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## Revisiting Free Movement Regime (FMR): Challenges and Implications



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### Introduction

India's unfenced or not properly demarcated territories with its neighbouring countries especially those with whom it shares international borders, in its northern and northeastern parts, is characterised with frequent border tensions. Some of them with serious border tensions, are located along the Line of Actual Control (LAC), Line of Control (LOC) and Indo-Myanmar Border (IMB) with China, Pakistan and Myanmar, respectively. Nevertheless, unlike the LAC and LOC, issues along the IMB are not very much highlighted, but needs to be addressed in priority, failing of which, will create a problem for India's national security in days to come, given the emerging trans-border issues, crimes at borders in recent times.

Gradually, after being a neglected region for almost several decades, the IMB has gained more attention lately due to emerging

### Key Points

- IMB is not just a porous or an unfenced boundary, rather, it reflects physical, ethnic, linguistic, cultural and fraternal linkages among the trans-border villages.
- Managing and administering the border areas effectively is pertinent for reducing drug trafficking and illegal cross-border movement via unfenced borders.
- It is time for India and Myanmar to execute a crystal clear plan regarding the FMR, and while doing so, the aspiration of the people should be incorporated into India's Myanmar strategy.



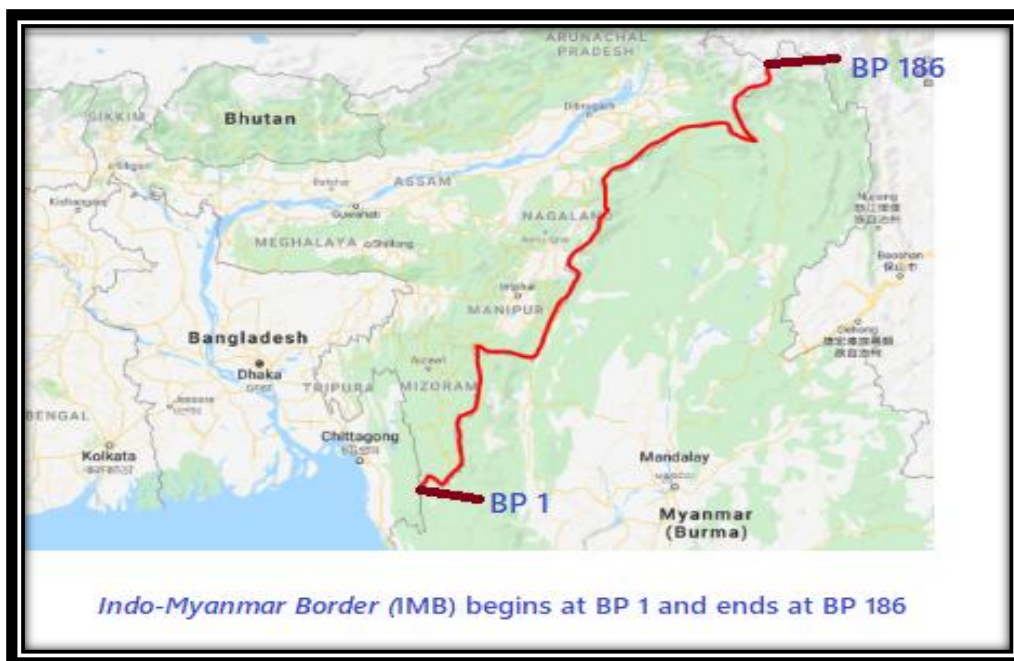
challenges: **(a)** it promotes insurgency across and inside the border, and **(b)** illicit and informal trade—drug trafficking, importing arms and weapons originating from China to the Indian side. Besides, drug lords or drug mafias instigate the locals who wish to earn easy money and thereafter use them to carry out illegal activities across the borders. Hence, there has been a debate about whether Free Movement Regime (FMR) needs to be revised or entirely revoked. This paper aims to look at the pros & cons of the FMR, the security challenges faced at IMB and thereafter put forth key recommendations.

