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Decluttering India - Nepal Border Dispute: The Known History, Illusory Present and An Uncertain Future



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Introduction

As a country with 'Neighbourhood First' Policy, India has always been cautious about the prediction of erosion in relations which has taken place between India and Nepal, who since times immemorial have had shared the relationship colloquially known as that of '*Roti and Beti*'.¹ The recent Kalapani dispute between India and Nepal needs to be seen in the light of larger diplomatic and strategic concern. Theoretically, the Mechi and Kali Rivers provided a clearly identifiable boundary on the Western and Eastern sections of Nepal. The assumed problematic areas were in the Southern Terai regions where the natural alignment of rivers and streams flowing from the hills run perpendicular to the boundary. However, this sector along Nepal's western border has now become a bone of contention between both countries.

Key Points

- India and Nepal have enjoyed decades of strong political, economic and military ties based on shared interests and strong cultural ties.
- The recent events that took place post releasing the new political map by Nepal which includes parts of Kalapani and Limpiyadhura has caused a sudden abrasion between India and Nepal.
- The Kalapani dispute has been dormant issue for a long time with various systems in place to resolve it. However, the approach taken by Nepal to bring up this issue has raised India's eyebrows.
- India should not see this border dispute in isolation. The approach taken by Nepal to raise the border issue reflects the hiatus in diplomatic and political negotiations between both the countries.
- India should actively engage with Nepal in terms of political and diplomatic relations, defence cooperation, trade and connectivity which would help in enhancing overall relations between both the countries.



Reminiscence of the Past: Terai Region

Nepal was unified under the rule of Maharajadhiraja Prithvi Narayan Shah in the 18th Century. Differences in opinion with East India Company regarding the land strip of the Western Terai in 18th and early 19th Century led to a war with the British.² The British launched their attack on the Nepalese forces at Nalapani, the western most point of Nepal's frontier at the close end of 1814.³ In spite of bearing heavy casualties, superior weapons of the British proved too strong for the Nepalese. Meanwhile, a British Army officer— Second Lieutenant Frederick Young, held as a prisoner of war, was impressed by the military traits of the Gorkhas. A few months later, he was granted permission to recruit the Gorkhas as soldiers in the East India Company. Thus, began the recruitment of the Gorkhas into the British Army which continues till date in both British as well as the Indian Army.⁴ The Nepalese Army subsequently vacated the areas west of the Mahakali River and ultimately the Treaty of Sugauli was signed with the British in the year 1816. Among other things, this treaty took away a large portion of the Terai from Nepal and the rivers Mahakali and Mechi were fixed as the country's western and eastern boundaries respectively.⁵

