly independent states. The idea that the territorial integrity of all sovereign states should be inviolable is based on the pragmatic understanding that almost every sovereign state has its own ongoing insurgency. If one movement gains external recognition, it would legitimate others by raising the possibility that they could also win independence (Kolossov & O'Loughlin, 1999).

The period of stability in interstate relations is waning. Humanitarian crises, most recently in Burma and Sudan, have led to suggestions that the right of the state to operate without external interference is less important than preventing unfolding natural and human created disasters (ICISS, 2001). Similarly, military interventions that have violated another state's sovereignty, such as the United States' invasion of Iraq and the Russian invasion of Georgia, were justified based on an emerging doctrine of "contingent sovereignty" in which the sovereignty recognized by other states is contingent upon the government adhering to a basic set of human rights expectations (Elden, 2006). The doctrine suggests that if those contingencies are not met, then the recognition of sovereignty can be removed and another state can legitimately intervene, as the United States did to oust the government of Saddam Hussein in Iraq and Russia did to prevent what it claimed would be a genocidal Georgian military occupation of the region of South Ossetia. Finally, the long-standing resistance to recognizing the sovereignty claims made by independence movements, which threaten the territorial integrity of another sovereign state, has eased, albeit only slightly.

In the second half of the 20th century, a large number of new independent countries emerged through the process of decolonization and the dissolution of the Soviet Union and Yugoslavia. However, since the political reorganizations that followed World War II, only a handful of countries successfully seceded from another sovereign state and garnered external recognition, and even those cases were legacies of the decolonization process (Buchanan & Moore, 2003; Jahan, 1972). Bangladesh seceded from Pakistan in 1971, Eritrea seceded from Ethiopia in 1993, and East Timor seceded from Indonesia in 2002. In each case, the recognition by other sovereign states followed a violent conflict and corrected a perceived mistake made at the time of decolonization. However, in 2008, this consensus on territorial integrity began to shift. The declaration of independence by Kosovo from Serbia in February 2008 was recognized by over 50 other sovereign states, despite protests from Serbia, China, and Russia about the precedent it would set. To prove the point, in August 2008 Russia countered by recognizing the sovereignty of the regions of South Ossetia and Abkhazia in Georgia. As of this writing, only Nicaragua had also recognized the sovereignty of the two breakaway regions.

When taken together, humanitarian crises, the doctrine of contingent sovereignty, and the weakening of the consensus on territorial integrity have resulted in a broad reassessment of the concept of sovereignty (Agnew, 2005; Brenner, 1999; Elden, 2006; Krasner, 2001; Murphy, 2005; Prokhovnik, 2007). Nevertheless, in practice most countries still strictly abide by the notion of territorial integrity and individual governments will still, a priori, resist any attempt to reduce the land area they control. Serbia and Georgia

both maintain their claims to sovereignty over the breakaway regions even though they have not had formal control for many years. The enclave situation along the India-Bangladesh border is even more extreme because the home states never had effective control over their enclaves but continued to maintain their sovereignty claims and to respect the claims of the other country for 60 years.

Displaced sovereignty

The existence of the enclaves along the border between India and Bangladesh produces two contradictory insights into the practice of sovereignty in the modern era. On the one hand, the peculiar case of the enclaves provides evidence to support the claim that sovereign power is based on the ability to exclude some people from political citizenship during an emergency (Agamben, 1998, 2005). In the regular flow of life, the enclave residents rely heavily on the host country's infrastructure, but in times of disruption they are not protected by its police, courts, or laws. On the other hand, the existence of the enclaves undermines the claim of an unambiguous connection between a sovereign authority, a particular territory, and a single people. Despite the performativity of sovereignty that sediments the inviolability of territorial integrity, the everyday lives of the enclave residents expose the rough edges of the sovereign state, where clean binary citizenship categories do not fit neatly on the territory or the people (Butler, 2004; Desforges, Jones, & Woods, 2005; Kaplan & Häkli, 2002).

Although the enclaves were created 60 years ago, many people in Bangladesh and India are unaware that they even exist. Beyond Dahagram and the Tin Bigha corridor, which are covered in the press in both countries, the remaining enclaves are rarely mentioned in the media or represented on maps of either country. Instead, the outlines of the countries appear whole, with the enclaves filled in as if they were already exchanged and are part of the host country. In some ways, this is also true of daily lives of the residents of the Indian enclaves in Bangladesh. Although the enclaves are officially Indian, they are largely dependent upon Bangladesh's infrastructure. All economic transactions, from purchasing goods to selling crops at harvest, happen in Bangladesh because there are not any markets in the enclaves. The enclaves use the Bangladeshi Taka as their only currency. Some enclave children even attend school in Bangladesh by establishing a fake home address at a friend or relative's house.