### **Retrospection and Introspection of the Indo-Myanmar Border (IMB)**

India shares a 1643 km long border with Myanmar, which runs through its four northeastern states viz. Arunachal Pradesh (520 km), Nagaland (215 km), Manipur (398 km), and Mizoram (510 km). However the matter is not only restricted to sharing borders— people living on both sides of IMB have emotional bonding due to shared cultural affinity. They even consider themselves the kith and kin, originating from same ancestral lineage. They can roam or move freely up to 16 km without a license or passport across the border under the Free Movement Regime (FMR). Thus, FMR is a policy, implemented by both governments, specifically for the people living along the IMB.<sup>1</sup> Therefore, locals consider this regime as a boon. Through this regime, people aim to strengthen brotherhood, get more culturally assimilated with trans-border villages through weddings, celebrating common festivals together and trans-border trade— a common practice to improve their economy over the years. In this vein, IMB is simply not a porous or an unfenced boundary, but it reflects the physical, ethnic, linguistic, cultural and fraternal linkages<sup>2</sup> among the trans-border villagers. However, given the present ambience of IMB, it is not as people-friendly as it used to be in the past.

IMB was drawn between the British East India Company and the King of Ava<sup>\*</sup> on 24 February 1826 by the Treaty of Yandabo and remained a colonial legacy until 1969, when the boundary agreement was signed between the Government of the Republic of India and the Union of Burma (now Myanmar).<sup>3</sup> Gradually, both the countries started erecting 46 Border Pillars (BP)— 25 BPs by Myanmar and 21 BPs by India between December 1968 and April 1969<sup>4</sup>. **Figure 1 below** shows the geographical location of IMB (highlighted with red colour).

**Figure 1: Indo-Myanmar Border with First and Last Border Pillars**



Source: Adapted by Author from: <https://www.altnews.in/paresh-rawal-faulters-at-geography-forgets-india-myanmar-share-1643-km-border/>

The IMB runs from South to North—BP 1 starts at the tri-junction of Bangladesh, India and Myanmar in the Parva Salient of Mizoram. In total, there are 186 BPs shared between India

<sup>\*</sup> King who ruled Burma (now Myanmar) in 19<sup>th</sup> Century.



and Myanmar. One of the challenges of IMB is the unclear BPs due to dislocation from their original position. The complete fencing of the porous border is also not possible due to challenging terrain. Only a proper regulation with respect to the opening and closing of various designated gates, seems to be a viable option for maintaining the sanctity of the BPs. Out of 186 BPs, BP 1 to BP 32 passes through Mizoram, BP 32 to BP 130 through Manipur, BP 130 to 154 via Nagaland and BP 154 to 186 via Arunachal Pradesh, which borders with Myanmar's Chin State, Sagaing Region and Kachin State respectively.<sup>5</sup>

Another challenge along the IMB is the misuse of FMR on a wide scale. However, as highlighted in the book *Irrawaddy Imperative: Reviewing India's Myanmar Strategy* by Jaideep Chanda, issues along the IMB varies from state to state. The southernmost part of IMB (from BP 1-32) passes through the most 'underdeveloped region', though the Indian side is much better than the Myanmar side. Lack of infrastructure and poor connectivity, isolates the region from mainstream development of both countries. The region acts as a safe haven for insurgents and is rightly called the 'Wild South' of the IMB. One peculiar nature along this IB is that, Christianity and linguistic commonality cemented the communities' bonding on both sides.<sup>6</sup>

Areas astride from BPs 33-130, which falls in Manipur, are 'sparsely populated' and 'underdeveloped', and characterised with drug smuggling and illegal trading, especially at Moreh/Tamu or Beheng/Chikka, the southern portion of Manipur. In Moreh/Tamu, India-Myanmar Post Level Meetings (IMPLM) takes place with Myanmar Army.<sup>7</sup> Besides, it is the gateway between South and Southeast Asia— an important geopolitical location for India's Act East Policy.

