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Seven Decades of Indo-Nepal Relations: A Critical Review of Nehruvian-Colonial Legacy, Trilateralism as a Way Forward

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Yubaraj Sangroula

Abstract

Nepal is one of few long-surviving nations in Asia. According to Pandit Bhagvanlal Indraji, a noted Indian historian, Nepal's origin as a nation dates 12 years before the end of Dwapaayuga (approximately 1700 BC). The linguistic historian Bal Krishna Pokharel and Italian writer Guiseppe Tucci have narrated the historic succession of an empire with Sinja as its capital city including regions of Garwal, Kumaon, present Uttarakhand of India, and current Nepal's capital city, the Kathmandu Valley. It is said that the powerful Nepal of that time had assisted Chandra Gupt Maurya to oust Dhana Nanda and establish the Mauryan Dynasty. These accounts plainly show Nepal's antiquity as a nation with a history of glorious past, shaped by pearls of wisdom, serenity, and peace. Alongside, there are histories of mighty nations and civilizations both in the North and South where Nepal's landscape and civilization always stand as a bridge between two mighty Empires ruled by several powerful dynasties and the world's faveolus civilizations. However, from the beginning of the 19th century, Nepal lives in a turbulent time and series of turmoil. The genesis of chaos belongs to the British colonial occupation of India—as a fateful time in history. Nepal suffered from a British imperialist invasion beginning from 1814, ending at the loss of its larger part of the geography, namely Garwal and Kumaon, which now form the territory of independent India. Against this backdrop, this paper focuses on analyzing Indo-Nepal relations from a historical perspective. It assesses a winding history of Indo-Nepal relations followed by examining the 1950 Peace and Friendship Treaty, critically analyzing Indian claims and blames about China factor in Indo-Nepal relations, and explaining the role of geography and geopolitics in Indo-Nepal relations along with International Law and rules of International Relations incorporating the perspective of conspiracy theory. . The paper claims that Indian foreign policy to Nepal has some faultiness and fault lines, therefore, she needs to correct her foreign policy towards Nepal based on equality in sovereignty and status. It adopts a qualitative method with descriptive, interpretative, and critical approaches. Lastly, it concludes that the trilateralism is the necessity of the economic boom of the region as a whole for the common gains and prosperity of all mankind of the South Asian region.

Keywords: *Indo-Nepal Relations, 1950 Peace and Friendship Treaty, Conspiracy Theory, Geography and Geopolitics, Faultiness in Indian Foreign Policy*

Introduction

Nepal's foreign policy is always marked by its innate goal of maintaining its independence and preserving national security in its long history.[1] Its competence

[1] Fauzia Atique, 'Nepal's Foreign Policy', *Pakistan Horizon*, volume 36:4, 1983, pp. 94-108.

to maintain a balanced relationship with China and Magadha during the ancient and medieval eras is remarkably significant. Nepal established its official formal relations with Magadha since Ashok's reign. This fact has been abundantly evidenced by his visit to Nepal[2] and several Buddhist Stupas he constructed in Kathmandu valley and a stone pillar with the inscription at Kapilvastu. Official relations with the Tubo kingdom (Tibet—a suzerainty of China) began during the 630s and Tang dynasty China during the 640s. In 651, Lichhavi King Narendradeva sent Nepal's first mission to China, headed by his son Skandadeva. Historical anecdotes have revealed that the Chinese Emperor received that mission with utter happiness and enthusiasm. Tang Emperor was delighted because Nepal had provided generous assistance to rescue the members of a Chinese mission to Magadha, who had been arrested and detained by a dissident General at Tirahaut. When Gao Zhang was crowned as the succeeding Tang Emperor, he sent the third mission to Nepal and Magadha to offer prayers in Buddhist shrines in Nepal and Magadha.[3] From that time onwards, as a mark of felicitation, both countries maintained a culture of sending emissaries to each other's Capital regularly. This fact abundantly proves that Nepal was the first to establish its official relations with China in South Asia formally.

Notably, Nepal's trade highly flourished during this era. The connectivity between the two countries opened Kerung and Kuti (border entries between Nepal and China's Tibet) as entry and exit points. In the meantime, Kathmandu had become a center of Buddhist learning. It maintained a closer connection with Gaya and Nalanda, which stood as Buddhist shrines. The exchange of trade and cultures became a common phenomenon between the two countries. Kerung and Kuti, two townships bordering Nepal and Tibet, offered gateways for trade between Nepal and China also opened a new link between India and China. A branch of the Silk Road system thus became established, connecting Xian, the then Capital of China, with Kathmandu via Lhasa. This route connected Kathmandu with Pataliputra, Kashmir, Kabul, and eventually to Iran and Europe.

This new development established Kathmandu as a hub of trade and commerce and fame. Kathmandu emerged as a proud rich city in South Asia. Through its thicker connectivity with China, Nepal learned the technology from China to produce paper.[4] This achievement was significant as it added Nepal's commodity of trade with India.[5] In the days to come, writing paper became one of the regular items Nepal exported

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2 D. R. Regmi, *Ancient Nepal,* Firma K. L. Mukhopadhyay, Calcutta, 1969, p. 8; Reprint, Rupa & Co. in association with Dilli Raman Regmi Memorial Foundation, New Delhi, 2007, p. 8.

3 Baburam Acharya, *Chin, Tibet ra Nepal (China, Tibet and Nepal),* Fine Print Books, Kathmandu, 2017, p. 23.

4 'New Economic Order and Current Pattern of Indo-Nepal Trade', *Sodhganga,* available at http://shodhganga.inflibnet.ac.in/bitstream/10603/167998/10/10_chapter%203.pdf, accessed on 24 July 2018.

5 Rishikesh Shah, *Ancient and Medieval Nepal,* Ratna Pustak Bhandar, Kathmandu, 1992, p. 21. *'About this time Nepal learned art of papermaking from China and handmade finest quality paper constituted one of the* merchandises to export to India besides *musk oil, orpiment, blankets, and other woolen goods to India and beyond.'*

to India. From the increased trade with China and Magadha, Nepal emerged as a prosperous country. Its business with Magadha included handmade finest quality paper, musk oil, orpiment, blankets, and other woolen goods. Kautilya also mentions, in the book *Arthasastra,* the dominance of Nepal's wool-items in Magadha.[6]

In his famous treatise Arthasastra, Kautilya has meticulously mentioned that woolen blankets called *Bhrings* and other articles made in Nepal were highly preferred merchandises in the market of Pataliputra 4th century BC.[7] He says, "*Astaplautisanghatva Krsnabhringisi Varsavaranamapasarkaiti Naipalikam*—Nepal is a country famous for a kind of woolen blanket called *Bhringisi* (in Arthasastra 2, Adhikarana II Adhyaya, 30 Prakarana). This reference of Kautilya brings a couple of facts into the limelight. First, Nepali merchants had their trade established and expanded in Magadha's markets. Second, Nepal had already gained the stature of an important nation in South Asia; otherwise, Nepal's merchants would not have been privileged to receive an honorable position in the market of *Pataliputra.* Furthermore, the archeological finding of *Kusana* Kathmandu also indicates that merchants and pilgrims from different kingdoms did visit Nepal.[8] From both viewpoints, Nepal was a destination for foreigners. Hari Shen, a scholar from Samundra Gupta's reign, mentions religious and commercial links between Nepal and India.[9] This fact shows that Nepal was a fully organized nation during Samundra Gupta's reign in Magadha, who succeeded his father, Chandra Gupta I, in 335 A.D. and ruled for forty long years till 375 A.D.[10]

According to Jean Przyluski, a historian, Nepal maintained relations with its Southern neighbor since the Mauryan age. Onwards this time, Nepal was accessible via a northern grand route, beginning at *Pataliputra* and passing through Vaishali and Sravasti Rivers. Some Greek accounts mention the *Grand Trunk Road of ancient India*, a royal road running from the Northwest Frontier to *Pataliputra*, about 1300 miles in length. This road connected Nepal's trade with Magadha.[11] According to D. R. Regmi, "The route connecting Nepal with India with China and Tibet and the route of Assam leading to China and Southeast Asia were offshoots of this main road."[12] He says: "In the first

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6 D. R. Regmi, *Ancient Nepal,* Firma K. L. Mukhopadhyay, Calcutta, 1969, p. 8, Reprint, Rupa & Co in association with Dilli Raman Regmi Memorial Foundation, New Delhi, 2007, p. 18.

7 Nepali Economic Relations with British India after Unification of Nepal', available at http://shodhganga.inflibnet.ac.in/bitstream/10603/168019/ 8/08_chapter%201.pdf, accessed on 4 May 2018.

8 E. H. Walesh, *The Coinage of Nepal*, Reprint Low Price Publications, Delhi, 1990, p. 9.

9 Bimal Chandra Panday, '*Prachin Bharat ka Itihas*', A Manuscript in Department of Archaeology of Nepal, p. 57.

10 S. Priyadarshini, 'Biography of Samudragupta and his Rule in Ancient India', *History Discussion,* available at http://www.historydiscussion.net/biography/ biography-of-samudragupta-and-his-rule-in-ancient-India/2489, accessed on 24 July 2018.

11 D. R. Regmi, *Ancient Nepal,* Firma K. L. Mukhopadhyay, Calcutta, 1969, p. 8; Reprint, Rupa & Co in association with Dilli Raman Regmi Memorial Foundation, New Delhi, 2007, pp. 16, 44: Haripada Chakravarty, *Trade and Commerce in Ancient India* (C.200 B.C. - C.650 A.D.), Calcutta, 1966, pp. 23, 26, 182, 184.

12 D. R. Regmi, *Ancient Nepal,* Firma K. L. Mukhopadhyay, Calcutta, 1969, p. 8; Reprint, Rupa & Co. in association with Dilli Raman Regmi Memorial Foundation, New Delhi, 2007, pp. 16, 44.

half of the seventh century A.D., Nepal was the center of transit trade between India and Tibet."[13] Descriptions of Laxman Bahadur Hamal, another historian from Nepal, corroborate Regmi's accounts. In his view, the route connecting Bihar to Tibet and then China through Nepal made the continuous flow of trade among Nepal, India, Tibet, and China possible in the earlier phase of history.[14] Bal Chandra Sharma's words, '*Mulasarvastivada Vinaya Sangraha* and Kautilya's *Arthasastra* show India's commercial relation with Nepal and Tibet since 500.[15]

These historical facts are crystal clear. They manifest a growing friendship and business of Nepal with the Imperial Court of China and India. Nepal successfully and competently maintained its relationship with them, peacefully and unchallenged. These historical records manifest the feasibility of Nepal's standing as a bridge between two neighbors. They also show that a flourished economy of Nepal is expedient for Nepal to gather fame and respect from both neighbors.

Most importantly, the historical experiences of Nepal provide evidence for the validity and vitality of a theory that an economically sound and politically stronger Nepal can efficiently maintain a balance in the relationship with China and India. These experiences are learned from an extended history and show the significance of geo-economics as a crucial model of Nepal's relations with its neighbors. History never saw Nepal's geopolitical situation as a hurdle for Nepal's unchallenged survival and earning wealth. The historical anecdotes also manifest a reality that Nepal can stand as an economic and cultural bridge between China and South Asia, provided that Nepalese political leaders and administrators stand without compromise in favor of Nepal's national interests. Historically, it has been a fact that stable, financially viable, and diplomatically active Nepal can address effective balance in relationship with neighbors without any threat to its existence.

Nepal's relationship with its Southern neighbor began to worsen after the latter's invasion and fateful occupation of its larger terror by the British colonial regime in 1814-16. The war for territorial control was colonially motivated because Nepal had no crisis in relations with the East India Company before aggression in 1814. The Government of Nepal and EIC had signed a border agreement on 26th October 1801. The treaty was concluded with the satisfaction of both sides, fully recognizing that the two sides had no problems on the border. Moreover, a measure for negotiating peacefully, to settle disputes if any occur in the future, had been adopted.[16] Unfortunately, the situation failed to improve even after India's independence from the colonial yoke. Since 1947, India

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13 Ibid.

14 Laxman Bahadur Hamal, *Economic History of Nepal (from antiquity to 1990*), Jauhari Printers, Varanashi, 1996, p. 97.

15 Dhanrajya Vajracharya & Tek Bahadur Shrestha, *Panchali Sasan Ko Aitihasik Bibechana,* in Ramesh Dhungel, p. 97. cited in Laxman Bahadur Hamal, *Economic History of Nepal (from antiquity to 1990*), Varanashi; Jauhari Printers, 1996, p. 97.

16 Buddhi Narayan Shrestha, *Nepalko Sima Sambandhi Bibechana* (translation: Analysis Relating to Nepal's Border) in Bharat Bahadur Karki and others, *Nepal, India and China Treaties,* Kathmandu: Madhuvwan Prakashan, 2075 B.S (2019 AD), p. 25.

had collaborated with British colonialism to perpetuate conscripting Nepal's citizens in the British military. Preposterously enough, independent India stepped into the colonial rule, thus recruiting Nepalese citizens into the Indian army, adversely affecting Nepal's national independence. The people of Nepal never thought of this unwanted happening. Intending to perpetuate the 1923 treaty signed by Nepal and British colonial rule, India colluded with Nepal's Rana autocratic regime, which was waiting to fall soon, to enter into the 1950 treaty of Peace and Friendship. The treaty was signed when the fight of the revolutionary forces of Nepal against the regime was rapidly progressing. This treaty was a betrayal to the democratic parties of Nepal by independent India.