Nevertheless, the enclave residents are not citizens of Bangladesh and they are not protected by the laws of Bangladesh, particularly when they are in the unregulated space of the enclaves. A 45-year-old resident of an Indian enclave in Bangladesh explains:

> If you talk about India and Bangladesh, they have administrations there and they still have lots of fighting and killing. Imagine what it is like here without any administration. We cannot sleep at night.

The vulnerability of the enclave residents is even more evident when there is a disruption to the normal order. A 38-year-old council member of an Indian enclave describes the hardships they face during the annual monsoon season:

> If there is a flood in Bangladesh, or any other country, relief will come. If we are surrounded by water we will have to die here. When it floods people are like prisoners surrounded by water.

In times of emergency, the violence and exclusion of territorial citizenship becomes painfully clear (Agamben, 1998, 2005). Although in their daily lives, the enclave residents appear similar to their neighbors in Bangladesh as they go to the market, work their

fields, and sell their goods, the enclave boundaries suddenly become extremely important during times of uncertainty. Their similarities with their neighbors disappear, and their statelessness is writ large.

The residents of the Indian enclaves desire an exchange that would allow them to begin normal lives as citizens of Bangladesh. The 50-year-old chairperson of the Beluardanga enclave council argues that:

> It is a matter of human rights. If they realize that this many people are living here – thousands and thousands of people – there are no roads, no bridges, nothing. If the governments of India and Bangladesh discuss it they could solve the problem quickly. If they considered how much we are suffering, we could be saved from it. But they do not do that. They are living very comfortably there but here our lives are very difficult. If they could only see the faces of the children… Look at this child. He should be going to school but he does not; he has to work. They say that children should be in school not working. But there is no way. He cannot even sign his name.

Even quotidian tasks like going to the market have very different meanings when it requires crossing an international political border—albeit one that is unmarked and unpatrolled—without documents in order to carry them out.

In light of these hardships, it is worth considering why many of the current enclave residents, including this chairperson, were not born in the enclaves but rather their families chose to move into them in the late 1960s. The Indian enclaves inside Bangladesh are almost exclusively composed of Muslims who fled violence in India, which results in much higher concentrations of Muslims than even the surrounding areas of Bangladesh. While Bangladesh has a population that is 89% Muslim, enclave leaders estimated that the Indian enclaves are 99% Muslim (Census of Bangladesh, 2000; Kaur, 2002). Although these estimates were confirmed by the author in visits to 15 enclaves, without a formal census, it is impossible to systematically verify these statistics.

A 70-year-old Muslim male, who was born and grew up near Haldibari in India but moved into the Kajaldighi enclave in 1969, explains why his family came:

> A : "There was violent oppression of Muslims at that time in India. There was lots of fighting, killing, and extortion. We were threatened by local landlords. In order to preserve our respect, honor, and lives we fled. Everyone came."
> Q : How was the situation when you got here?
> A : "At that time everyone in the enclaves was Hindu. When we came here, they left."

Although he suggests that the enclaves were exclusively Hindu prior to these exchanges, it is far more likely that there was a Hindu majority in the enclaves, similar to the 62% Hindu population of the princely state of Cooch Behar at the time of partition (Census of India, 1942).

Prior to 1965 there was an official system in place through which Muslim residents of the Indian state of West Bengal and Hindu residents of East Pakistan could exchange their lands and move across the border to join the country with a majority of their co-religionists (Rahman & van Schendel, 2003). In the years after partition both countries engaged in what van Schendel (2002: 127) calls "transterritoriality" by claiming authority over not only their citizens within their territorial boundaries but also their co-religionists in the other country (see also Menon & Bhasin, 1998). These minority "proto-citizens" were described as inadequately protected by the religious majority governments on the other side of the border and were encouraged to emigrate and join their proper

country, as millions of people did in the years after the 1947 partition (Tan & Kudaisya, 2000).

During the 1965 war between India and Pakistan the official exchange system between West Bengal and East Pakistan was suspended and never reinstated, after which religious minorities did not have an official system for immigrating across the border. The enclaves provided an alternative because the Muslim families fleeing the violence in Haldibari in the late 1960s were able to legally move into the Indian enclaves, which were still officially part of India. At the time, everyone assumed that the enclaves were about to be exchanged and that by moving into the enclaves they would eventually be integrated into the Muslim majority province of East Pakistan (after 1971, Bangladesh).