BPs 131-156 in Nagaland also hosts the monthly IMPLMs. Two trade centres, one in Lungwa and another in Dan, although have been proposed but the plan is yet to be executed. Lastly, BP 157-186 falls in Arunachal Pradesh wherein the China-India-Myanmar



tri-junction is situated— 136 km from BP 156, which falls under the Lohit sub-sector. Most of the weapons and arms, originating from China, passes from this tri-junction.<sup>8</sup> Lack of roads affecting the movement of people, including FMR, and the absence of both regulated and unregulated movement have now become a problem for this IMB.<sup>9</sup>

### **Spawning of Insurgency at IMB**

Myanmar is India's strategic neighbour as it shares border with India's militancy-hit states— Nagaland and Manipur. Various insurgent groups, operating in India's NER, have a deep nexus with the ethnic armies of Myanmar.<sup>10</sup> Myanmar's ethnic groups, such as the Kuki-Chin –or Zomi migrated and settled along the IMB bordering Assam, Manipur and Mizoram. Many insurgent groups such as the United National Liberation Front (UNLF), People's Liberation Army (PLA), The United Liberation Front of Assam (ULFA), National Socialist Council of Nagaland (NSCN) and small groups of Kukis, Zomies have built camps in Sagaing Division, Kachin state and Chin state.<sup>11</sup> They took shelter there, obtained arms, trained cadres, and, most importantly, engaged in illegal activities such as smuggling drugs and selling weapons to raise funds.<sup>12</sup> This is possible because of the porous borders and frequent misuse of FMR. Therefore, managing and administering the border areas effectively is pertinent for reducing drug trafficking and illegal cross-border movement on unfenced borders.

### **Perceptions of Locals on FMR**

It is important to note that when the British demarcated the Indo-Myanmar Border in 1826, it adversely affected the locals since **(a)** it created two different nationalities by splitting the ethnic population, inhabiting in the region, into two different nations, and **(b)** the decision was executed without taking their cognizance. Likewise, the current IMB is the remnant of the 1826 Treaty facing similar challenges by youth of today. For instance, it divides few houses in Moreh, Manipur into two portions: one falls under India and the other in Myanmar.<sup>13</sup>



Another instance is the Longwa village in the Mon District of Nagaland, wherein the IMB passes through the Village Chief's house, thus separating it into two halves along with some villagers' houses.<sup>14</sup>

Interestingly, the villagers seemed to be enjoying dual citizenships and were entitled to move freely across the border before the outbreak of Covid-19<sup>15</sup> by virtue of the FMR. In addition, locals in Phek district, Nagaland, stated that the Myanmar villagers preferred to visit the Indian side for education, trade and medical facilities. For them, the nearest Myanmar town is far away.<sup>16,17</sup> Hence, revoking FMR entirely may not be favoured by the locals. During an interaction with the locals in Govajang village, Moreh, they stated that fencing of the IMB is a 'wrong decision' since some portion of their ancestral lands falls on the Myanmar side<sup>18</sup>. Therefore, neither the complete withdrawal of FMR nor its complete fencing is the best available option. However, due to the changing socio-politico-economic condition in Myanmar and the dynamic demographic profile, illicit activities along with border crimes along the IMB, it is imperative for New Delhi to tackle the issue by pursuing 'killing the snake without breaking the stick' approach.

### **Impact of FMR on Border Trade: Then and Now**

FMR have now become a sentimental issue, which is very close to the hearts of locals, and any wrong decision by New Delhi might lead to adverse consequences. Besides the cultural affinity, trans-border trade is the lifeline of the villagers and they do trade through 'customary practice' by using simple custom documents or a kind of barter system allowing them to exchange locally produced products or other trade items carried as a head load.<sup>19</sup>

This form of trade is crucial and the locals acts as a support system to each other for their survival. In due course of time, the governments of both sides came to the point of transforming the informal trade into formal trade by signing the Border Trade Agreement on 21 October 1994. The Agreement led to the establishment of three Land Customs Stations (LCS) on the Indian side—Moreh in Manipur; Zokhawthar (Champai) in Mizoram, and

Nampong in Arunachal Pradesh.<sup>20</sup>In the subsequent year, formal border trade came into effect for the first time on 12 April 1995 on limited products through Moreh (Manipur, India) to Tamu (Myanmar) and on 30 January 2004 through Zokhawthar (Mizoram, India) to Rhi (Myanmar).<sup>21</sup>In 2012, India and Myanmar signed MoU to promote local products on both sides by opening border haats. **Table 1 below** shows the various potential border haats on the Indian side.