Nepal's relations with independent India have aged over 7 decades. In this period, Nepal faced a few economic blockades from India, posing severe hardships to the people of Nepal. While the ongoing relationship is not severely deteriorated and tense, the deficit in mutual trust continues. A stalemate continues to prolong in the delineation of the border between two countries in some parts. The issue has become especially hot in the Kalapani sector, where India has occupied a considerably larger portion of Nepal's territory. Both countries have issued maps showing the territory within their respective boundaries. Categorically speaking, the people of Nepal see India's foreign policy to Nepal as arrogant and unfriendly. Indian political community, on the other hand, fear Nepal's so-called increased proximity with China. Nepal's fears are realistic because India has repeatedly manifested an attitude of following the footprints of the British Colonial Regime. India's fear of Nepal is largely perceived because it observes Nepal from the eyes of its relationship with China.

Nepal and India share an open border, and the two countries' peoples have thicker social relations. Nepal is almost dependent on trade with India, besides its transition routes to approach the sea. The people of the two countries share a history of connectivity for over two thousand years. Both countries have suffered from the yoks of colonialism and its destruction, though Nepal skipped physical colonization. Yet, Nepal suffered from colonization of the population due to mandatory conscription into the colonial military force. In two World Wars alone, Britain exploited approximately seven hundred thousand Nepalese youth, of whom around 30 percent gave their lives, but without any advantage obtained. None of the two can change the neighbors—this is reality. They have to live together. To sum up, their relations stand at a paradox.

This article has touched upon several issues of the two countries' relationship but stresses respectful co-existence and cooperation between the two countries. I argue that Nepal cannot ignore and minimize its relationship with its Northern neighbor for its peaceful and respectful survival. I would, therefore, also argue that a functional and beneficial balance in a friendly relationship with both is Nepal's perpetual expediency. Nepal cannot compromise in this expediency. In my opinion, this critical situation of Nepal stresses Nepal's urgency to follow diplomacy driven by the principles and approaches of geo-economics rather than geopolitical considerations. It suggests that Nepal must engender an environment conducive to tri-lateral cooperation as Nepal's inevitable feature of its diplomacy. Otherwise, Nepal's economic development and political stability will keep facing detriments.

Hence, I have delved into two assumptions and theories as primary ones. First, Nepal can deal with its two neighbors only by achieving its economic independence from India. Nepal has to diversify its trade and transition routes; Nepal cannot afford to be a satellite market for one neighboring country. This necessity can be addressed by adopting the model of trilateral cooperation model. The discussion in the foregone paragraphs shows that Nepal successfully handled its relations with powerful Chinese and Magadha dynasties and flourished a better economic position. It successfully established itself as a bridge between them and immensely contributed to their development also. This assumption indicates that Nepal's political independence depends on the nation's economic sufficiency and people's prosperity. Second, Nepal has to pursue a dynamic foreign relations policy with India and China for its peaceful existence. As history has enormously taught us, the foreign policy of Nepal must be timely and contextual. It has been noticed that nations' attitudes change with their changed economic position. China and India are no exception to this rule. For instance, China presented itself arrogantly to Nepal in 1814, when Nepal sought its assistance to fight against the British colonial invasion. China's Qing dynasty showed its extreme arrogance and declined to assist. It attempted to treat Nepal as its suzerainty instead. Similarly, India's treatment of Nepal during the 1950s was hardly less than colonial.

We know that Nepal's two neighbors were economically weaker and politically less influential till the 1990s. Nepal was vulnerable but it had better political stability. Nepalese commitment to national interests was more definite, despite massive illiteracy. Hence, Nepal had to deal with two weaker powers. But the situation is drastically changed over the last two decades. Currently, China has become a global giant economically and has stood as one of the powers in international affairs. India, too, has become a regional giant, both economically and politically. However, Nepal's situation declined further, as it has been facing acute political instability and massive erosion in political actors' commitment to national interests. Nepal is to deal with two internationally influential nations with its meager position in such an adverse situation. Its neighbors are competing harshly, both economically and militarily. Hence, its earlier foreign policy and model have become redundant. Yet, its foreign policy has hardly seen any shift, both in policy update and institutions capability.

In the present changed context, it is expedient for Nepal to revisit and make timely changes in its foreign policy, stressing a trilateral cooperation model. Hence, I propose that Nepal enhance and alleviate diplomatic potentials and endeavors to deal with neighbors widely, using international law. Nepal must invoke its rights under international law assertively and invigorate the bargaining capacity. International law is the only feasible or dependable means for Nepal to protect and further its national interests. Admittedly, Nepal's survival and economic development depend on its maturity in diplomacy; the prospect of defending national security by armed machinery is almost zero in the present context.

But several glitches hinder the Nepalese political actors' ability to deal with foreign policy and diplomacy effectively. A defeated or stifled attitude is one of them. Nepalese politicians and diplomats have constantly flunked to table country's interests before

Indian counter-part straightforwardly and unequivocally. They are personal interests for private gains often set aside national interests. And, their deceits to the nation's interests are also not unreported. A deficit in intellect is a serious hurdle, either. The Nepalese political actors are severely distrusted by the general people in their commitment to protecting national interests.

Moreover, the tendency of the political actors to ignore expertise is another problem. The culture of research concerning emerging international affairs issues and devising appropriate foreign policy responses is the least stressed, if not discouraged. Being an ambassador is a leisurely job or a prize for those who have served the leadership's interests. The foreign policy bureaucracy is stereotypical, thus less interested in specialized dealings of foreign affairs issues. National diplomatic and security secrecies are hardly classified—nothing secret in these regards is unleaked. Political leaders visit other countries without justifying the purposes of such visits. No foreigners in Nepal are constrained to meet political leaders. Neither the records of their meetings are maintained. No minutes or reports of diplomatic meetings are prepared and preserved.

Norms and values of diplomacy are unheeded, in general. The lack of international law expertise in ministries dealing with foreign policy, security policy, and law is acute. International law expertise is never encouraged to flourish. The field of international relations expertise fares no good, too. Painfully enough, these sectors suffer from unimaginable scarcity. The culture of engaging academics in concerned agencies and political leadership for consultation in foreign affairs issues is absent. These agencies are considered exclusive domains of their employees. The minister's advisors come from political cadres; the advisors' positions are taken as rewards to henchmen. Thus, saying goes in Nepal, " the country is saved by *Pashupatinath*" (a God popularly worshiped in Nepal). Nepal's foreign policy is going through a bizarre state, especially after restoring the multiparty democratic system in 1990, following people's great popular movement. While this popular movement aspired for drastic progressive change in Nepal's government system and social structure, the leadership abjectly failed to address people's aspirations. Rather, the country was forced to plunge into political gimmick and corruption.

Consequently, Nepal severely flunked to assert its rights under international law. It even failed to assert its rights as a landlocked country, guaranteed and protected by the 1982 Convention on the Law of Sea, which grants unrestricted transit access to and from the coast. This truth is confirmed by the fact of Nepal having a transit treaty with India that does not recognize Nepal's rights of transit as an international right under the 1982 Convention on the Law of Sea. Nepal is entitled to use Indian territory for traffic transit as a great privilege given by the Government of India under the Treaty of Transit between the Government of Nepal and the Government of Nepal, 1999, extendable every seven-year.[17]Article I of the treaty says the following:

[17] See, Ministry of Commerce, Government of Nepal, https://commerce.gov.in/wp-content/uploads/2020/05/TransitTreaty_NEPAL.pdf, accessed on 4 July 2021.

> *"The Contracting Parties shall accord to "traffic-in-transit" freedom of transit across their respective territories through routes mutually agreed upon. No distinction shall be made which is based on the flag of vessels, the places of origin, departure, entry, exit, destination, ownership of goods or vessels."*

The treaty even fails to mention the 1982 Sea Convention. The agreement grants concession traffic transit to both countries using their territories. While Nepal and India both are parties to the Sea Convention, Nepal has failed to prepare India to concede its right of transit as an international law right. This failure is associated with its lack of negotiation with India, and the same is associated with its desperate lack of competence to invoke international law. The most disparaging fact lies in Nepal's failure to realize a fact that a weaker land-locked country like Nepal can only protect its national interest by mastering its incompetence to invoke international law and widely utilizing the international forums.

Interestingly, however, the transit treaty between China and Nepal recognizes Nepal's right to transit as the right of a land-locked country under the Sea Convention. The treaty recognizes the right as an irrevocable right. The Protocol of the treaty was signed in September 2017. Through the protocol, China has agreed to grant seven transit points– four sea ports (Tianjin (Xingang), Shenzhen, Lianyungang, Zhanjiang) and three land ports (Lanzhou, Lhasa, Xigatse) – to Nepal for trade with third countries. Unfortunately, the treaty has hardly been entertained by the government of Nepal. The reason is concealed. However, an Indian security analyst Nihar R. Nayak's following description sheds some light: "Whether the arrangement will or will not succeed in reducing Nepal's dependence on India in practical terms is a different matter. But it will certainly give Nepal an edge while negotiating with India on many issues."[18] The statement is self-evident why the Nepalese government is inattentive to the treaty with China.

The reason for Nepal's failure in diplomacy is primarily associated with its dismal competence to invoke and enjoy international law, besides its abject lack of diplomatic skills and pr-activism. Its inattention to its role as a Chair of the SAARC is obvious. It might fail to reinvigorate the vitality of this regional organization but could pursue persistent efforts to build pressure on its members to rethink, to revive it. Unfortunately, its efforts are direly lacking. The Government's apathy to develop diplomatic competency is illustrated by the government's latest decision, which nullifies the creation of an educational degree to be an ambassador. The decision says that a former minister can be appointed as an ambassador without a university graduation degree.[19] This decision illustrates the level of political leadership's understanding of diplomacy. Hence, Nepal's major challenge in its foreign policy and diplomacy lies in

[18] Nihar R. Nayak, 'Nepal-China Transit Agreement: An Evaluation', IDSA Issue Brief, September 17, 2018 at https://idsa.in/system/files/issuebrief/ib-nepal-china-transit-agreement-270918_0.pdf, accessed on 4 July 2021.

[19] Anil Giri, 'Change in criteria to appoint ambassadors meets with widespread criticism', *The Kathmandu Post,* June 2021 available at https://kathmandupost.com/national/2021/06/06/change-in-criteria-to-appoint-ambassadors-meets-with-widespread-criticism.

understanding the significance of diplomacy and international law. India is severely exploiting this weakness in its dealing with Nepal over the years. This weakness is aggravated further by petty personal interests of Nepalese leaders and bureaucrats for personal benefits, which Indian authorities are happy to offer.

Consequently, Nepal's relations with other countries are generally marked by two major characters. First, it is marked by intense competition of influential powers for leverage over Nepal. Since Nepal's position in international affairs is dismally weak and unyielding, it is often unable to bear the pressure of that influence. Particularly, the pressure of India and Western countries is overly intense. Second, Nepal's fragile diplomacy, characterized by an acute lacking of expertise, is far short to counter the foreign powers' influence and domination, particularly the India factor in Nepal's foreign policy. I have, therefore, gone a little deeper into the India factor. Unequivocally, the success of tri-lateralism in cooperation demands change in Indian's stereotypical approach in foreign policy to its geographically smaller neighbors. This approach temporarily disappeared in the 1980s but could not last long.

Both China and India have vital national security interests in Nepal. Nepalese academia and foreign policy experts fully concede this reality. The literature review spanning the past two decades manifests that the Nepalese academia has persistently urged the political parties and the concerned government agencies to revisit diplomacy and bolster foreign policy, meeting the needs of the changed context. Nepalese academia has also responded to the unfounded speculations and rhetorics of Indian academics alleging Nepal's tilt to China. But the Nepalese government's diplomatic response to this problem is severely inadequate.

Over the last two decades, two thoughts have mushroomed in Nepal. Most academics and the educated population of Nepal hold that China wants Nepal's economic development to take a pace to catch up with its neighbors' economic rise. China views that Nepal's political and economic chaos are determinantal to China's security, particularly in its Tibet autonomous region. Conceivably, China prefers Nepal's economic rise and political stability as a safety valve to its security in Tibet. Hence, the Chinese diplomacy with Nepal is fully concerned and concentrated on the latter's economic drive. China has kept itself out of engagement in Nepal's politics. Unequivocally, economically developed, and politically stable, Nepal will be a shield to block the outsiders' (Western power bloc and India) game against Tibet's security by using Nepal's territory and fragile political situation.

On the contrary, Nepalese academia and educated people's perception of India is growing different. The role of Indian jingoist mass media, the unfounded speculations of Indian academics, and the unending bashful remarks of some retired Indian diplomats are primarily responsible for generating this perception among Nepalese. An increasing mass of Nepalese people hold that India's preferred choice is to keep Nepal under its security umbrella; it is a situation in which Nepal must listen to India's advice on national interest issues. Hence, India may not be unwilling to permit Nepal to pursue its independent economic drive and partner with China and other countries for its development. India's silent objection to Nepal-China Belt and Road Agreement

is an example. Its non-endorsement of China's proposal for establishing the Trans-Himalayan Corridor is another example. Arguably, as some people point out, India fears economically developed and self-reliant Nepal, considering that it may adversely impact its national security against China. This perception is deeply rooted in the minds of Indian media, academia, and Indian foreign policymakers. The perception carries on the colonial legacy and, as such, is a root cause for the unchanged Indo-Nepal relationship, which occasionally turns to be a turbulent event like blockade in 2015.