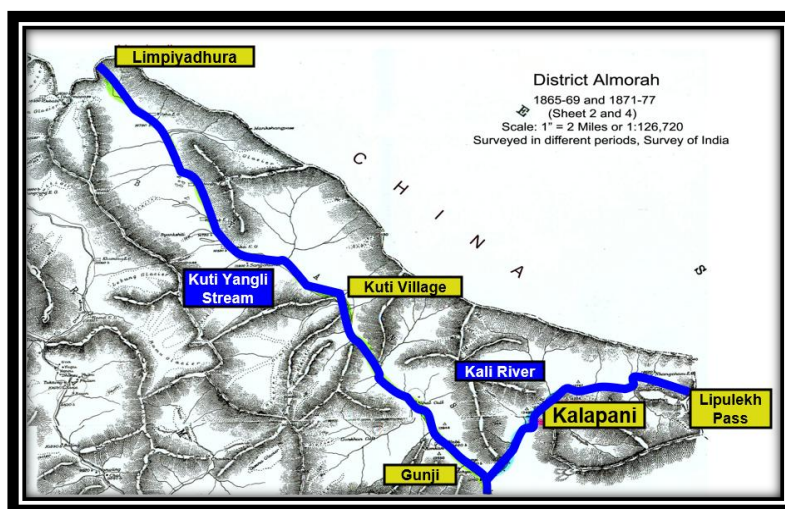
The Dormant Volcano: Kalapani Dispute

Western border of Nepal bound by Mahakali River meant that all the areas east of the river would form part of Nepal; the two tributaries forming Mahakali a river confluence at Gunji village.⁶ The issue is as to which of the two streams constitutes the main channel of the Mahakali River.⁷ The Nepalese claim the western tributary⁸ which would entitle them maximum territory including Kalapani and Lipulekh Pass. As per the Treaty of Sugauli, Parbatikund in Limpiyadhura was taken as the source of origin for the Kali River and the same was reflected in the maps published by British India in the years 1827 and 1856.⁹ The Indian Government's map is based on the eastern tributary and springs near a temple of Goddess Kali popularly known as Kali Temple.¹⁰ India strongly quotes revenue records of Pithoragarh District since the 1830s¹¹ to substantiate the claim. Post the Treaty of Sugauli, the British soon realised the strategic importance of Lipulekh pass, in terms of trade and security, as an artery connecting India and Tibet¹² and started reflecting the Mahakali River as 'Kuti Yangli' River and a smaller river originating from Kalapani as Kali River in their maps since 1860s.¹³

Map 1: India-Nepal border in Uttarakhand

Source: *The Kathmandu Post*

The name 'Kuti Yangli' also means 'Black River' in the local dialect used in that area due to which this change in the maps went noticed.¹⁴ These maps have been traced to the British Library in London and reproduced by Nepalese historians in their books.¹⁵ Even when Indian Military units occupied the Kalapani area during the Sino-Indian war of 1962, Nepal did not object, indicating that there never was a dispute over the Kalapani region.¹⁶

Map 2: The Kalapani Region

Source: Adapted from *Survey of India, 1865-69 and 1871-77*



Both the sides have substantive historical evidence to justify their respective version. Post-Independence, Nepal-India Technical Level Joint Boundary Working Group was set up in 1981 to resolve the boundary issues, to demarcate the international border and to manage boundary pillars.¹⁷ By 2007, the group completed the preparation of 182 strip maps, signed by the surveyors of the two sides, covering almost 98 per cent of the boundary, all except the two disputed areas of Kalapani and Susta.¹⁸ The maps shown in Fig 1 and Fig 2 depict the perception of the respective countries.

Last 365 days in Kalapani

After India released its new map in November 2019 post abrogation of Article 370, Nepal saw it as an attempt to change the status quo of the region unilaterally.¹⁹ Indian Defence Minister inaugurating the 80 km long road along the Dharchula-Gunji-Lipulekh axis which would reduce the journey time to Kailash Mansarovar did more harm than good to the diplomatic ties of both the nations.²⁰ PM Oli's government on 20 May 2020 released a new map showing the areas of Limpiyadhura, Kalapani and Lipulekh as territory of Nepal.²¹ Nepal then subsequently passed the bill for amending the map by 18 June 2020.²²

Is it all about Kalapani?