**Table 1: Various India's Border Haats**

<b>Border Haats</b>	<b>State</b>
Pangsau Pass	Arunachal Pradesh
Avakhung	Nagaland
Pangsha	Nagaland
Chemoho/Longwa	Nagaland
New Santhal	Manipur
Behiang	Manipur
Hnahlen	Mizoram
Vaphai	Mizoram

*Source: Adapted by Author from <https://www.orfonline.org/research/india-myanmar-connectivity-possibilities-and-challenges/>*

Despite considerable efforts to formalise the border trade, informal trade is still the central mode of border trade, and the LCS has become dysfunctional, as it cannot regulate the movement of goods from India to Myanmar and vice versa. Therefore, Indian goods are usually smuggled during the night and reaches Myanmar side through a porous border in Moreh. Further, since LCS is not properly functioning, there are fewer checks on people and goods, and transactional costs & payments are also not registered; Most importantly, goods that flow into India from Myanmar comprises third-country goods made in China, Thailand, and other East Asian countries.<sup>22</sup> **Table 2 below** shows the trend of formal border trade between India and Myanmar. Export of Myanmar's product to India outweighs its imports from India. However, the amount of informal export and import are off the record. Due to the

porous border, transport of weapons and arms, by insurgents or mafias, from Myanmar to India, through several transit points, Moreh being one of them, have become a regular exercise.

**Table 2: Border Trade between India and Myanmar (Value in US \$ Million)**

Year	Myanmar Exports to India	Myanmar Imports from India	Total Trade
2013-2014	16.46	26.12	42.58
2014-2015	17.03	39.86	56.89
2015-2016	53.027	18.617	71.644
2016-2017	63.461	24.435	87.896
2017-2018	68.774	21.791	90.565
2018 (April-Sept.)	84.316	9.136	93.452
2018-2019 (Oct-Sept)	177.50	23.75	201.25
2019-2020 (Oct-Sept)	89.59	3.064	92.654
2020-2021 (Oct-Sept)	197.971	2.584	200.555
2021-2022 (Oct-March) Mini Budget	0.722	1.099	1.821

Source: [https://embassyofindiayangon.gov.in/pdf/menu/Bilateral\\_Economic\\_Commercial\\_Brief\\_June2022.pdf](https://embassyofindiayangon.gov.in/pdf/menu/Bilateral_Economic_Commercial_Brief_June2022.pdf)

Factors that handicap the border trade at Moreh, Manipur and Zokhawthar, Mizoram are addressed below:

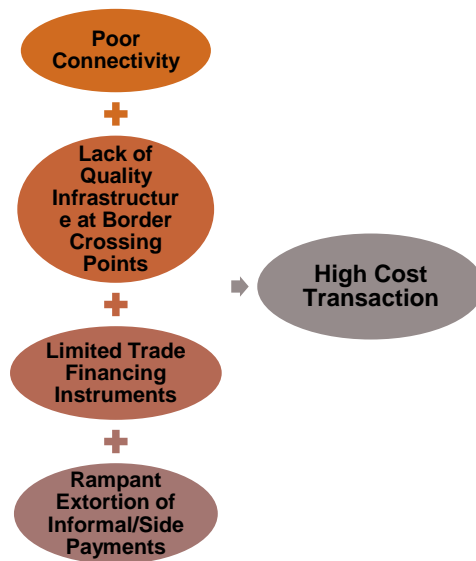
- In Moreh, LCS and ICP are less effective. other roadblocks include : **(a)** the Myanmar Government's demand that imports from Myanmar should precede exports from India; **(b)** frequent bandhs and blockades called by various groups in Manipur; **(c)** imposition of illegal taxes by insurgent groups and **(d)** poor infrastructure at Moreh.<sup>23</sup>
- In Zokhawthar, formal trade is limited compared to informal trade since LCS is ineffective. Roughly, there are 15 major informal trading routes in Mizoram and



Champhai—leading centres along the porous and unfenced border.<sup>24</sup> Most of the items exported from Myanmar are either brought from China or brought from Southeast Asian countries, and export from the Indian side resulted in a trade imbalance.<sup>25</sup> In addition, two types of border crimes are prominent in Mizoram—**(a)** drug trafficking and smuggling, and **(b)** local crimes.<sup>26</sup>

Concisely, informal trade is quite prevalent as trading can be done quickly, at a low cost and in a short time without going through the proper channel and process of documentation, unlike formal trade, which has high transactional cost and consumes time. People, therefore, prefer to go for informal trade.