In international relations, two main theories—liberalism and realism—hold dominance. Liberalism holds faith that the cessation of hostilities and war is an attainable goal; hence, turbulent relations between nations can be sobered. The League of Nations was founded on this faith. Yet, the second World War showed this theory's lack of relevance. The realist theory, on the contrary, relates hostilities and war with human behaviors and argues that the elimination of hostilities and wars is utopia. For realists, hostilities and conflicts are a reality, and they are always potential to occur. In their opinion, international politics itself is a source of hostilities and wars. Countries' national interests play paramount roles in fuming such hostilities and conflicts.[20] From a critical point of view, Marxist point of view particularly, the international law is beset by the domination of powerful states, which often disregard its legitimacy, provided that it goes against their vested interests.[21]The strategy of dominant power is to divide and alienate the nations, so the freedom of less powerful states is a critical agenda. Pundits of Post-colonialism point out that inequality is a major reason for the imbalance between powerful and less powerful states.[22] I would pay attention to these theories in my analysis, though implicitly.

From these different points of view, Nepalese people often find themselves at odds, particularly in their nation's relations with India. If Nepal and India are culturally closer, as Indian leaders, intellectuals, and leaders often say, why do the two countries face a deficit of trust in their relations? This question is unanswered. As a growing regional power in Asia, it is India's responsibility to answer this question appropriately without forcing its less powerful neighbors to compromise their national interests. It is meant that India is to volunteer to mend its relations with Nepal and alleviate the trust between the two countries. Most importantly, as a country suffering from two centuries-long colonial yokes, India should not fail to consider others' problems; it must delve into reasons for the deficit in trust with Nepal.

Errors in India's foreign policy are obvious. But Nepal's foreign policy is further defective. The foreign policy of any nation articulates from predetermined 'standard operating procedures' implemented through complex bureaucratic and administrative

[20] Stephen McGlinchey, Rosie Walter & Dona Gold (eds), 'International Relations Theory', E-International Relations Publishing, 2017, pp. 4-5. available at http://www.e-ir.info/wp-content/uploads/2017/11/International-Relations-Theory-E-IR.pdf, accessed on 29 June 2021.

[21] Ibid.

[22] Ibid.

procedures.[23] Unfortunately, India has dismally failed to apply this definition to Nepal. Decision-makers of India's foreign policy to Nepal ignores a complex web of relationships between two countries. What is implied is that they do have no standard operating procedures to treat Nepal as a sovereign independent nation, at least in practice. While, in principle, India has fully recognized Nepal's independence and national sovereignty, it ignores the same in practice. As discussed in subsequent pages, India loves to dictate Nepal even in its internal affairs. One can be adequately informed in this regard from B.P. Koirala's autobiography.

Hence, I argue that Indo-Nepal relation has seen scarce qualitative change in their relations even after Indian independence from the British colonial regime. Nepal enjoyed a special connection with India during the *Britishraj*. Interactions between the two nations were predominantly determined by the unilateral interests of the British Colonial regime. Yet, Nepal could preserve its freedom from meddling in its internal affairs compared to the post-independence Indian Government. The Rana administration of Nepal maintained an intricate diplomatic relation with the British raj—generally aimed at making the colonial officers not unhappy. As rightly noted by Amish Raj Mulmi, a journalist, Kathmandu's disposition towards the British noticeably changed from adversarial to acquiescent.[24] In his view, this posture of the Ranas ended Nepal's tranquility without cordiality with the colonial rule.

Initially, Junga Bahadur Rana, the first Rana ruler, adamantly refused to accept the British raj as superior authority for Nepal affairs. Still, he subsequently employed a strategy to appease the colonial rulers by collaborating with them, providing Nepal's military support in 1957 mutiny and timbers for railway construction. Anyway, Junga Bahadur succeeded in securing Nepal's freedom and the safety of his regime. Yet, he kept refusing to accept Nepal's position as a suzerainty of British colonial power. Somehow, Junga Bahadur held a trust that a policy of appeasement could prevent British interference in Nepal's affairs. "The British Government tells us that it has no desire to interfere with our internal affairs… We attribute that independence solely to our peculiar policy." Ludwig F. Stiller quotes Jung Bahadur as saying to George Ramsay, a British resident at Kathmandu.[25] By its consistent appeasement policy, the Rana regime succeeded in having a treaty in 1923 guaranteeing Nepal's independence, declaring that Nepal was an independent country.

The article has made sincerely detailed attempts to surface the events that show occasional outbreaks of uneasiness faced by the relations between Nepal and India. Nepal's geopolitical location between China and India is a fact, and they represent

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23 Martin Griffiths & Terry O'Callaghan, *International Relations: The Key Concepts,* London: Routledge, 2002, p. 58.

24 Amish Raj Mulmi,'Why did the British not colonize Nepal', *The Record,* 1 October 2017, available at https://www.recordnepal.com/wire/features/why-did-the-british-not-colonize-nepal, accessed on 19 June 2020.

25 Ludwig F. Stiller, *Nepal: Growth of a Nation,* Kathmandu: Human Resource Development Center, 1993 (cited in Amish Raj Mulmi,'Why did the British not colonize Nepal', *The Record,* 1 October 2017, available at https://www.recordnepal.com/wire/features/why-did-the-british-not-colonize-nepal, accessed on June 19 2020.

the two most popular civilizations of the world. Undeniably, these two countries are major representatives of the human populations of Asia. Before the 20th century, China and India lived peacefully with great events of trade and communications. However, the colonial regimes in Asia forced both of them to suffer tremendously. After their freedom from colonial yokes in the 1940s, they emerged as the two important regional powers with distinct political systems and institutions. Nepal also played a crucial role as a bridge between them and had sound relations without anyone's envy. However, after the war of 1962 between them, Nepal's geopolitical situation turned sensitive. The clashes of interests between China and India led Nepal to suffer from innumerable perils and pushed it into a trap of stagnated economic development. Hence, the article has called for the end of this situation by promoting trilateralism in cooperation.

After World War II, the international law and world order premised on the UN Charter that recognizes the right of all nations to self-determination, the line established by the customary international law under the Montevideo Convention on States Relationship 1933. Article 2 of the UN Charter recognizes sovereign equality as the key principle of states' relations in the post-World War international order. With that, the UN-based international law has replaced the Euro-centric law of nations, which safeguarded the interests of colonial powers. Hence, this article attempts to define the legitimacy and rationality of states' behaviors in the light of international law principles founded on the UN Charter and various other international treaties and conventions. The Indo-Nepal relations cannot be an exception to this new order.

The post-colonial international law refutes the relevance of the realist theory of international relations, which emphasizes the element of power as a decisive factor of determining relations between states. Hence, the article has stressed the right to self-determination as a guiding principle for states' relations. The right to self-determination promotes the notion of cooperation between nations without the cost of sovereignty. It provides rationality to the decolonization theory of international law. It promotes wider prospects of cooperation among nations, fully recognizing that every nation has full rights over its resources. It stresses the relations among nations without forcing them to agree to special status and alliance. Modern Nepal chooses to follow this international law doctrine in relations with both India and China. Therefore, the article attempts to justify Nepal's politically equi-distance and economically equi-closer relations with India and China based on the doctrine of the right to self-determination.

This article has delved into the prospects and challenges of Nepal's relations with India from China's rise. China and India have emerged as key economic powers of Asia, and their trade partnership has tremendously increased though disputes on borders linger even today. The increased involvement of trade between them provides a better situation for Nepal to transform its acute geo-political situation into geo-economic co-operation. Nepal's Treaty of 1950 with India cannot bind Nepal to strengthen its economic interests with other countries. The positivist theory of international law is now misnomered in the context of inclusive globalization. Nepal has, in practice, refused to abide by its certain provisions that tend to lead Nepal's position as 'de-facto suzerainty' of India. The treaty provisions imposed by colonial powers or influenced

by the colonial concept of sovereignty cannot be interpreted as the binding obligation to defuse a state's right to self-determination or sovereign competence. Hence, by applying the sovereign equality theory of international law, the article has analyzed certain provisions of the 1950 treaty that restricts 'exercise by Nepal of its sovereign independence.' The article rejects the validity and applicability of the positivist theory of international law as a tool for imposing obligations under an unequal treaty.

Nepal has bilateral relations with both China and India. However, Indo-Nepal relations have encountered several painful turbulences, whereas Nepal-China relations are generally smooth. While China has recognized Nepal's geographical proximity with India and sees no security problem in Nepal's proximity with India, the situation with India is different. India sees Nepal's closer relations with China as a threat to its security, and it often resorts to highhandedness against Nepal. This article has made efforts to surface the troubled relations between Nepal and India, adversely affecting Nepal's development. The article has also made efforts to streamline the ensued impacts upon consolidation of the relations towards more pragmatic growth of the mutual dependence of the two countries. However, the article argues that the three countries' cooperation is the best guarantee for everyone's security

The article refutes Leo E. Rose and John Whelpton that Nepal would eventually be merged with India or China. These arguments are the outcomes of mis-understanding or misinterpretation of history. This vile theory Nepal's merger with India or China results from their dependence on the Euro-centric conspiracy theory of international relations. Both these gentlemen—who claim mastery over knowledge of the history of Nepal—have tremendously been influenced by the Western-centric approach of understanding Asia, which can be termed as 'vilified orientalism.' By propagating that theory, both Rose and Whelpton have demonstrated their intellectual authoritarianism. Finally, the article has tried to gauze the Indo-Nepal relations from the vantage point of the rise of China as a dominant economic power and its increased involvement with Nepal and India in the fields of trade and cultural connectivity. It has attempted to identify fault lines in Indian diplomacy that are primarily responsible for creating troubles in relations between Nepal and India and China and India.

A Winding History of Indo-Nepal Relations:

The British raj considered Nepal as a natural barrier against the Chinese threat from the North. To the north, Chinese Emperors since Tang Dynasty treated Tibet, bordering Nepal, as its integral part and viewed Tibet as its southern frontiers, guaranteeing security from the South. Caught between these two giants of Asia, Nepal's national interests were psychologically impacted. Protecting the nation's independence is a pressing matter for Nepal always, specifically during the modern era.[26] Pointing to this reality, Leo E. Rose has said:

[26] Fauzia Atique, 'Nepal's Foreign Policy', volume 36, no. 4, *Pakistan Horizons*, pp. 94-108.

> *"Even during the days of Prithivi Narayan Shah, the most formidable problem in formulation and implementation of foreign policy was the preservation of the country's independence in the face of concurrent threats posed by the dominant power in the northern India, the East India Company, and expanding Chinese presence in Tibet."*[27]

The Ranas, by their appeasement policy, succeeded in thwarting the danger of annexation of Nepal and keeping it safer from evangelizing the society and plaguing it from the religious and communal division of the Nepalese society. To prevent *British raj* from invading Nepal, Jung Bahadur took momentum to support the East India Company government during the acute crisis of soldiers' mutiny in 1857, defined by some Indian historians as the first outbreak of the Indian people's rebellion against the colonial rule. Though Nepal's support to suppress the Indian rebellion of 1857 contributed to the prolongation of colonial subjugation in South Asia, the Rana rulers saw it as an opportunity to preserve Nepal's sovereignty. But in all sense, this act of Ranas was morally unjustified. The 1814-16 war between Nepal and East India Company was traumatic for Nepal because the colonial regime had mobilized huge soldiers against Nepal. The overwhelming majority of soldiers were Indian nationals. Nepal had desperately implored several princely states of India to stand in support of Nepal which went in vain. Ranjeet Singh, the King of Punjab, was personally pleaded by Nepal's royal court to join against East India Company through an official invitation. Still, he too, betrayed Nepal by handing over the letters addressed to him to the British officials.[28] Nepal had bitterly been forced to cease its larger territory to the colonial power.

The Nepalese support in 'the Indian soldiers' mutiny was considered a significant backing in a critical juncture by the colonial regime. The colonial regime would probably have been destroyed without Nepalese soldiers' firm support. With Nepal's support, the regime succeeded in quelling the rebellion. This support resulted in a beneficial outcome to Nepal; the British colonial government returned some portion of the territory it had forcefully taken after the 1814-16 war. In 1860, after the rebellion ended, Nepal and the British raj signed a treaty that returned *Tarai* (southern plain-land) to Nepal. This treaty solemnized the marriage between two regimes. While the suppression of the 1857 rebellion perpetuated colonialism in India, it proved to be an occasion to safeguard Nepal's independence. Some Nepalese analysts of history argue that had not Indian soldiers been used in the 1814-16 war against Nepal, Junga Bahadur would not agree to mobilize the Nepalese army against the mutiny.

Nevertheless, the British Imperialist regime persistently declined to recognize Nepal as an independent nation. In the British colonial court in India, some people like Lord Curzon persistently pushed for launching a campaign to annex Nepal into their Indian colony. Nepal stood safe only because some officers of the company were

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27 Ibid.