In terms of citizenship, then, the vast majority of the residents of the Indian enclaves in Bangladesh are originally Indian citizens who moved there from the mainland of India. The older generation was born in India proper and the younger generation was born in the enclaves to parents from mainland India. However, as Muslim residents of India, they were also "proto-citizens" of Pakistan and by moving into the enclave with the intention of joining Pakistan, they could be seen as making a symbolic territorial claim of the land in the enclaves for Pakistan (after 1971, Bangladesh).

Although the majority of the residents of the Indian enclaves inside Bangladesh want to eventually join Bangladesh, after living in the stateless space of the enclaves for many years, they currently identify with neither country (The Independent, 2003; van Schendel, 2002). The 50-year-old chairperson of the Beluardanga enclave was unequivocal in his identification as an enclave person first:

Q : So are you Bangladeshi or Indian?
A : "No, no. I am from the enclave."
Q : But what is your homeland's (*desh*) name?
A : "My homeland's name is Beluardanga."

The residents of the neighboring communities in Bangladesh also do not view the enclave residents as unambiguously members of India or Bangladesh. Many residents of neighboring areas refer to the enclave residents as 'bodoli' which means someone who exchanged. The place-based identity categories of the sovereign state do not fit.

The movement of people in and out of the enclave displaces half of the criteria in the traditional definition of sovereignty as authority over a territory and its people. The people who lived in the enclaves in 1949 became citizens of India when the sovereignty over the enclaves passed from the maharaja of Cooch Behar to the government of India. However, many of those original residents were displaced by Muslims, who are also originally citizens of India but also proto-citizens of Pakistan, who came to the enclave in order to flee violence in India. Many of the people in the enclave were replaced and the official claims of sovereignty over the territory were never enforced. But, they were never contested either and the enclaves remain.

Homeland imaginaries, nationalism, and the enclaves

Although the enclaves are located on both sides of the border, their continued existence is due to the intransigence of the government of India. The Bangladeshi parliament ratified the treaty to exchange the enclaves in 1974 and regularly raises the issue at meetings between the countries. The Indian parliament has not ratified the treaty and continues to delay the process that would result in an exchange. In theory, Bangladesh and India are equal entities at the sovereign state level, but in practice there are is a substantial power imbalance and Bangladesh has very few avenues for pursuing its geopolitical objectives with India. The exchange of the enclaves, although undoubtedly a human rights concern, does not represent an important political or economic issue for Bangladesh and the government does not appear to be willing to use the little clout they have with India on the enclave issue, beyond raising it at meetings between the governments.

Why, then, has India continued to delay the exchange of the enclaves? Why equivocate over tiny territories that were never under the sovereign control of India, that have little economic value, and that contain a population that is made up of people that are attempting to emigrate out of India? Officially, the government of India continues to delay the exchange on a technicality. In response to formal inquires by the Member of Parliament who represents the area of Cooch Behar that contains many of the enclaves, the Indian Minister of State Sri Vinod Khanna (2003: 1) wrote that:

[t]he exchange of enclaves is directly linked to the completion of the joint demarcation of boundary between India and Bangladesh which is a procedural requirement for the ratification of the Land Boundary Agreement of 1974.

Although technically correct, this argument is disingenuous because several aspects of the 1974 agreement have already been implemented, including the transfer of Berubari to India by Bangladesh and the creation of the Tin Bigha corridor between Bangladesh and the Dahagram enclave in 1992. The remaining unresolved border issues are not related to the enclaves and are not in the same section of the border. It is unclear why some provisions of the 1974 treaty can be carried out while the exchange of the enclaves must wait for the complete resolution of all border disputes between India and Bangladesh. It will likely be a long wait because the process has no definite end; several sections of the border are marked by rivers that regularly change their course and create new islands where sovereignty is disputed (Chatterji, 1999; van Schendel, 2005). In September 2008, the boundary negotiating teams from each country met for the first time since 1982, but after three days of discussions the meeting ended without any progress. The Bangladeshi additional foreign secretary, M.A.K. Mahmood, reported that "we agreed to disagree" on the location of the boundary and on maritime exploration rights (The New Nation, 2008: 1). While Bangladesh may not be negotiating the rest of the boundary in good faith, as India asserts, that should have no bearing on the already decided fate of the enclaves.