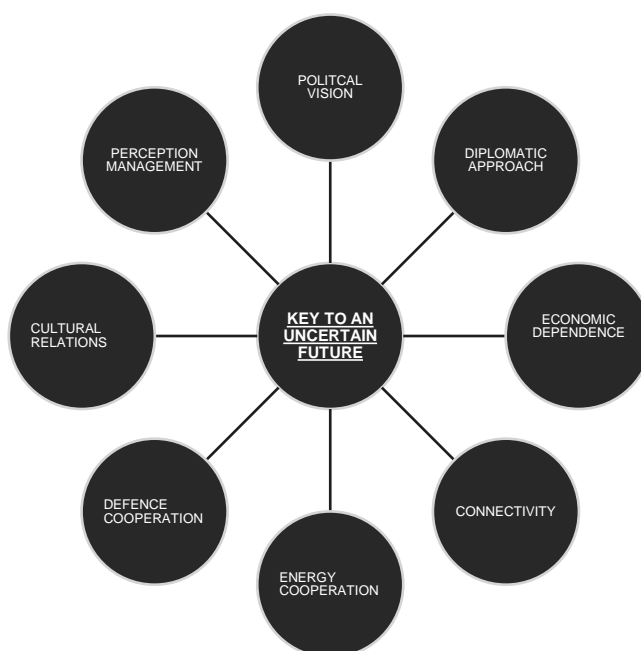
Seeing the recent developments in the Kalapani area, it becomes imperative to understand as to why this area has become so crucial for Nepal. There are a few questions that need to be asked. Is this area strategically important to Nepal as Doklam and South China Sea are important for India and China respectively or a major chokepoint for trade? Have there been any conflicts on ground like India is facing now in Eastern Ladakh? Is this area rich in energy resources like the Middle East or South China Sea? Is Mahakali River a major water source as Indus is for Pakistan? The answer to all these questions is a "no", while the significance of territorial sovereignty of a country is irrespective of strategic and economical value of the disputed region, however various actions taken by the Nepalese government such as unilaterally changing the maps, inflammatory speeches by political hierarchy and so on, indeed threatened to nullify the sanctity of age old relationship. While it may be understood if the area of Kalapani provided any significance of strategic or economic value, the absence of any such dividends to claiming Kalapani area and the approach taken by Nepal makes it an 'illusory present'. Thus, it is widely accepted amongst the scholars that this is nothing more than a 'symbolic gesture' to bring down India to the negotiation table not just to resolve the border issue but the various grievances that it has had with India.²³ Analysing the Kalapani

issue in isolation would be very naïve of India. Resolving the other issues in diplomacy, politics, defence cooperation, connectivity etc. with Nepal will improve the relations between both countries bringing Nepal closer to India again. This will definitely give a room to amicably resolve the border issue as well.

Outlook for the Future

We need to understand the past to predict the future. The abrasions in the past have brought both countries to this juncture. There are few analyses and subsequent recommendations on the India-Nepal relations to avoid any future escalation.

Figure 1: Key to an Uncertain Future



Source: Prepared by the Author

- **Politics and Diplomacy.** The dispute of the river was first raised by Nepal in 1998.²⁴ Nepal, once a monarchy became a partially democratic country since the 1990s and for domestic political reasons, it seemed convenient to Nepal's newly evolving political stalwarts.²⁵ Therefore, it was of paramount importance for India to evolve its policy accordingly with the change of regime. In case of Bhutan, the Treaty of Peace and Friendship was ratified in 2007²⁶ but multiple requests from Nepal have not led to ratification of India-Nepal Friendship Treaty (1950). What is the significance of treaties if one of the signatories has reservations? Nepal has been raising objections on the treaty at formal and informal levels. While India has agreed to review the