28 The letter handed to him Kazi Amar Singh Thapa, who personally entreated Ranjeet Singh to form an alliance against the East India Company. However, this attempt failed to yield results. Ranjeet Singh, for a hope of winning the trust of the colonial regime, took the chance of surrendering the letter to the colonial officials.

reluctant to invade Nepal. Even though none of the colonial officers were prepared to accept Nepal as an independent nation—not because Nepal lacked attributes of an independent country but because they did not want to see Nepal as a nation with similar status. The colonial regime at Calcutta, therefore, declined to accept the Rana rulers' proposal. They tried to treat Nepal on an equal footing of Sikkim or Bhutan. But the Ranas kept insisting on their arguments. They argued that Nepal's sovereignty and nationhood were no less important than Britain itself.

The Ranas had the backing people in this matter. The sense of an independent nation was deeply entrenched in all Nepalese people. Hence, the attitude of some conservative and colonialist British was considered by Nepalese as unfair and imperialistic. The Ranas succeeded in pressing the British to reckon about by their persistent urge. But some colonial officers were adamantly opposed to it. Resident E. L. Durand's letters in 1889 from Kathmandu to his masters in Calcutta is an example. He wrote entreating his bosses at Calcutta:

"Calcutta should emphasize on Kathmandu the fact of the supremacy of the British Government… the fact of the absolute dependence of Nepal upon the generosity and liberality of Government [of India], and the fact that no outside claims or interference with our undoubted protectorate could be tolerated in regard to any State on this side of the Himalaya."[29]

Lee Warner, a diplomat, also remarked, "I have never regarded Nepal as 'independent' except in certain attributes of sovereignty. Its internal sovereignty is more complete than that of any other protected state of India. But it has no real international life. It is, therefore, in my opinion, a glorified member of the protectorate." Most conservative among all those against Nepal's sovereignty was Viceroy Lord Curzon. In a 1903 letter to the Secretary of State, he wrote, "It approximates more closely to our connection with Bhutan than with any other native state… Nepal should be regarded as falling under our exclusive political influence and control."[30]

Some of them opposing Nepal's merger with the British raj viewed that the 'colonization of Nepalese population' was far more significant than the annexation of territory. Hence, they persuaded the British high officers to focus on legalizing the Gurkha Regiment rather than insisting on Nepal's merger. They used the 'colonization of Nepalese population' as bargaining bait for agreeing to keep Nepal's independence unviolated. So, through its Resident and officials at Kathmandu, the colonial government in Calcutta pushed and persuaded the Rana regime to permit conscripting Nepalese youths in the British Imperial Army—it would be a boon to safeguard the British Empire in India. "The Nepalese youths—globally known as the Gurkhas—were the first, as Cynthia

[29] Amish Raj Mulmi, 'Why did the British not colonize Nepal', *The Record,* 1 October 2017, available at https://www.recordnepal.com/wire/features/why-did-the-british-not-colonize-nepal, accessed on 19 June 2020.

[30] Quoted in Amish Raj Mulmi, 'Why did the British not colonize Nepal',*The Record,* 1 October, 2017, available at https://www.recordnepal.com/wire/features/why-did-the-british-not-colonize-nepal, accessed on 19 June 2020.

Enloe has explained, mercenary troops employed by the colonial invaders.[31]

The pressure Nepal has to bear for keeping its independence intact today is hardly different than that time. Nepalese citizens, as they were conscripted during the colonial era, are recruited by independent India. The government of India has never considered this issue seriously. As Cynthia Enloe has said, the Gurkha regiment, the first mercenary troops, is a part of the Indian military, which originated in 1816 as a colonial mission to safeguard the colonial regime. The Indian foreign policy has failed to look back into a painful history of colonialism when dealing with neighbors. The accounts of history cannot be deleted, but it stands with the scope of change and reform. Without properly evaluating the colonial past and its impacts on the lives of nations and people, no fair foreign policy can be mooted out. Neither Nepalese political parties nor political scientists in Nepal are keen to probe the impacts of colonial history.

An equally important reason for the British having peace with Nepal was the latter's abundance of Timber in the Tarai. The colonial administration enviously eyed Nepal's dense forest, extending from East to the West Tarai. The British raj needed Nepal's Timbers to build the railway network to connect India's hinterlands, which possessed a huge volume of raw materials needed by its UK-based industries. The colonial administration persuaded the Ranas, enticing lucrative revenues from Timber export. In 1882, the negotiation was concluded, and an agreement was signed to export 17,000 *Sal* Trees. This volume was adequate to install 50,000 railway ties. A larger number of loggings were carried out in the following years. Rs. 17, 544,330 revenue was collected in 1904. The revenues ballooned up to Rs. 62,724,000 in 1934.[32] Most parts of these revenues were used personally by the Ranas. The timbers were sold at a nominal price, but the forests were almost destroyed. Seemingly, Nepal was 'hen laying golden eggs.' The colonial rulers had used both people and timbers of Nepal to build the Empire in India. India inherited the Railway network, and the British earned huge wealth. Nepal lost for nothing. Some politicians talk of significant British Aid in Nepal, but they are ignorant of Nepal's many things given to the British Empire. Today's poverty of Nepal is largely a gift of the British Empire, which stole Nepal's youths and trees for its benefit.

Like trees, the colonial regime exploited Nepal's Youth. In the First World War, the British extracted 2,50,000 youths as soldiers from Nepal, including 13000 Nepalese Army assigned to take care of Gurkha garrisons in India. The larger part of the conscripts died in war or disappeared. Nepal was used as a source of soldiery at a cheaper cost and easier way. An estimated 86,000 conscripts were killed in the First World War, thus posing an unimaginable shortage of human resources for agricultural production in Nepal. The shortage contributed to the eruption of famine in Nepal in subsequent years. The famine crisis caused the Nepalese population to Eastern and

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31 Cynthia H. Enloi, *Ethnic Soldiers: State Security in Divided Society,* Athens Ga, Georgia University Press, 1980.

32 For detail information of Anglo-Nepal Relation: see Kanchonmoy Mujumdar, Culcutta: Munshiram Monoharlal, 1877-1923, 1973.

Northern-east India to seek jobs in tea plantations. The migration took the shape of an exodus.

Nepal's generosity of sending youths in the First World War and permission of logging trees in the *Tarai* compelled the colonial regime in India to agree on concluding the Peace and Friendship Treaty in 1923. This treaty recognized Nepal's independence as a sovereign nation.[33] On the insistence of the Ranas, the King of Great Britain had ratified the treaty. The Ranas were cautious of the British altering the treaty once the situation improved in favor of the colonial regime. The British crown's ratification of the treaty paved its registration in the League of Nation's office, thus ending the vulnerability of the annexation of Nepal within the British empire. These events and losses Nepal suffered manifest that Nepal paid a high price to appease the British colonial rule to save its independence and perpetuity of their autocratic regime. After 1923, Nepal enjoyed territorial sovereignty and integrity different from other princely states in India and nations like Sikkim and Bhutan. These two nations were treated as the protectorate of the British colony.

However, most Indian intellectuals and politicians are unaware of the painful history of Nepal if they are not deliberately ignorant of these historical facts. Some pseudo-intellectuals argue that India's boundary once extended to the Himalayas, a product of jingoist nationalism. The historical reality is quite different; present India has no longer history as a nation than the British colonial rule. In the medieval and ancient eras, the present territory of India was divided into several kingdoms and princely states, numbering over 600. Once the British colonial force prevailed, it unified the territory in the name of India for an integrated system of taxation.[34] In ancient and medieval eras, Nepal lived peacefully with Empires like Magadha without a crisis. Hence, the review of the colonial history is essential for India to appropriately formulate its fair foreign policies for dealing with Nepal. To do so is also necessary for Nepal to defend the rampant Indian cliché that Nepal is 'a younger brother of India.' This cliché proximates the colonial doctrine of the protectorate. This doctrine holds the sanctity of hegemony.

Following India's independence in 1947, the people of Nepal expected drastic changes in the political situation of Nepal. They had a firm belief that independent India would be generously supporting Nepal's people's revolution to overthrow corrupt oligarchic regime and establish democracy. The Rana regime was a plutocratic regime that pillaged the national resources for private gains, keeping the nation in darkness for a century. Education, industrialization, and road construction were deliberatively prevented. The Ranas believed that such progress would threaten their corrupt regime. Hence, independent India's support to build Nepal as a modern nation was crucial. However, the Indian post-independence leadership was regressive in treating the Nepalese people's aspiration for socio-economic and political transformation. Against the expectations, the Nehru government secretly negotiated with the Plutocratic Ranas and concluded

[33] Kanchanmoy Majumdar, *Political Relations between India and Nepal,* Culcutta: Munshiram Monoharlal, p. 209.

[34] See, Aurundhati Roy, *Algebra of Infinite Justice*, New Delhi: Penguin Books, 2013.

a Treaty in 1950, thus subjecting Nepal to Indian mercy in foreign relations. Indeed, the treaty was a 'reprint' of the 1923 treaty signed by the British raj and the Rana government, which established a theory of 'special relation between Nepal and India.'

Ironically, Post-Independence India, quite the principles of decolonization and the right to self-determination, chose to prolong the spirit of the 1923 treaty of Peace and Friendship between the British raj and the Rana Government of Nepal. Though the 1923 treaty recognized the sovereign independence of Nepal, it perpetuated the outcomes of the 1916 Sugauli Treaty. The British colonial regime captured larger territories of Nepal by this treaty, now the Uttarakhand province of India. The independent Government of India allured Nepal's Rana Government to sign the 1950 Treaty of Peace and Friendship, perceivably holding the same position held by the British colonial regime in 1923.[35] From the treaty, India intended to bind Nepal to a perpetual position of 'privileged relations' under which borders would be kept open, thus enabling it to oversee Nepal's domestic matters unconstrained, including security. Manifestly, the intention was to render Nepal an Indian dominion.[36] That spirit of the 1950 treaty principally guides the Indian foreign policy to Nepal even today; the approach of Indian foreign policy to Nepal is, therefore, not different from that of British colonial rule. Rulers' interests than national interests virtually drove this treaty.[37] Undoubtedly, the Rana rulers' greed for prolonging their regime resulted in a severe compromise of their sovereign interests.

1950 Peace and Friendship Treaty: Main Fault Line in Relations between Nepal and India

In a country like Nepal, where the intellectual deficit is severe, and the political leadership is beset by ignorance and pseudo-knowledge, the difference between rulers' and nation's interests is confounded and blurred. Often, the people are misguided by taking the ruler's interests as that of the country wrongfully. Unequivocally, the 1950 treaty was guided by rulers' interests versus national interests. Indian Congress Government, after the takeover of Kashmir, was keen to annex Nepal. Nevertheless, the 1923 Treaty posed an obstruction to this expansionist mission. The reason was that the treaty was endorsed by the British Government in London as well as the office of the League of Nations. The treaty declared Nepal as a sovereign independent country. The post-war treaty of 1816 between Nepal and East India company was equally important, though it snatched a larger territory of Nepal. This treaty was evidence of Nepal's independence during that time.

The East India Company had signed the Sugauli Treaty with Nepal as a sovereign

35 Madhukar SJB Rana, 'China Meets India in Nepal: A Historical and Future Perspective', *Indian Journal of Asian Affairs,* volume 26, no. 1/2 (June-December) 2013, pp. 59-73.

36 Ibid.

37 Lok Raj Baral, 'India-Nepal Relations: Continuity and Change', *Asian Survey,* volume XXXII, no. 9, September 1992.

independent country. Besides, the EIC had signed the Boundary Treaty in 1801 and the Malaun Armistice Convention in 1815. In both treaties, the EIC recognized Nepal as a sovereign independent nation. Therefore, the British Imperial Government took 1801, 1815, and 1816 treaties signed by the EIC with Nepal as evidence of Nepal's sovereign independence while agreeing to conclude the 1923 Treaty. These treaties posed an unavoidable constraint for India to invade Nepal like Kashmir. Hence, the Indian ruling circle of India took the idea of the treaty as an alternative mode for keeping under limited freedom. The 1950 treaty was the outcome of that design.

The Sugauli treaty and the treaty of 1923 AD validated historic independent and sovereign status of Nepal during the British colonial rule in India. Under a new circumstance that occurred after the end of the British colonial rule, the plutocratic Rana regime of Nepal was facing a severe challenge to its existence. The revolutionaries forces were rapidly formed and called the people for the uprising to dethrone the regime. In this adverse circumstance, the Rana regime was vainly struggling to prolong its life. The Indian interest to keep Nepal under its influence proved a life-saving drug; hence, it surrendered the national interests to India by agreeing to sign the Peace and Friendship Treaty in exchange for the assurance of recognition and prolongation of its regime. Under this circumstance, the 1950 treaty appeared as a product of the vile interests of the Rana regime and Nehru's design to keep South Asia under control. This treaty established a privileged diplomatic position of India with Nepal. In practice, the position established by the treaty was to achieve India's complete influence over Nepal's foreign policy and security, political and financial system. The treaty provisions were less explicit of this design. But the letter of exchange communicated in 1959 placed Nepal under the security umbrella of India. It also converted Nepal's trade and market into its monopoly domain.