Another possible reason for the delay is that the land area of the enclaves to be exchanged is unequal (Khanna, 2003; Whyte, 2002). The total area of the enclaves that would go to Bangladesh is roughly double that which would go to India. The total area of the Indian enclaves is 69.6 km^2 and the total area of the Bangladeshi enclaves is 49.7 km^2. The land area that would actually be exchanged is more unequal because there are more Indian enclaves in Bangladesh, the large Bangladeshi enclave of Dahagram would not be transferred, and most of the counter enclaves are Bangladeshi enclaves inside Indian enclaves, which also would not be transferred. The exchangeable area (which does not include counter-enclaves and Dahagram) for the Indian enclaves is 69.5 km^2 and for the Bangladeshi enclaves is only 29.0 km^2. However, the unequal land area issue was already addressed in the 1974 negotiations and this is why the government of Bangladesh agreed to revise the 1958 agreement and transfer all of Berubari union to India, rather than dividing it in half as was originally agreed. The union of Berubari is 22.6 km^2, which brings the total area to be exchanged by Bangladesh in the 1974 agreement to 51.6 km^2 (Khanna, 2003; Whyte, 2002).

A third explanation is that the current agreement does not address what happens to the people who reside in the enclaves.

When the enclaves are mentioned in the Indian media, it is often to document the plight of "Indian citizens" who are denied the vote in the enclaves or are terrorized by Bangladeshi Muslims who live in the areas surrounding the enclaves (Kaur, 2002; The Statesman, 1999; 2000; 2006). These reports imply that if the enclaves are exchanged, there will be a large influx of enclave residents returning to India. Therefore, the argument is that before any exchange of the enclaves occurs, there must be a new agreement that outlines the rights residents have to either join the host country or immigrate back to their home country. While this should undoubtedly be addressed, the demographics of the Indian enclaves in Bangladesh suggest that this will only be a minor issue. The majority of the current residents moved there specifically to leave India and would choose to remain with the land as it is integrated into Bangladesh. Media reports suggest that the residents of Bangladeshi enclaves in India also desire an exchange in which they would remain with their land (The Statesman, 2008).

A fourth explanation for India's continued reluctance to exchange the enclaves is its adherence to the notion of territorial integrity. The government of India is traditionally slow to recognize the sovereignty claims of secessionist movements, such as Kosovo, and instead argues that "it has been India's consistent position that the sovereignty and territorial integrity of all countries should be fully respected by all states" (Ministry of External Affairs, 2008). As the examples of Serbia and Georgia demonstrate, most governments are unwilling to give up any territory they control, even if the claim is only on paper and not based on effective control on the ground, because it could undermine the state's legitimacy in all of its territory. By giving up territory, it implies that the claim of a coterminous nation of people, territorial homeland, and state government is not as fixed as it is represented to be (Kaiser, 2002; Murphy, 2005). In India, transferring the enclaves could raise questions about other territorial disputes in Kashmir and many of the northeastern Indian states, which also only have a tenuous historical link to the Indian state, have diverse populations, and have ongoing separatist movements. These movements would be emboldened if the central government demonstrated that it is willing to compromise on any territorial questions. In the case of the enclaves, however, the concept of territorial integrity should be considered in association with territorial contiguity. The continued existence of islands of foreign territory inside the state's boundaries also belies the myth of a coterminous nation and state in a particular territory. If territorial integrity were the critical concern for the Indian government, it would seem that an exchange would create a more unified territory that demonstrates the unambiguous linkages between the citizens and the territory of the state, as most maps of India and Bangladesh already represent it.

Although each of these are important factors, the ultimate cause of the delay is that the exchange of the enclaves is caught up in a larger debate in India over the true extent of the Indian homeland and the role of religion in the national imaginary of India. During the Indian independence movement, much of the nationalist iconography portrayed a single Indian nation in a single Indian homeland that was united against British colonialism (Ghose, 1920, 1947; Pal, 1911; Vivekananda, 1900). The origin myths of all "nations" are created through the narrative construction of a historical group of people and an imagined political space that has a specific geographical extent (Anderson, 1991; Kaiser, 1994; 2002; Murphy, 1996; Williams & Smith, 1983). Alec Murphy (2005: 283) argues that contemporary state nationalism is often justified based on one of three criteria:

1) That the state is the historic homeland of a distinctive ethnocultural group (e.g., France, Poland). 2) That the state is a distinctive physical-environmental unit (e.g., Hungary,

Australia) 3). That the state is the modern incarnation of a long-standing political territorial unit (e.g., Egypt, Mongolia).