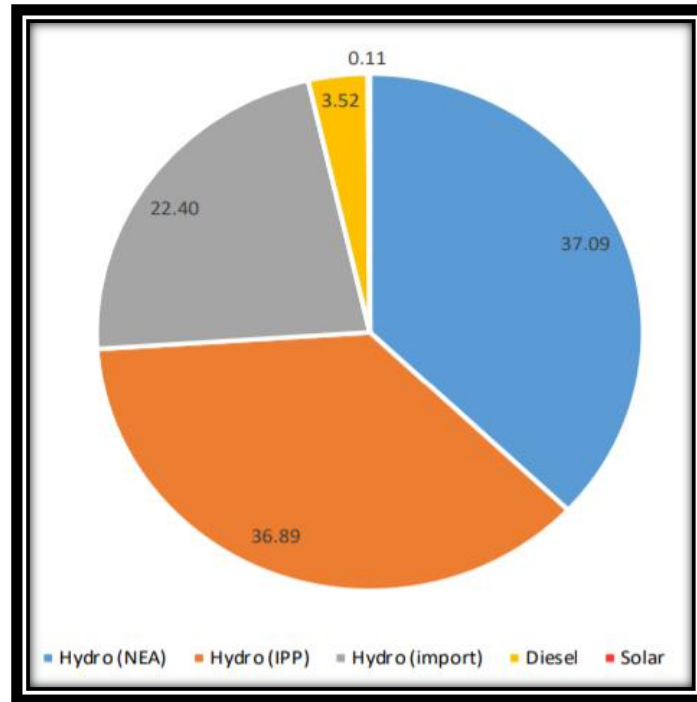


treaty, no considerable progress has been made so far.²⁷ India must review the treaty at the earliest to cater for Nepal's grievances. India must actively engage with the government at the helm to ensure that fundamentals of the positive steps taken in the past are not negated. India's diplomacy must be oriented to ensure that the government in power in Nepal should not be allowed to hamper Indo-Nepal ties. An unstable government in our backyard has been a major cause for non-continuity in the diplomatic negotiations since Nepal has seen five Prime Ministers in the last ten years.²⁸ Presently, the ruling Nepal Communist Party is growing nexus with Communist China presumably due to the economic advantages that China offers.²⁹ Nepal definitely wants to benefit from both India and China in a long term. At the same time, Nepal has kept China as an alternative to India.

- **Economic Dependence.** Naturally, India must provide a staunch economic roadmap to reduce Nepal's increasing dependency over China. The periodic trade blockades imposed against Nepal in 1975, 1989 and 2015, because of disagreements between the political dispensations; ultimately affecting the daily lives of common folk have played a major role in this recent debacle.³⁰ The Kalapani dispute might have come up in 2019, however, the watershed moment in relations was the Madheshi blockade in 2015 which, resulted in fuel shortages and consequently affected the common man's life in Nepal which was barely recovering from the trauma of the earthquake. It is from there those anti-India feelings caught steam leading to protests in the streets of Kathmandu; needless to say China did exploit this moment of Nepal's crisis and added fuel to alienate them from India by signing the trade and transit agreement with Nepal.³¹ India is the largest trading partner of Nepal with total bilateral trade in 2018-19 reaching INR 57,858 crore (US\$ 8.27 billion). In 2018-19, while Nepal's exports to India stood at INR 3,558 crore (US\$ 508 million), India's exports to Nepal were INR 54,300 crore (US\$ 7.76 billion).³² But when it comes to India's Foreign Direct Investments (FDI) in Nepal, it only accounts for 30 per cent of the total FDI received with China being the largest investor. India therefore, must conduct frequent bilateral economic summits with Nepal to increase its FDI in both public and private sectors. We should organise trade fairs and exhibitions at multiple levels so that the bordering cities can effectively engage in trading locally produced goods to strengthen small scale industries on both sides of the borders. However, connectivity and transit facilities need to be improved to further streamline the trade between both countries.

- **Connectivity.** It is no secret that Nepal is on its way to transform itself from landlocked to a land-linked country which China continues to exploit. With Nepal joining the Belt and Road Initiative in 2017, it is aiming to be the bridge between Central and East Asia. China has also offered four seaports and six transit points along the northern borders of Nepal.³³ Presently, India offers two seaports in Visakhapatnam and Haldia to Nepal for trade to third country and access to ports in Mundra, Gujarat and Dhamara, Orissa is in the pipeline.³⁴ India must allow access to multiple other ports to facilitate Nepal's connectivity to the rest of the world since the nearest Chinese port being offered is 3,276 kms from the Nepalese border in Tianjin while the farthest Indian port being offered is at a distance of 1,439 kms from the Nepalese border. Inland Waterways should also be enhanced to facilitate the movement of goods to seaports which would reduce the transit time significantly. There are presently two Integrated Check Posts (ICPs) with the construction of the third one having started recently along the Indo-Nepal border to facilitate smooth cross border trade.³⁵ More ICPs along the border will enhance trade for both the neighbours. A similar approach should be there to enhance rail connectivity to counter Chinese Trans-Himalayan connectivity.
- **Energy Cooperation.** Since the signing of the Power Exchange Agreement in 1971, India has not been able to tap the hydro-electric potential of Nepal.³⁶ India currently exports 600 MW of electricity to Nepal. Despite a potential of 42,000 MW, Nepal only generates 1000 MW of electricity annually.³⁷ By 2019 (Fig 5), hydropower energy contributed the maximum towards Nepal's energy requirements. India should seek to develop the hydro-electric power capabilities of Nepal in a time bound manner. PM Oli's recent intentions to revive the Pancheshwar multi-purpose project on river Mahakali and other hydro-electric projects with India can be seen as an attempt to break the ice.³⁸