In 1965, Nepal attempted to break the disposition as an India-dominated nation. Successfully entering into diplomatic relations in 1954, Nepal also entered into the Peace and Friendship Treaty with the People's Republic of China in 1965. The treaty was preceded formal treaties to establish diplomatic relations with the USA, Britain, and several other nations. In the meantime, Nepal acquired the United Nations membership and actively participated in the non-aligned movement. Trade agreements between Nepal and China's Tibet autonomous region of China had been concluded. China assisted Nepal in constructing the Kodari Highway, thus linking Nepal with China's autonomous region Tibet. Despite India's adamant opposition, Nepal struggled to diversify its relations with other nations and began to receive aids for development. In 1962, China and India engaged in a war; the latter suffered a humiliating defeat. This development impacted Nepal-India relations both positively and adversely. The defeated morale of India silenced its aggressive dictation to Nepal in its every domestic affair, thus helping Nepal expand its relations internationally rapidly. But, on the other hand, the cold war between China and India rendered Nepal's geopolitical situation furthermore critical and intricate. The coldness in relations, shrouded by suspicions with each other, spilled over, specifically after India's merger of Sikkim.

Nevertheless, Nepal courageously chose to ignore the 1950 treaty as an active member

of the non-aligned movement and the United Nations. The implicit status of the suzerainty of India under the treaty was practically broken. Nepal's success in acquiring UN membership was crucial to break this treaty-created suzerainty position. With this development, Nepal could enjoy its rights to sovereign equality with other nations and the right of self-determination in political, economic, social, and administrative affairs. The position as a UN member provided access to rights under international law founded on the UN Charter. Yet, difficulties at the functional level continued, especially in the field of trade and transit. These difficulties posed a situation forcing Nepal to compromise on several pressing issues.

This critical situation was a time for Nepal to mature itself in diplomatic affairs as a survival need. It struggled hard to evolve the principles of 'equi-distance' in political affairs and 'equi-closer' in trade and commerce. This policy was strictly observed and acclaimed by the broader international community. This approach somehow contributed to enlarging trade relations with China and opened a venue for internationally diversifying economic relations. This complex situation encountered Nepal, which suffered plutocratic darkness for a century and geopolitical constraints, is never attempted to ponder upon by Indian political leadership and foreign policymakers. In Nepal, this attitude of Indian leadership and policymakers is dubbed as hegemonic. In turn, the attitude contributes to fashion an anti-Indian sentiment among Nepalese people, as an outcome, and the same is interpreted wrongly by the jingoist Indian media as 'Nepal's China-tilt' attitude. The problems in Indo-Nepal are seemingly spiraling; the root that lies in the colonial legacy of the Indian establishment.

Nepal's rapid diversification of international relations and trade was unliked by India, though not explicitly articulated. The dislike frequently spilled over in traffic transit to the sea coast. Nepal even had to confront blockade or trade embargos several times. After India's takeover of Sikkim in 1965, Nepal faced a surge of new worries. Sikkim's merger into India created a flurry of fears among psychology of Nepalese people. In the struggle to preserve independence, Nepal was often forced to accept unfavorable conditionalities on trade and commerce, including permission to Indian nationals working in Nepal without workpermits. Most importantly, the crises generated by Nepal's assertiveness to its right to self-determination provoked narratives from Indian think-tanks and leadership branding Nepal's posture as a satellite of China's government. Several narratives of Indian diplomats and intellectuals discussed in the following paragraphs would explain this claim fairly.

Ballooning China Factor by Indian Academics and Media: More Irritating Exaggerations and Less Reality

Generally, comments and narratives of most Indian academics and media irritatingly exaggerate the facts and undermine reality. Though they do not represent the Indian Government's official stand to Nepal, they cause serious harm in Nepalese peoples' sentiment to the Indian Government. Many such comments and narratives are imaginary. An Indian newspaper, for instance, published a piece of sensitive news

saying that "China is linking Nepal with a railway through a tunnel underneath Mount Everest."[38] This news has been a mocking joke in Nepal now. But such pieces of news have not stopped appearing even recently—the harm caused by such news in Indo-Nepal relations grave.

Hari Bansh Jha, is an analyst, wrote the following exaggerated opinions: "The honeymoon in Nepal-India relations discontinued after the death of King Tribhuvan in 1955. Nepal established diplomatic relations with China in 1955. Soon afterward, Nepal's tilt towards China started growing. Nepal accepted the Chinese claim over Tibet, and the status of Nepal's embassy in Lhasa was reduced to a consulate general office."[39] His description's concern or anxiety is plain and clear. Such description is the general trend in Indian academics and analysts' portrayal of Nepal's relations with China. The following additional excerpt mirrors Jha's gossip of China-Nepal relations further clear: "In 1961, Nepal allowed China to construct a road between Kathmandu and Lhasa. Also, during the 1962 War between India and China, Nepal adopted a neutral position despite its security pact with India. Subsequently, Nepal imported sophisticated arms from China without any consultation with India, twice – first, in 1988-89 and second, in 2005. More recently, this year, Nepal allowed China to extend its railway link from the Nepal-China border in Kerung to Kathmandu and further to Pokhara and Lumbini, which is at a stone's throw distance from Nepal-India border. It is well known that China is working to bring its railway up to Kerung, which is closer to the Nepal-China border. In return, China allowed Nepal to use its seaport in Guangzhou for trade with the third world countries."[40] His analysis plainly demands that Nepal must treat China as India does. This attitude demands that India's friend should be Nepal's friend and India's enemy should be Nepal's enemy—my enemy should be your enemy. Can such an attitude be acceptable within contemporary international relations? Does not such an assertion echo Nehru's doctrine of India's domination in South Asia? Does this kind of attitude help transform Indo-Nepal relations into a new, trustworthy, and dependable friendship? The Indian establishment must ponder upon these questions earnestly and deeply.

Admittedly, the post-Tribhuvan period saw unfolding events globally, and Nepal was not an exception to that. The Communist Party of China succeeded in 1949 in establishing a new state system, namely the People's Republic. Once the communist government came into power in the center, Tibet was liberated in 1951 peacefully, concluding a seven points agreement. The People's Republic of China asserted its sovereignty over Tibet quite early, indicating that China would liberate Tibet sooner. This declaration was normal because Tibet, as shown by historical anecdotes since the Tang dynasty,

[38] See, Haroon Siddique and Jason Bruke, 'China may build rail tunnel under Mount Everest', *The Guardian, 9* April 2015, available at https://www.theguardian.com/world/2015/apr/09/china-may-build-rail-tunnel-under-mount-everest-state-media-reports, accessed 4 July 2021.

[39] Hari Bansh Jha, 'Nepal-India Relations Gaining Ground', volume 1, no. 2, *Indian Foreign Affairs Journal* p. 93, April–June 2016, p. 123.

[40] Ibid.

Tibet was a part of China.[41] The People Liberation Army's presence in Tibet altered the landscape politics that prevailed in the past. This event was a boon for Nepal's geopolitical situation. After this event, Nepal-China communication became regular. Nepal recognized Tibet as an integral part of China, thus drawing thicker attention to Nepal. This communication led to the establishment of diplomatic relations between the two nations in 1955. Despite the silent reluctance of India, Nepal entered into the UN membership. India had not foreseen these unfolding events in 1950, when it secretly decided to enter into the Treaty of 1950 with the Rana regime, against the popular will of Nepalese people—truly speaking, these events are affecting the psychology of Indian academics and political leadership even as of now.

With the rise of China as an important stakeholder in Asian politics, India had no option but to adjust relations with Nepal. Hence, a separate treaty of trade was signed in 1961. Nepal's entry into the UN and 1961 treaty had tremendous positive impacts on Nepal's squeezed independence. These two new developments relieved Nepal from its squeezed independence. To a certain extent, they also freed Nepal from India's 1950 ambition of placing Nepal within its security jurisdiction.[42] Under the 1950 treaty plan, India had installed its Army posts on Nepal's northern border. PM Matrika P. Koirala, a Congress party-deserter, succeeded in becoming Prime Minister in support of Indian PM Nehru after the Rana regime was eliminated. This action of India resembled colonial practice. In 1969, Nepal succeeded in withdrawing the Indian Army. By this time, the Kathmandu-Kodari highway, linking Nepal with Tibet, had come to an operation.

India saw the removal of the Indian Army and the opening of the Kodari Highway apathetically. It saw these events as examples of Nepal's growing closeness to China. And, this was true to a certain extent. But India's excessive meddling and interference in Nepal's domestic affairs and its treatment of Nepal as a vessel state invited these outcomes. Nehru's ambitions and strategies proved worse than that of the British colonial regime. They virtually reduced Nepal into a de-facto suzerainty of India. Understanding these historical facts by Indian academics, media, and leaders will largely help reshape Nepal-India relations in a worthy and dependable framework. But attempts in this direction are not adequately promising.

The Indo-Nepal relations reached bitterness in 1971 when India refused to sign separate treaties of Trade and Transit. The King of Nepal responded by declaring Nepal as the Zone of Peace. The proposal received a positive international response, adding Nepal's enthusiasm. But the Indian PM Indira Gandhi saw Nepal's proposal for the Zone of peace as an anti-India strategy and moved aggressively towards Nepal, thus making it difficult for Nepal to enjoy the right to self-determination as a sovereign nation. Before she could take action against Nepal, the popular movement of Indian people against her emergency rule removed her from power. It was good for Nepal.

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41 Chenqing Ying, *Tibetan History (Series of Basic Information of Tibet of China)*, Beijing: China Intercontinental Press, 2003, pp. 35-80.

42 Madhukar SJB Rana, 'China Meets India in Nepal: A Historical and Future Perspective', volume 26, no. 1/2, *Indian Journal of Asian Affairs p. 59*, (June-December) 2013, p. 73.

For Nepal's good sake, she could not return to power in the next elections. Nepal had a chance to normalize relations with the changed government. In 1978, the Government of Morarji Desai agreed to sign separate treaties of trade and transit. These treaties opened a new era in the relations of the two countries. These two treaties significantly contributed to Nepal's mission for industrialization and expansion of trade. However, this era either could not go for long.

The Indian strategy for 'special relations' returned with Gandhis' come back in power in 1980.[43]At this particular time, China was hit by an internal crisis fumed by the Cultural Revolution. The growing relationship between the two countries had witnessed a low ebb. In this context, Nepal had to face troubles again. The relations continued to face low-ebb even after her death in 1984. The relationship between the two countries sharply deteriorated when the Government of India, headed by Rajiv Gandhi, refused to renew the Trade and Transit Treaties, which expired in March 1989.

Consequently, Nepal was virtually stranded. A complete blockade of goods to and from the Sea-ports and from within India halted for an uncertain period. This embargo was imposed as a punishment against Nepal for its assertiveness of independent position—the embargo was meticulously imposed to kneel Nepal forever. This situation left no option other than seeking help from China. This embargo was imposed the second time, and India, by this embargo, pushed Nepal closer to China.[44]

The Indian academics are still not prepared to recognize the underlying reality of the Indo-Nepal relationship. They enjoy obsessively lamenting on the China factor as a problem. For instance, Krishna V. Rajan, an Indian foreign policy analyst, opines that the re-emergence of the China factor is larger than life form.[45] In his opinion, more Nepalese are drawn to the closer relationship of Nepal with China, at the cost of traditional ties with India. He adds, "China itself is now showing a much greater keenness to fish in the troubled waters of India-Nepal ties."[46]These assertions or opinions have become taboos of Indian academics and diplomats concerning the Indo-Nepal relationship. Finding flaws in Nepal is now customary in Indian literature on Nepal-India relations. While India benefits from thousands of millions of USD worth of trade with China and shares the BRICS platform, it never stops pointing to Nepal's relations with China as a problem of Indian national security. Indian literature on Indo-Nepal relations sees nothing but so-called traditional ties based on the 1950 treaty. This attitude has been the biggest tragedy in the Indo-Nepal relationship.

For them, the traditional tie is Nepal's unquestioned compliance with what India suggests, or to avoid resisting what India wants Nepal to do. Nepal's relation with China is seen as Nepal's departure from traditional ties with India. Such statements, indeed, suggest derogation in Nepal's sovereignty. When India has over a billion USD

43 Ibid.

44 Ibid.

45 Krishna V. Rajan, 'Nepal Today: Bad Politics Trumps Good Economics', volume 11, no. 2, *Indian Foreign Affairs Journal* p.93*,* April–June 2016, p.123

46 Ibid.

trade with China, why does India have to see Nepal's tiny volume of trade with China as a threat to India's national security? This question has only one answer. That is, India wants Nepal to stay with India and dance whatever tune it loves. This aspiration is unacceptable for the UN Charter, which provides one of the new global political order pillars. The new global political order stresses the sovereign equality of nations as a foundation, irrespective of their population and geographic size and economic strength.

International Law and Rules of International Relations and Conspiracy Theory

The Flood of literature originated from India against Nepal-China relations as a threat to Indian security is psychological rather than realist. The psychological frame consists of three factors, namely (a) the failure of the 1950 treaty to imprison Nepal within the Indian security umbrella, (b) the trauma of defeat in the 1962 war, and (c) the feeling of independence as a succession to the colonial rule. The latter two elements apply to the entire South Asian region, whereas the first factor applies to Nepal exclusively. All three factors contradict the Charter of the United Nations. According to Articles 1 and 2 of the Charter, every United Nations member can determine its internal and external affairs. The Montevideo Convention of 1933 provides a customary foundation for the justification for these articles. What remains as an undeniable fact that 'the colonial rule cannot be inherited.' The colonial rule is eliminated by asserting the right to self-determination. Both India and Nepal are capable of enjoying the right to self-determination. Hence, the so-called propaganda of the China card is an outcome of conspiracy theory, and as such, it is against the letters and the spirit of international law.