**Figure 2: Factors Attributing for High Transaction Costs**



Source: Adapted by Author from [https://icrier.org/pdf/India\\_Myanmar\\_Border\\_Trade.pdf](https://icrier.org/pdf/India_Myanmar_Border_Trade.pdf).



## **Failure of the Border Trade**

Many factors officially contributed to the failure or dysfunction of border trade. Dysfunctional and ineffectiveness of the LCS and Integrated Check Post (ICP), have led to the misusing of FMR. The following are the reasons why border trade is still not operational as it is supposed to be:

- Dysfunctional, lack of infrastructure at LCSs, and no official database to record all regulations of trade taking place at LCSs.<sup>27</sup>
- Limited deployment of Assam Rifles personnel along the border, to deal with insurgencies, are ineffective due to porous and tough terrain.
- Evading custom duties and documentation, to get rid of cumbersome, informal payments, is preferred by traders<sup>28</sup> to reduce the transportation period, affected due to multiple checkpoints, set up by police and security forces on the highways, to curb illegal trade in arms and ammunition, drugs etc.<sup>29</sup>
- Lack of strict vigilance and controlling authority at LCSs.
- Lack of accountability and transparency due to corrupt system.
- ICP is ineffective and not implemented properly— it can quickly pass through multiple entry routes and reach the rest of India due to porous border.
- Porous land facilitates tax evasion by illegal smuggling rather than routing trade from ICP.

## **Assessment**

One of the deadly implications of FMR is the increasing trend of drug trafficking and illegal arms and weapons import, through the porous border, to Northeast India, by insurgents, criminal gangs, and drug lords.<sup>30</sup> Undoubtedly, the Northeast Region (NER) will become India's 'future golden triangle' if any immediate preventive measure is not taken. Contraband items from Myanmar have now flooded the NER. Large numbers of locals are getting involved in illicit trade, and youths are getting addicted to SP tablets and other available



drugs daily. Besides, drug mafias receive drugs at a cheaper price and transport them to other parts of India, thus forming a drug nexus. This might make the youth of the country vulnerable in the near future.

Populations living along the IMB, are vulnerable and neglected. Their poor economic condition compels them to look for options such as carrying drugs and delivering them to drug lords/mafias. In addition, the youngsters have fewer opportunities in terms of education, jobs and other facilities, forcing them to get involved in drugs. If Central Government does not join hands with the state government to initiate appropriate and immediate measures, then this nexus of illicit trade and smuggling of narcotics might ruin the morale of the people, especially the youngsters, who are the future pillars of the country. Therefore, a revised FMR is much needed. Otherwise, this regime will build a sizeable illegal nexus (drugs and weapons), which will seriously threaten India's national security.

Some of the important recommendations are as follows:

- India and Myanmar should have a clear plan regarding the FMR, and the aspiration of the people of NER should be incorporated into India's Myanmar strategy.
- Focus should be on revising FMR and transforming informal to formal trade by focusing on infrastructural development at LCSs, regulatory mechanisms and an effective ICP.
- Designated multiple entry points, within reasonable distance along the IMB, and strict vigilance by deploying the border guards as per requirement, must be initiated. Through these designated entry points, people should be strictly informed to use the designated point for going and coming across the border.
- Building several border haats at main entry point, to reduce the number of head load traders.
- Improve connectivity, development of infrastructure, building schools, hospitals, and vocational training centres and facilitating other opportunities, will stop the youth from



getting involved in illicit activities and joining insurgency at borders. Such policy will be beneficial for the people living on both sides.

- Deployment of manpower 24/7 and increasing their number, is a must to check the frequency of traders' movement, locals and people with local head loads.
- Strict checking or frisking of ladies should be done in a separate compartment, especially for women by deploying more number of women in uniform.
- Strict vigilance at entry points by deploying sufficient security guards. Selective fencing in specific regions is required, rather than the option of complete fencing of the IMB, since it is not feasible due to tough and harsh terrain.