In India, the narratives of the independence movement in the first half of the 20th century drew on all three criteria to justify the creation of a modern Indian state. In terms of a distinctive ethno-cultural group, the early leaders of the Indian independence movement argued that the people of British India, although speaking many different languages and following many different religious practices, were all united by a shared cultural heritage based in Hinduism; a definition that even included Muslims who were argued to be converts from Hinduism and who were said to still practice many of the same cultural traditions as their Hindu neighbors (Ghose, 1920, 1947; Pal, 1911). The boundaries of India were represented as naturally inscribed in the landscape by highlighting its physical geography, with the Hindu Kush Mountains to the west and the Himalayas to the north and east, as well as the vast Indian Ocean to the south (Pal, 1911). In order to claim that India was a long-standing political unit, the Indian independence movement drew on historical writings that described ancient Hindu kings who controlled the entire territory (Pal, 1911; Vivekananda, 1900).

The homeland imaginary of India is controversial today because the territory of India does not match the homeland narratives that were used in the independence movement (Krishna, 1994). This disjuncture between homeland imaginaries and the territorial reality has created friction and significant dissent in India, with some extreme, but widely supported, organizations like the Rashtriya Swayamsevak Sangh (RSS) openly questioning the legitimacy of the 1947 partition and the states of Pakistan and Bangladesh.

The RSS along with its political wing, the BJP, are often referred to collectively as the Hindu Right and have become what Hansen (1999: 3) calls the "the most powerful cluster of political and cultural organizations in the country." The mission statement of the RSS (2008) cites partition as a critical mistake in the history of India:

> Considerable sections of the so-called academia and the elite even today display a singular lack of national consciousness even after witnessing such horrendous insult to nationhood as partition of the country. [At the time of] Independence parts of Punjab, Bengal, Sindh and the frontier-areas were sundered from Bharat (India).
> A burning devotion to the Motherland, a feeling of fraternity among all citizens, intense awareness of a common national life derived from a common culture and shared history and heritage - these, in brief, may be said to constitute the life-springs of a nation. … It is the Rashtriya Swayamsevak Sangh alone which has consistently been sounding the alarm against all these wrong tendencies [e.g. accepting partition] in the body-politic of India.

The Hindu Right argues that the true Hindu homeland of India is the homeland that was described by the early Indian nationalists, which includes all the territory currently controlled by the sovereign states of India, Pakistan, and Bangladesh (Gupta, 2007). Consequently, any agreement that includes a transfer of territory, even the small area of the enclaves, is perceived as illegitimate because it would divest more of the Hindu homeland to a Muslim controlled government.

The resistance of the Hindu Right to ceding any more territory has been consistently demonstrated in its statements and actions regarding the enclaves, and is perhaps most evident in its campaign against the Tin Bigha corridor lease in 1992. A BJP publication (1992; reproduced in Whyte, 2002: 385) argued against the agreement:

The scar of 1947 partition is still lingering. In 1947, congress reluctantly signed on the dotted line and accepted division of India on communal basis. … Today we, the general people, refuse to be a mute party to the sinister design of transferring Tinbigha Corridor to Bangladesh…. India is one, its people are one, and will remain so in future too.

Although the agreement states that India retains sovereignty over the corridor while Bangladesh only leases the right to pass through it, the BJP used the Tin Bigha issue to raise its profile nationally through disruptions in parliament and violent rallies near the corridor in the months before its implementation (The Economist, 1992; van Schendel, 2002; The Washington Post, 1992). The BJP continues to periodically raise the issue as they did on the 15th anniversary of the corridor's creation, when they organized a march at the site (The Statesman, 2007).

By protesting an 85 meter x 175 meter strip of land, the BJP and the Hindu Right have signaled that they will not compromise on any territorial questions. With a choice between implementing the 1974 exchange agreement and facing further protests from the Hindu Right, or continuing to ignore the suffering of the relatively small population of the enclaves, the government of India has indefinitely delayed the enclave exchange.

Conclusion

The transformation of a former colony into an independent sovereign state is often represented as the transition from the pre-modern world into modernity. An important part of this transformation is the rescaling of identity category towards the newly defined state territoriality (Kaiser, 1994; Kaplan & Häkli, 2002). In South Asia, as with a multitude of other places around the world, this is a fraught process where previous social connections, cultural practices, and political formations are made illegitimate as the new state sanctioned categories of national citizenship are introduced. In order to ease this transition, the new social boundaries between peoples, and the territorial boundaries of the sovereign state, are made to seem natural by placing the divisions on "natural" physical boundaries, by practicing them through markers, fences, and patrols, and by represent them on maps (Kaplan & Häkli, 2002; Winichakul, 1994).