Nepal's history of foreign policy is enduringly longer. Once the East India Company began colonizing territories currently represented by India as a unified nation, Nepal coined its modern foreign policy.[47] Initially, Nepal preached a policy to oust EIC from South Asia. Ample evidence shed light on this fact, about which Indian academics and politicians are uninformed. Nepal's King Prthiwi Narayan was conscious of the East India Company's motive in trade and business. He warned South Asians adequately and prudently, saying that '*Firangis* initially come with merchandise and guns subsequently.' His *dibwayupadesh* (a compilation of his seminal instructions for courtiers and administrators) has adequately highlighted the emerging threat of British imperialism in the Indian sub-continent as early as the 1750s.[48] His successors, including able Generals and ministers, had been finely educated on his farsighted instructions and, thus, followed his foreign policies admiringly. King Prithwi Narayan Shaha strategically instructed his successors to defend Nepal's territorial integrity and

[47] Bhim Nath Baral, 'Dibya Upadesh: Pragmatic Guidelines to Nepalese Diplomacy', *Journal of Political Science,* 22 Jan 2020, available at https://www.researchgate.net/publication/346086771_Dibya_Upadesh_Pragmatic_Guidelines_to_Nepalese_Diplomacy, accessed on 5 July 2021.

[48] Celestial Advice (*Dibya-Upadesh)*', *Nepal Law Commission Official Website* p. 9, available at https://www.lawcommission.gov.np/en/wp-content/uploads/2018/09/dibbaya-upadesh-of-prithivi-narayan-shah.pdf, accessed on 5 July 2021.

work with Indian princely states to unite against British imperialism in the Indian sub-continent. Unfortunately, most Indian princely states could not prevent themselves from falling into the trap of British colonizers' deceitful enticement of British goods and treachery concealed in their trade. The Indian kings and princes were captivated and fooled by *firangi's* gift*s* (Prithiwi Narayan first used this word to depict colonizers).

Interestingly enough, the prudence of King Prithwi Narayan is manifested by two letters of his successors to King Ranjeet of Punjab. These letters spell out Nepal's earnest request for an alliance to fight against British colonialism in South Asia. Unfortunately, King Ranjeet Singh of Punjab betrayed Nepal's genuine intention and strategy by disclosing these letters to the British officials. A secret letter of British East India Company 's Government at Bengal, dated 25 January 1815, mentions these two letters delivered by Nepal's government to King Ranjeet Singh when he was traversing from Amritsar to Beyah and Sutlej Rivers in 1808. As some historical anecdotes reveal, his journey was a part of the campaign for conquering territories adjoining the Sutlej River. As the Company Government's secret letter discloses, he stayed in that region considerably longer time. Nepal's Government at Kathmandu took his presence in that region favorably, seeking the possibility of forging out an alliance against British colonialism in South Asia. One of the two letters of Nepal's king, as mentioned by the secrete letter, reads as follows:

> *"Do not suffer yourself to be deceived by the engagements with and protestations from the English. They had friendly engagements with me either, and the good faith which they displayed with me is now manifesting. If you will encamp near to Plassea with all your force, I will give you the fort of Malaun. Then for every march to Hurdwar, I will pay you sixty thousand rupees, and for every march on to Lucknow eighty thousand rupees. The Nabob Vizier of Lucknow, and all the Mahrattas, and the Rohillas of Rampore, are entirely attached to me, and on hearing of your coming will all join us. After we are all united, the conquest of Hindostan, and the expulsion of the enemy will be most easy."*[49]

The excerpt is plain enough, stating that the object of Nepal was to achieve the expulsion of Colonizers from India. But Nepal's plan was doomed due to King Ranjeet Singh's betrayal. As per the secret letter, he met with colonial rulers' news-writers (probably spies) at Deyra and explained the secrets of Nepal's two letters. As per the Company's secret letter, the King of Nepal had requested King Ranjeet to ally to fight against the colonial regime. King Ranjeet also disclosed to the spies that he had received these letters from Amar Singh Thapa, the commander of the Nepalese Army at Garhwal.[50] This event and acts of Ranjeet Singh were historically unfortunate happenings. Had Nepal's plan been agreed upon by Ranjeet, India would not have to face two hundred years-long colonialism. Unfortunately, these facts are persistently ignored by Indian intellectuals while discoursing the Indo-Nepal relations.

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[49] J. L. Cox, *General List of Papers-Papers Relating to Nepal War,* (Secret Letter from Lord Moira, 22 May 1815), Indian Office Library 1824, p. 559.

[50] See, Yubaraj Sangroula,'Probing the Indo-Nepal Dispute in the Kali River through International Law: An Unlawful Occupation of the Nepalese Territory?', *BiLD Law Journal* 6(1), 2021, pp. 10-67.

The above excerpt of the Nepalese king's letter plainly explains that Nepal was actively engaged in an anti-colonial campaign for the expulsion of the East India Company from Hindustan, and, therefore, its efforts had been dedicated to salvation of India itself. A paradox in this connection exists unnoticed, either. Nepal was fighting against colonial rule, but the British colonial regime mobilized a huge armed force involving Indian nationals to suppress Nepal. The unnoticed paradox is that 'Indian nationals were suppressing their friends in favor of their subjugators.' Should not Indian academics and politicians reckon on this hidden fact of history? Nepal's letters also manifest that Nepal had tried hard to build an anti-colonial collaboration with Ranjeet Singh to expel the British colonizers out of South Asia. Nepal's intention was crystal it wanted to protect its territory and remove colonial rule by allying with Indian kingdoms. These historical facts manifest and represent Nepal's anti-colonial foreign policy, rooted in the *dibyaupadesh* of King Prithwi Narayan.

Besides these two letters, many other documents show that Nepal continuously fought against colonialism; it declined to submit or surrender before the colonial regime, even though it suffered heavily. Importantly, Nepal refused to accept the Company's status as a legitimate ruler of India—Prithwi Narayan Shah dubbed the 'Firangi regime.' The British took this anti-colonial campaign of Prithwi Narayan as a threat to its occupation of India, which ultimately resulted in the 1814-16 war. For the same reason, some Western writers dislike him even in our time and keep spreading unfounded stories against the Nepal reunification campaign.[51] While many Indian princely states voluntarily surrendered their authority to the Company, only Nepal refused to compromise with the Company's imperial will. The 1767 war at Sindhuli Gadhi is a rare example showing Nepal's assiduous courage and adamant resistance against British colonial rule.[52] This war became an inspiration even to the American revolutionaries. Thomas Paine, an American anti-colonial revolutionary, mentioned this war as an inspiration for Americans against the British Empire.[53] Nepal's relentless denial of capitulating to the British colonial domination is illustrated by some rare historical documents revealed from the archives of the British colonial government itself, thus mirroring the inception of Nepal's foreign policy.

Nepal's foreign policy in course development changed from 'offensive to defensive' policy to protect national interests, preserving territorial integrity as a priority. The defensive policy also roots in the *dibyaupadesh* of Prtihiwi Narayan. The foreign policy rooted in the defensive national security principle is articulated by his germinal and posited capsule: "*Nepal is a yam between two boulders*."[54]This theoretical capsule orchestrates Nepal's need to balance the relationship with neighbors in the North and South. The

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51 See, Ritu Raj Subedi, Prithiwi Thought-I Respect All Faiths & Cultures 'The *Rising Nepal* (22 August 2002) http://therisingnepal.org.np/news/27570, accessed on 22 August 2020.

52 Ibid.

53 Ibid.

54 Nepal Law Commission, *Dibyaupadesh* (on External Relations), p. 9, at https://www.lawcommission.gov.np/en/wp-content/uploads/2018/09/dibbaya-upadesh-of-prithivi-narayan-shah.pdf, accessed on 5 July 2021.

balance is creative, not reactive. It is the enjoyment of independence but not acceptance of domination and subjugation. This capsule imbues the notion of free will to live together and the enjoyment of the right to self-determination in the state's affairs.

Since the inception in *dibyaupadesh*, Nepal's foreign policy is consistent and developed. That said, it is fair to argue that 'Nepal's foreign policy consistency' is undisturbed and undeformed since Prithiwin Narayan's era. This history in itself refutes unfounded allegations of China-card or China tilt by Indian academics, media, and political leaders. This discussion helps us to draw fundamental characters of the foreign policy of Nepal and India. Nepal's foreign policy emerged by challenging the legitimacy of colonial rule. Hence, Nepal's foreign policy essentially carries 'the anti-domination, colonization, and foreign influence conception.' Geopolitically, it is driven by the principle of national defensive security. Politically, it is driven by the principle of sovereign equality as encapsulated by the UN charter. Hence, Nepal's foreign policy draws relevance and effectiveness from international law. In the case of Nepal, India's foreign policy is driven by the colonial legacy established by the 1923 treaty between the Rana and colonial regimes. The 1950 treaty inherits the legacy established enshrined by the 1923 treaty. The main inconsistency in the foreign policies of Nepal and India, therefore, lies in these two perspectives. Nepal holds anti-domination theory, whereas India pleads for influence through special relations with Nepal.

The concept of 'yam' contextually evolved in the following years. King Mahendra, for instance, thought that the concept of 'yam' could be a blessing in disguise. Therefore, he began taking advantage of Nepal's typical geographical situation in the Himalayas by using the balance theory for neutrality to neighbors. Strategically, his thought was influenced by a game 'to let two neighbors compete with each other.' Succinctly, his thought was activated by a theory of equi-distance and strategy to competition between China and India—Nepal's neutrality benefited by competition of powerful neighbors. In this paradigm, India failed to gain over China. China acted as a development partner of Nepal, thus supporting highway construction, industrialization, and promoting cultural connectivity between peoples of two countries.

On the contrary, India preferred to aggressively regulate Nepal's trade and transit and demanded Nepal to depend on it. The problem of the blockade in 1989 was the result of this flawed policy. The distinct strategies invoked by the two countries broke Nepal's equi-distance-driven neutrality strategy to some extent. Indeed, India forced Nepal to seek breaking dependence by pushing Nepal to promote closer economic ties with China. It was the only available option to counter India's future possible blockade. Indian side unfairly alleged Nepal playing China card. This blame game of Indian academics and media ignited a surge of nationalism. B.C Uprety, an Indian academic, defines this surge of nationalism as an anti-India sentiment. He wrongly says: "China card and anti-Indian sentiments became two important instruments of Nepal's domestic politics." In his view, "Nepal used both against India as and when it became necessary, damaging India-Nepal relations."[55]The statement itself proves that the blame game is tremendous

[55] B. C. Upreti, 'India-Nepal Relations: Complexities, Misperceptions and Irritants', *Indian Foreign Affairs Journal,* volume 11, no. 2, April–June 2016, pp. 93-123.

and appalling. Unequivocally, the problem lies with Indian academics in their failure to 'distinguish the facts from rhetorics.' They decline to emancipate the stereotypical mindset to seek truth from reality.

Uprety's narratives present Nepal's increased trade diplomacy with China as a departure of Nepal to the fold of China and against India. Such rhetorics or unfounded stories form major hurdles in promoting tri-lateral economic relations among three neighbors. Minus blame game sponsored by Indian jingoist media and biased academics, the trilateralism faces no formidable problems. Since the blame game public diplomacy is academically rich in India, it may gradually push Nepal to give up its 'equi-distance' policy. Indian academics fail to understand that 'the 'principle of equi-distance' naturally breaks the patronized relation, which Nepal enjoys as an independent sovereign nation. Opening trade partnership with several countries is Nepal's right to self-determination, and doing so will certainly break the patronized relations with India. Such a happening is just a natural phenomenon.

Then why such natural phenomenon is exaggerated as a China Card? The answer is simple. India wants Nepal as a free market only to it. But Nepal cannot afford to do so. Hence, there is a contradiction between Nepal's wish for trade diversification and India's wish for Nepal's India dependence. These two wishes are irreconcilable because they represent two opposite claims. Nepal's claim represents the right to self-determination, and India's claim represents the special privilege established by the 1950 treaty. Under international law based on UN Charter and decolonization, Nepal has not a duty to abide by a treaty provision that stands contrary to the principle of sovereign equality. But India has no right to force Nepal to limit its trade and political relations with one country. It means that the diversification of relations is Nepal's right under international law. Hence, Nepal's increased trade relations and bilateral cooperation with China for the former's development is an exercise of rights under international law and a prelude to promoting trilateralism in cooperation.

Though not precisely defined and conceptualized, Nepal's contemporary foreign policy is friendly to the trilateralism, purporting to involve Nepal as a bridge between India and China. Nepal's increased trade with China opens the gate for India to exploit the Chinese market by using Nepal's territory and vice versa. With China's rise of the economically potent market, Nepal's export has been tremendously increased over the years. Nepal's major trade and commerce relates to its vast potential of adventurous, cultural, religious, and scenic tourism, constituting a major source of national income. With opening-up and reforms in China, Nepal has been one of the desired outbound tourism destinations, and Nepal's tourist destinations are connected with that of India. It means that promoting Chinese tourism in Nepal is an automatic a promotion of Chinese tourism in India. Constantly increasing Chinese tourists has brought Chinese enterprises serving the tourists. The frequency of communication between China and Nepal is an outcome of expanding the Chinese economic affairs in Nepal and India together. What Indian think tanks, against this backdrop, fail to understand is that Nepal's relations with China and India are rapidly changing from geopolitics to geo-economics paradigm. Indian narratives have presented these economic facts

as 'expansion of Chinese control over Nepal.' That said, it would be reasonable to argue that many Indian narratives of Nepal's China card fail to capture the context of a paradigmatic shift in international relations of countries. They occur raw and unproven because the culture of 'research on change dynamics in Nepal' is very poor in India. Due to that problem, most narratives occur intuitive and rhetorical, seriously jeopardizing the sentiments of Nepalese to Indian political structure. Most Nepalese appreciate Indian movies, clothing, culture, and person-to-person connectivity. But most Nepalese also have a strong reservation to the ways of political dealings of Nepal by India. The jingoist media, rhetoric narratives, and rough political dealings are major factors responsible for defiling Indo-Nepal relations.