Developing a friendly and cordial relationship between locals and Assam Rifles personnel is pertinent, spreading awareness among the youths by organising camps and meetings, convincing them of the deadly implications of drugs, will be beneficial for the region.

## End Notes

<sup>1</sup> "Unstarred Question No. 4125", *Lok Sabha, Ministry of Home Affairs, Government of India*, 2018. Available at <https://www.mha.gov.in/MHA1/Par2017/pdfs/par2018-pdfs/ls-20032018/LSQ.4125.pdf>. Accessed on 21 September 2022.

<sup>2</sup> Jaideep Chanda, *Irrawaddy Imperatives: Reviewing India's Myanmar Strategy*, Pentagon Press: New Delhi, 2022. ISBN 978-9390095346.

<sup>3</sup> Ibid

<sup>4</sup> "Baleshwar Prasad Papers", Nehru Memorial Museum and Library.

<sup>5</sup> N.2

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> "Ministry of Home Affairs, Annual Report 2017-18", Para 3.19. Available at <https://www.mha.gov.in/sites/default/files/MINISTRY%20HOME%20AFFAIR%20AR%202017-18%20FOR%20WEB.pdf>. Accessed on 10 October 2022.

<sup>9</sup> N.2

<sup>10</sup> Shailender Arya, "Myanmar: Simmering Insurgencies-Search for Insurgencies", *USI Journal*, January-March 2014. Available at <https://usiofindia.org/publication/usi-journal/myanmar-simmering-insurgencies-search-for-solutions/>. Accessed on 10 October 2022.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Author's observation during her field visit to Moreh in 2021.



<sup>14</sup>Priyanka Chakrabarti, "Longwa Village: From One Country To Another Country Without A Visa", *Travel + Leisure*, 10 July 2019. Available at <https://www.travelandleisureindia.in/featured/longwa-village/>. Accessed on 17 October 2022.

<sup>15</sup>Ibid.

<sup>16</sup>"Tribes Along India-Myanmar Border Dream of a United Nagaland", *AlJazeera*, 28 April 2020. Available at <https://www.aljazeera.com/news/2020/4/28/tribes-along-india-myanmar-border-dream-of-a-united-nagaland>. Accessed on 19 October 2022.

<sup>17</sup>Interaction with Locals during Author's Field Visit to the Phek District, Nagaland in 2021.

<sup>18</sup>Ibid.

<sup>19</sup>Anasua Basu Ray Chaudhary and Pratinashree Basu, "India-Myanmar Connectivity: Possibilities and Challenges", *ORF, Kolkata*, 26 November 2015. Available at <https://www.orfonline.org/research/india-myanmar-connectivity-possibilities-and-challenges/>. Accessed on 19 October 2022.

<sup>20</sup>Ibid.

<sup>21</sup>Ibid.

<sup>22</sup>Author's Field Visit to IMB in 2021.

<sup>23</sup>KSR Khathing, "Indo-Myanmar Border Trade", in CJ Thomas, Garudas Das and NB Singh (eds), *Indo-Myanmar Border Trade: Status, Problems and Potentials*, New Delhi: Akansha Publishing, 2005. ISBN 978-8183700078.

<sup>24</sup>N.14.

<sup>25</sup>Ibid.

<sup>26</sup>Ibid.

<sup>27</sup>Nisha Taneja, Tin Htoo Naing et.al, "India's Act East Policy: Facilitating India-Myanmar Border Trade", *Indian Council for Research on International Economic Relations*, July 2019. Available at [https://icrier.org/pdf/India\\_Myanmar\\_Border\\_Trade.pdf](https://icrier.org/pdf/India_Myanmar_Border_Trade.pdf). Accessed on 25 October 2022.

<sup>28</sup>Ibid.

<sup>29</sup>Ibid.

<sup>30</sup>Anuradha Oinam, "India Must Regulate its North East Porous Border to Check Potential Golden Triangle Formation", *CLAWS Web Article*, 06 December 2021. Available at <https://www.claws.in/india-must-regulate-its-north-east-porous-border-to-check-potential-golden-triangle-formation/>. Accessed on 25 October 2022.

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