In India and Bangladesh, however, the existence of almost two hundred islands of foreign territory along the border undermines the claim of tight and inviolable linkages between the states, their territories, and their peoples. Beyond officially asserting their sovereignty, neither India nor Bangladesh has enacted or practiced sovereignty on the ground in the vast majority of the enclaves along the border. Neither country includes the residents in official censuses nor represented the enclaves on official maps. Perhaps most importantly, neither country has made any effort to enact the boundary on the ground by marking or patrolling the borders of the enclaves. And yet, the strict adherence to the concept of sovereignty also prevented India from renouncing its claim to territories it never possessed and prevented Bangladesh from violating that claim by providing basic services and rights to human beings that desperately need its help.

The general neglect of the enclaves perpetuates the status quo and the lines created by the 1713 treaty continue to order the local residents' experiences. And yet, even that order is transgressed on a daily basis by the residents themselves. Many of the original families that resided in the Indian enclaves in 1949 were displaced over the intervening 60 years by Muslim families fleeing India. The current enclave residents routinely cross the "international" border between the enclaves and the host countries to go to the market, visit friends, and take their children to school. Some of the large

enclaves have even established their own elected councils, which operate completely outside the authority of the state that asserts sovereignty over the enclave.

The lack of modernization within the enclaves highlights both the good that the modern sovereign state system brings with it through the establishment of law and order and the problems it causes by territorializing those basic social protections. In the neighboring areas of Bangladesh, the benefits of the modern state are clear: paved roads, concrete bridges, government subsidies, police, judges, and laws. And yet, the residents of the enclaves live in a space that is completely unregulated, but was created by the same boundary-making process. While the residents of the enclaves can use the facilities of Bangladesh in their daily activities, the enclaves lack a legal authority to settle disputes, to normalize social interactions, and to control individuals who behave inappropriately. When the residents need a sovereign authority the most, it is not there. Without these basic social protections, violence is an accepted way of life and is the only option for protecting family and property.

After living for many years in stateless spaces, the enclave residents do not identify with the categories of nation and state that organize modern political imaginaries. The enclave residents live in stateless diasporic spaces where they are denied the benefits of citizenship in both their home and host countries, which results in ambivalent and unsettled feelings of belonging (Brah, 1996). The enclave residents identify with neither their home state, which they lost contact with and received no support from, nor their host state, which their lives are intimately tied to but whose citizenship they are excluded from. Instead, the enclave residents identify with the category that has been forced upon them: *chitmahal bashi* [enclave dweller]. And yet, the residents also want to simply be accepted as a citizen of one of the two sovereign states.

At the global systemic level, the existence of the enclaves as spaces that are still not incorporated into the sovereign state system furthers recent critiques that untangle and contest the often assumed connections between sovereignty and the state. As spaces that are bounded in by and excluded from the sovereign state system, the enclaves expose the cracks and fissures in the fiction of coterminous nations, states, and territories and displace the notion of the absolute sovereignty of the state over its people and territory. And yet, their continued existence 60 years after their creation also demonstrates the power that the notion of territorial integrity maintains in that system. While humanitarian crises and the doctrine of contingent sovereignty have raised questions about the absolute authority of the state to carry out its internal affairs without intervention, these openings have still not resulted in a broad reassessment of the foundations of the current state system.

The solution of an enclave exchange seems easily achievable–indeed, a treaty between the countries has been agreed upon, most maps already represent the area as if an exchange has occurred, and in many ways in practice the enclaves already operate as part of the host countries. And yet, the exchange also proves illusory as nationalist identity politics are more important than the lives of a hundred thousand people who suffer in the enclaves. In the end, it is irrelevant that the Indian enclaves inside Bangladesh have never actually been part of the Indian state, do not have any economic value for the state, and are populated by Muslims that chose to leave India. Their existence is not what really matters. What matters is the symbolic effect the act of relinquishing them would have on the narratives that justify the legitimacy of the Indian state and the idea of a larger Hindu homeland. It would demonstrate that the territorial integrity of India is not inviolable and it would further solidify the position of Bangladesh as a legitimate sovereign

state in what the Hindu Right claims as its historic homeland. For these reasons alone they remain.

Acknowledgements

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