Geography and Geopolitics: As an Attribute of Indo-Nepal Relations

International law's realist theory or approach takes power as the foundation of international relations between nations. The power-driven realist theory is a typical Euro-centric theory of international relations. Asian history refutes the rationals of this theory. However, Nepal's relations with India are not free from Euro-centric realist theory. One reason might be the post-independence governments of India's failures to detour from colonial legacy. British colonial drive searched for imperial power, thus subjugating South Asia under an autocratic and exploitative regime. Hence, the British colonial regime's relations with uncolonized nations like Nepal were governed by a principle of domination. The British colonial invasion of Nepal in 1814 is an example. Subsequently, it colonized the Nepalese population by introducing conscripting Nepalese youths in its mercenary troop. That relation cannot be a foundation for relations of India with Nepal.

In Lok Raj Baral's opinion, a renowned Nepalese political scientist, Nepal-India relations are primarily determined by geography. He says:

> *"The broad contours of Indo-Nepali relations have been fixed by geography…Two of its facets are geopolitics and geo-economics. While geography is a constant in Nepal's relations with its two neighbors, India and China, geo-strategies are prone to change, depending on the situation or context, and geo-economics has both constant and variable elements because of economic prosperity in Nepal would significantly reduce the static elements of its economy."*[56]

Geography and economics may or may not only be factors in determining relations between nations. Yet, the relevance of geography is undeniable because it emanates diverse variables and dynamics affecting relations of states, both negatively and positively. Geopolitical constraints, social factors such as religions, cultures, and social connectivity also play crucial roles in shaping a nation's relations. They form inevitable variables or dynamics determining states' capacity of the relations. In history, when the world was fully in the grip of imperial or colonial domination, the imperative

[56] Lok Raj Baral, 'India-Nepal Relations: Continuity and Change', *Asian Survey,* volume XXXII, no. 9, September 1992.

conditions of one or both nations also played a key role in shaping the relations between two nations. These realities manifest that power alone is not a factor determining the relations between two or more states.

Rulers' character is another important factor of determining the relations of a country. Competent and accountable leaders shape their nation's relations with others competently by safeguarding the national interests prudently and beneficially—the Governments of B.P. Koirala, King Mahendra, Krishna Prasad Bhattrai, and Manmohan Adhikari are examples, admittedly. However, Nepal's leaders in the following days spoiled its image grotesquely—though the proportion of wrongs may differ. The degeneration of Nepal's national spirit and political independence occurred serious problem after the Mahakali Treaty.

On the contrary, in that same period, Deng Xiaoping, Hu Jintao, and Xi Jinping emerged tremendously successful leaders for building a very positive image of China in the international community. Manmohan Singh and Atal Bihari Bajpai played a crucial role in India for lifting its troubled economy. Today, India is a global role player. These leaders concentrated on protecting and promoting the national interests of their respective countries. But Nepalese leaders ignored the national interests for their selfish interests.

In Nepal, geopolitical constraints and rulers' imperatives are seen as dominant determinants of foreign policy. This theory is more relevant for relations with India. The Jung Bahadur's British appeasing policy was driven by the interest of preserving the Rana regime. Some Nepalese intellectuals love to argue that he was a nationalist ruler. But the reality was different. His imperative to preserve his position and the regime's sustainability was colored by the desire for the nation's political independence. Hence, it is fair to argue that the Rana regime adopted a policy to appease the colonial rulers for its endurance or sustainability. The 1950 treaty is the best example to validate this argument. The Rana Prime Minister Padma Sumsher colluded with the Indian PM Pandit Nehru to conclude the treaty to save his regime by sacrificing the national interest. The primary reason behind his consent was to harm people's revolutionary spirit and prolong the Rana regime.

Rulers' imperatives are often primary determinants of foreign policy. However, they can be classified into private vested and patriotic interests. Mao Zedong's interest in sending a Chinese volunteer army to support the DPRK was a patriotic national interest. Similarly, B.P. Koirala's request to China for financial support was a patriotic interest, too. There are many more examples of patriotic interests. King Mahendra's interest to link Nepal with China, by Kodari Highway, King Birendra's decision to stand against the Indian blockade of 1969, and Nepal's House of Representative's adoption of the Constitution amendment bill by incorporating a new map of Nepal in the Constitution's schedule are only a few to mention. On the contrary, the 1965 secret treaty, the 1996 Mahakali Treaty, and many similar other agreements are driven by the vested interests of rulers.

Also pointed out by Baral, the ruler's imperative can be better understood by the texts

of the 1923 Treaty of Friendship, the 1950 treaty of Peace and Friendship, including the 1959 letter of exchange, and the "secret agreement" of 1965.[57] In the view of Baral, these treaties occurred as an outcome of imperatives of rulers. The 1923 treaty was more seen as a guarantee by the Ranas for the continuity of their regime. In the words of Baral, these treaties or agreements were 'conditioned more by short-term strategies of regime survival than by genuine national interests.' He adds, "The *raison d'etre* of the 1950 Treaty of Peace and Friendship was the product of the self-interests of the beleaguered Rana oligarchy that was counting its days because of mounting anti-Rana political campaign of revolutionaries based in India as well as within Nepal."[58]

The 1950 treaty was the surrender of national interest by the Rana regime in the face of India's interests or desire of keeping the British colonial security arrangement with Nepal. The success of the communist revolution in China appeared as a strategic game-changer in South Asia. The Western capitalist bloc, the USA in particular, thought the emergence of the Communist State in China as a detriment to materialize its 'Grand Area' theory in Asia, the Far East in particular.[59] Nehru's government in India also viewed the Western liberal democracy and alley to the West as a future course of Indian politics. In that perspective, he too saw the rise of Communist China as a threat.

The post-independent political regime suffered many problems, including the division of the country. The post-independent change was not as bright as the people expected. The change brought about in India by the independence confined to a regime change situation—the native rulers replaced the white rulers, following the same state organizations, institutions, and socio-economic and political systems. It failed to generate bigger socio-economic impacts in the lives of common people. The class divisions continued, and the British education and legal systems sustained with praise of the Indian elite class. The Indian revolution against colonialism ended in the shape of power transfer only. The British system of the past, based on class and caste hierarchy, stood unchanged, thus disappointing the general masses of people. With the rise of communist power in China, Indian society saw a rapid convergence of strategic interests between the ruling class and the elitist regime. Its foreign policy coincided with the Western capitalist world, thus politically standing without the favor of the political change in China. The Indian government then chose to stride in the footsteps of the British colonial era concerning its foreign policy; it looked anti-China and pro-

57 Ibid.

58 Ibid.

59 The 'Grand Area' concept was mooted by American government officials together with non-government intellectuals to take over control of the world after the Second World War. They saw decline of British Empire. In this context, they thought the USA must surpass the former British Empire, for enhancing its domination on world market and energy resources. Far East, including China, would be its major market. But the victory of the communist revolution posed a stumbling block to the American covet of becoming world's master. Hence, USA and European capitalist power bloc decided to engage the security council to invade Korean Peninsula. The objective was to destroy the Chinese communist victory. But the Chinese volunteer army watered the American goal. See, Noam Chomsky, "New World Order Since World War II," UCL Rickman Godlee Lecture, 17 May 2011, See, UCL at http://blogs.ucl.ac.uk/events/2011/03..., accessed on 25 June 2021.

Western policy. As such, Nepal was dealt exactly with a policy as the British raj did.

That standing of India is mirrored in one of the remarks of Nehru, who said: "The Himalayas have provided us with a magnificent frontier . . . we cannot allow that barrier to be penetrated because it is also the principal barrier to India."[60] He added: "Therefore, much as we appreciate the independence of Nepal, we cannot allow anything to go wrong in Nepal or permit that barrier to be crossed or weakened because that would also be a risk to our security."[61] This risk indicated to new China. Ironically, India freed from two centuries-long yokes of colonialism coveted keeping Nepal under its protection like a 'jealous husband wants to keep his wife.' Such a husband believes in masculine machos and affectionately subordinates his wife as a protected human being. Though the wife is competent and stronger enough to visit neighbors, go to market and do shopping, and maintain the household economy, the jealous husband keeps vigil. India is following this metaphor in Indo-Nepal relations. Nepal had no problem with the rise of the communist government in China. It maintained 1500 years-long cultural and trade relations with China under dozens of dynasties and varying situations. Ironically, Indian PM Nehru was over conscious of Nepal's security. Indeed, this concern of him was his difference of ideology with communist China. The statement indicates that India had political interests in Nepal; it coveted Nepal to behave as a faithful housewife.

Nehru had the idea that the communist rise of China would push the Nepalese feudal elites to the fold of India. The Ranas maintained a stronger anti-communist attitude. They wanted to block the rise of the communist movement at any cost. They were even antagonistic to liberal democracy. Initially, even Nepal's monarchy was antagonistic to the rise of the Communist system in China. In this background, Nehru could persuade the Ranas easily to sign the 1950 treaty. Nehru also knew that such a treaty would be impossible once the Nepali Congress Party, led by B.P. Koirala would succeed in the democratic revolution, which was rapidly progressing.[62]He had precise knowledge that B.P. Koirala would reject accepting such a treaty.

Most importantly, B.P. Koirala's visit to China and extensive talk with the Chinese Premier Zhou Enlai, Koirala was instrumental in drawing affirmative attention of King Mahendra to China as a friendly nation. However, a group of pseudo-intellectuals in Nepal sees the only King Mahendra as a messiah of patriotism. His keen interest in developing relations with China to balance the Indian dominance emerged after Koirala visited China. The purpose of this discourse here is to show that the ruler's imperative played a crucial role in the conclusion of the 1950 treaty, not the geography of Nepal. This treaty severely squeezed Nepal's prospect of independent foreign policy making and partnership with countries for economic development.[63]

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60 Govt. of India, *Lok Sabha Debates*, and December 6, 1950 cited in Lok Raj Baral, 1992.

61 Ibid.

62 For more detail of Nehru's interests in Nepal, See, Bishweshwar Prasad Koirala (Ganesh Raj Sharma ed.), Atmabritanta (Autobiography), *Jagadamba Prakasan*, Lalitpur, 2055.

63 See, Hari Bahadur Thapa, 'Reviewing the Treaty of 1950', *The Rising Nepal,* available at http://therisingnepal.org.np/news/22232, accessed on 10 December 2018.

Nepal's geopolitical situation is always exaggerated as a formidable problem of Nepal's foreign policy. It means that the geopolitical situation is a fact to govern Nepal's foreign policy rather than a problem. Some logical conclusions can be drawn to validate this theory. First, in its long history, Nepal has not seen its geography as a constraint in its survival and maintaining good relations with its adjoining neighbors. Rather, the geography provided a safeguard against invaders like Huns and Islamic soldiers. The location was a boon for Nepal's economy. Second, King Prithwi Narayan Shah indicated that Nepal's geography is a factor in considering foreign policy as a balance system. He meant that Nepal's politics and the economy are free from foreign policy, meaning that foreign policy is a part of politics itself. But the Nepalese pseudo intellect saw and elaborated the 'Yam' theory as a negative factor of Nepal's independence and survival. The theory was grossly misused and derogated as a constraint of Nepal. The truth is dire naked, indeed. The truth is that Nepal's elites (the party actors in particular) used Nepal's geography to serve their power-game interests. They emphasized Nepal's politics into a 'geopolitical framework' and suppressed the 'geo-economics' aspect. The 1996 Mahakali Treaty, including Tanakpur Agreement and the 2006 Twelve Points Agreement, are the worst outcomes of the abuse of the geopolitical framework against Nepal's national interests.

Nehruvian doctrine about Nepal is an impetus for inappropriate interpretation and abuse of geopolitical features of Nepal's geography. His above statement is the sole foundation of geopolitical interpretation of Nepal's geography, which stands against Prithiwi Narayan's prudence and the UN charter's general principles. This wrong interpretation was expanded widely by Indian academics and leadership. Many Nepalese intellectuals (of which a significant part is pseudo) ignorantly highlighted and deepened the interpretation. At present, the geopolitical framework has been implanted as negative psychology in the minds of Nepalese people, always fuming inferiority, frustration, and loss of patriotism among the larger mass of youths. On the other hand, it has been abused by a larger number of the Nepalese youths as an 'emotional patriotism—an ultra-nationalism—' which defines India as a nation but not the colonial era foreign policy pursued by the Indian establishment as a threat of Nepal's survival and development.