Figure 2: Energy Status of Nepal in 2019



Source: International Centre for Hydropower

- **Defence Cooperation.** China's funding of 12.7 lakh Nepalese rupees to an NGO in Kathmandu for research about the reasons as to why Nepalese youth is inclined towards joining the Indian Army tells us that there is more than what meets the eye.³⁹ However, more than 28,000 Nepalese personnel serving in the seven Gorkha regiments and around 126,000 retired Gorkha soldiers of the Indian Army based in Nepal is a testimony to their friendship.⁴⁰ Nepali PM's decision to remove his alleged anti-India Deputy PM from the Defence ministry ahead of Indian Army Chief's visit to Nepal in November is probably to reset ties with its neighbour.⁴¹ General MM Naravane was also formally conferred the title of Honorary Chief of Nepal Army during his visit.⁴² To further strengthen military cooperation, more Joint Military exercises like Surya Kiran should be conducted. India should also consider assisting Nepal in modernising their armed forces and training them for disaster relief at different training establishments across India. Illegal-cross border trade and human trafficking have always been a menace to both the countries. Therefore, frequent joint patrols by both sides' paramilitary forces should be conducted along key

smuggling routes. Subsequently, Joint Security Posts can also be established by both sides to counter the common problem. In recent times, Inter Services Intelligences (ISI) of Pakistan has started gaining a foothold in Nepal to carry out terror activity against India.⁴³ India must strengthen and augment ties with Nepal to facilitate intelligence while carefully monitoring and controlling ISI's activities.⁴⁴

- **Cultural Connect.** India and Nepal share civilisational ties with Hinduism and Buddhism at the epicentre. Nepal's Janakpur, the birthplace of Sita, also became a part of the Ramayana Circuit when Prime Minister Narendra Modi visited Nepal in 2018.⁴⁵ Such visits strengthen the people-to-people relationship, give a boost to tourism and create a spiritual ecosystem. India should go beyond China's commercial approach towards Nepal and further strengthen the strong element of 'Soft Power'.
- **Perception Management.** Indian media is known for its 'extra bold' attitude. Sensationalisation by media channels for petty TRPs had received flak from the Nepalese citizens in 2015 during the earthquake in Nepal. Indian media's role had come to the centre stage yet again in 2020. Such coverage seriously harms bilateral relations. Indian media has compelled many analysts to question whether the authorities in India were deliberately using its media to attack Nepal as it becomes closer to China.⁴⁶ Indian media should continuously aim at projecting Indian initiatives to nurture Nepal's growth.

Conclusion

In essence, while the Kalapani dispute has caught world's attention, one must not forget the underlying issues which have hindered prosperous relations between the two nations and the same needs to be addressed at the earliest. The Kalapani issue can never be resolved in isolation. India must treat this issue as an attempt to seek India's attention to the continuous erosion between both neighbours. Probably the same has already been realised by higher echelons of Indian diplomacy. India needs to keep its insecurities about China at bay and both India and Nepal must look forward to consider new border management agreements due to the recent events. Both countries must amicably resolve the underlying issues using soft power and build upon the strong cultural and historical ties instead of flexing its diplomatic muscle.



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