Why did Nehru fail to become friendly to Nepal, and why did he fail to respect its national independence, appreciating international law on sovereign equality? The answers to these questions are simple. His true intention was to perpetuate the concept of *special privilege* over Nepal. While he was a leader of the Non-aligned movement, championing peoples' right to self-determination, his attitude to Nepal's right to self-determination was strictly narrow and conservative. Nepal's picture in his mind was instilled and framed as a country of India's protectorate. Many things in this regard are documented in B.P. Koirala's autobiography. Hence, no repetition is necessary. A conversation of Nehru with Zhou Enlai makes his concept of Nepal crystal clear. Against the letters and spirit of the post-Second World War independence movements and the principles of the non-aligned movement for the right to self-determination, Nehru proposed Zhou Enlai to consent for India's *special privilege or position* over Nepal. But Zhou Enlai did not agree with his idea. Nehru had an alternative idea of keeping

China out of diplomatic relations with Nepal. China did reject this proposal either. Nehru had a second alternative. He urged China to refrain from having the People's Republic of China embassy opened in Kathmandu. He wanted the Chinese embassy in New Delhi to deal with Nepal as a third option. In 1954, Nehru, after his Indo-China visit, mentioned the conversation with Zhou in a report. He wrote:

> *"I gave him a brief outline of recent Nepalese history and how I previously Nepal was far from independent, that is before India became independent. There was no interference in internal matters, but otherwise, the United Kingdom was suzerain power. Independent India had accepted the right that Britain had exercised. But the two countries had agreed that their foreign policies should be coordinated. It was clear that India had a special position in Nepal, and it became necessary for their foreign policies to be in line with each other. India did not approve of foreign intervention in Nepal in any way. As for Nepal and China, it was desirable that they should have such problems as existed in regard to Tibet. The question of diplomatic representation could probably be dealt with by the Chinese Ambassador in Delhi also being accredited to Kathmandu. I pointed out that Nepal was passing through grave internal difficulties, and we wanted to help to get over them and not add to these difficulties."*[64]

China disregarded all of Nehru's proposals. These proposals themselves were derogations of the Charter of the UN, which guarantees the right of sovereignty equality to each member. China's disregard of the proposal is confirmed by its agreement with Nepal to open diplomatic relations in 1955. These proposals reduce Nepal into '*de facto suzerainty.*' The British colonial regime practically implemented this status before the 1923 treaty. Indian intellectuals, academics, and media always ignore this particular fact. Two main factors from the side of Nepal indirectly assist the Indian intellectuals, academics, and media in ignoring this fact. First, Nepalese intellectuals and academics are obsessed with the theory of geopolitics and its abusive interpretation, exaggerating the negative impacts. The theory generates floods of frustration, pessimism, and pseudo nationalism and blurs the significance of logical arguments against Indian intellectual biases and stereotypes. Hence, the theory is self-inflicting upon Nepal. Second, Nepalese political leadership has a deep-rooted feudal culture of governance. They are keen to exploit benefits from the state's position, coffers, and facilities. They are keen on their selfish interests and are ready even to betray the national interests for their benefit. The Nepalese leadership lacks a culture of knowledge-driven management of the state. It has been experienced that they do not hesitate to differentiate the national from the party or individual interest. Consequently, Nepal as a state is pushed into the trap of Indian diplomatic influence and arrogance occasionally. Arrogance exists much more common phenomenon among intellectuals and diplomats.

Nehruvian attitude differs from the history of relations between Indian states and Nepal. Plenty of historical proof shows that Nepal and India maintained a peaceful

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[64] Jawaharlal Nehru, 'Note on Visit to China and Indo-China', 14 November 1954, *History and Public Policy Program Digital Archive International Declassified,* National Archives Department of Myanmar, Ascension Number 203, Series 12/3, "Letter from Jawaharlal Nehru to U Nu", relating to Note on Visit to China and Indo-China (16.11.54), available at https://digitalarchive.wilsoncenter.org/document.121651, accessed on 6/7/2021.

relation. The situation drastically changed after 1947 yet. The relationship remained peaceful but faced the absence of friendliness of the past, before British occupation particularly. The undercurrents of present Indo-Nepal relations are tumultuous, though the abundance of rhetorics depict that it is smooth, peaceful, and culturally closer. Tensions between the two nations are rife. Irritations to its unending meddling in internal affairs are major concerns of Nepal. While the economic and development support is countable, the significance of the same is downplayed by its persistent willingness to influence the internal affairs of Nepal.

In this backdrop, Nepal faces a few pressing problems. First, Nepal's relations with other countries are regularly affected. For instance, when Nepal's prospects of cooperation are afloat with countries like China, Bangladesh, SriLanka, Bhutan, and overseas nations, they question what reactions of India will surface appears as a significant concern, automatically in their minds. Nothing else is settled without settling the issue of the Indian possible response. This psychological factor is called the 'India Factor' among Nepal's development partners. This situation is particularly significant in Sino-Nepal development cooperation. Two countries have signed the BRI-Cooperation framework in 2017. The transportation transit agreement is signed either. But these vital instruments are lying unimplemented, thus pushing the prospect of China's investment in Nepal into darkness. After these instruments, the country's political situation has turned more chaotic despite an elected majority government. State institutions are failing to deliver. The national spirit is declined to the lowest ebb.

Second, Nepal's economic development is still failing to take speed, even after the promulgation of the new constitution that commits to a goal of socialism. Nepal's market has virtually come under full control of the Indian economy, including Nepal's currency. Third, Nepal's trade is suffering from a huge deficit. Fourth, in the absence of promising economic growth and employment opportunities, the Nepalese youths are migrating overseas for jobs in exodus, thus creating a severe lack of human resources in agricultural production sectors. Nepal is now turned into a food importing country, whereas till the 1990s, it was a food exporting nation. The impact of the 'India factor' in Nepal's foreign policy is thus severe. For all these reasons, India-Nepal ties bear many striking rough patches. India's 1950 treaty psyche-driven foreign policy has played a catalytic role in constructing the Nepalese people's depressed psychology. This psychology, together with India's apparent inability (or unwillingness) to address Nepal's sensitivities as a country between two big nations in day-to-day dealings, practically generates abrupt downturns in the relationship frequently.[65] K.V. Rajan, a former ambassador of India to Nepal, confesses this observation.

Since the 1990s, balanced diplomacy has become the basic principle of Nepal's foreign strategy.[66] This fact is accepted by Chinese said. Since 1955, quite different from the Indo-Nepal relationship, the Sino-Nepal relationship has witnessed no downturns. Most

[65] Krishna V. Rajan, 'Nepal Today: Bad Politics Trumps Good Economics', *Indian Foreign Affairs Journal* volume 11, no. 2, April–June 2016, pp. 93-123.

[66] Liu Zongyi, 'Indian Worry over China-Nepal Drill Outdated', Global Times, 20 April 2017.

importantly, China has no reservation in Nepal's wish to develop a friendly workable relation with India. Chinese media has never demonstrated a jingoist attitude. Neither the Chinese intellectuals have a tradition of disparagingly commenting on Indo-Nepal relations; their behaviors are cultured, civilized, and ethically professional. China has strictly maintained the discipline to spreading political comments in Nepal's internal politics and affairs. The Chinese leaders do not rush to Kathmandu to make and unmake the government of Nepal. But the attitude of Indian intellectuals and media is reverse. The arrogance of some Indian media during the 2015 devastating earthquake was unacceptable—Indian media even did not spare mocking people's pains and enjoying from that. Some of their activities resembled highly inhumane. Hence, some Indian media had to face backlash—'go back home' comments of Nepalese people.[67] Lately, an Indian media comment about Sagarmatha Mountain (Mount Everest) was also highly pejorative.[68] These are only a few examples to mention.

Only a few Indian academics have made efforts to understand Nepal's situation properly. For example, Sneha Patel appraisingly writes, "Nepal's foreign policy has mostly focused on maintaining a balance between its two bigger neighbors. Thus, although being a small and poor country, Nepal has played a major role in the regional politics and as well for external powers."[69] Such comments from Indian intellectuals are rare. Hence, the Indo-Nepal relationship forced us to face a paradoxical situation.

On the one hand, such debates between Nepal and India are multitude. On the other, they still maintain an open border. India is critical of Nepal's relations with China, but India shares border, trade, tourism, transportation, and other dimensions with China. But India still fails to recognize that Nepal's strategic location can be a vibrant bridge between two prosperous countries.[70]

Faultiness in Indian Foreign Policies to Nepal

The major fault line in Indian foreign policy to Nepal lies in the former's persistent desire to guide the latter's independence as a younger brother, in the words of most Indian leaders and bureaucrats. Since India treats Nepal as a small brother, some Indian leaders and foreign policymakers think that India, as a big brother, has the right to chastise Nepal when the need is felt. The larger part of India's leadership and bureaucracy is accustomed to deal Nepal as per their convenience, largely as a tradition inherited from the British colonial regime, rather than the principle of reciprocity and mutual benefits. This colonial psyche is the gravest fault line in Indian foreign policy to Nepal. Surprisingly, only a small size of academics in India has gone into investigating this fault line.

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67 For more story, See, Sanjaya Kumar, 'Nepal is not happy with the way the Indian media conducted itself in the wake of the great earthquake', *The Diplomat,* 17 May 2015.

68 For more story, See, 'Zee News Editor regrets his remarks', *Nepalpress,* 14 January 2021.

69 Sneha Patel, 'A New Journey in the New Context: Nepal-India Relations', *IOSR Journal of Humanities and Social Science (IOSR-JHSS),* vol. 22, Issue 9, ver. 11, September. 2017, pp. 73-79.

70 *Bhim Nath Baral,* Nepal-China-India: Prospect and Challenges of Trilateralism**,** Journal of Political Science, volume XIX.

As elaborately discussed above, a significantly large number of academics in India take India's foreign policy approach to Nepal for granted. Most Indian people are fully unaware of their government treatment of Nepal. For most Indian academics, diplomats, and political leaders, the increased interaction of Nepal with China is problematic. This psyche is a result of envy to China and partly an attitude of domination—India wants unquestioned power in the South Asian continent. In fact, India suffers from a problem of historical amnesia. It ignores to pay attention to a long history where Nepal stayed peacefully and enduringly with several dynasties of Magadha Empire without any problem. So that this amnesia is another serious fault line in India's foreign policy approach to Nepal; this amnesia lets Indian academics, foreign policymakers, and leaders forget that Nepal has a lasting history of an independent, honored, and civilized nation within South Asian civilization.[71] They tend to ignore that Nepal was a seat of knowledge in the South of the Himalayan landscape, and it has an uninterrupted history of statehood. Nepal's status as an ancient nation can be evidenced by the existence of the Pashupatinath Area and Syambhunath *Stupa* [both are the World Heritage Sites], both of which possess a long and rich history of Himalayan civilization.[72] This fault line of Indian foreign policy to Nepal is rooted in a misunderstanding of South Asian history. India's tendency to manifest itself as a representative of 'South Asian civilization' is malignantly wrong. The Western intellectuals are equally complicit in this wrong.

Some historical annals present that Nepal maintained friendly relations with China also. Some historians have suggested that India had no formal governmental communication with China till the early Lichhavi era in Nepal—Nepal was the only country in South

[71] Ancient history of Magadha's relation with Nepal was peaceful and respectful than today's modern India. Emperors of Magadha maintained friendly and honorable relations with Nepal. Their relations included marital connections also. According to D. R. Regmi, Emperor Ashok's visited Nepal and paid respects to Nepal's King (See, For more detail See, D. R. Regmi, *Ancient Nepal,* Firma K. L. Mukhopadhyay, Calcutta, 1969, p. 8). A legend in the chronicle mentions that Emperor Asok's daughter Charumati accompanied him and founded the Buddhist monastery at Chabahil, a place in Northern Kathmandu. The legend also includes that she had married a prince of Nepal (Ibid) and looked after the monastery as her prayer shrine. This same place is now known as Cha-ba-hill, a mound named probably after *Charu*. Emperor Ashoka ruled Magadha from 272 to 232 BC. He succeeded in building a mammoth empire, by annexing almost entire kingdoms from the subcontinent; only few remained free, including Nepal. To the north, Nepal remained independent nation. The legend also says that Ashok's grandfather Candra Gutp Maurya had taken help of Nepal dethroning Dhana Nanda, a morally lax Emperor of Nanda dynasty. The historical description shows Nepal's existence as a nation antecedent to the reign of Ashok. It also shows that Nepal and Magadha lived with no problems and contests. Most importantly, Ashok's visit showcases the status of Nepal as a worthy neighbor and a noticeable nation. Once the *Risik* dynasty vanished in Magadha, Samundra Gupta established a powerful new empire. Exactly in the same era, Licchhavi dynasty of Nepal expanded its frontiers by annexing many smaller hilly kingdoms. They annexed more territories and created a bigger country, eventually. Till the reign of King Mandeva established (463-506 A.D.), Nepal already had emerged as a powerful nation politically, administratively and economically (See, Baburam Acharya, *Chin, Tibet and Nepal (China, Tibet and Nepal),* Fine Print Books, Kathmandu, 2017, p. 160.

[72] For more detail See, D. R. Regmi, *Ancient Nepal,* Firma K. L. Mukhopadhyay, Calcutta, 1969, p. 8; Reprint, Rupa & Co in association with Dilli Raman Regmi Memorial Foundation, New Delhi, 2007, p. 8.

Asia communicating with Chinese Emperors. The two countries had maintained a unique harmonious relationship.[73] Historical facts abundantly present that Nepal and China have had official communication maintained for at least 1500 years. But spiritual and religious communications are even older. India has been overlooking this historical distinctiveness of Nepal.

Xuan Zang, a Chinese pilgrim, stayed longer in Nepal to study *Dhyana* Buddhism (a meditative Buddhism). His descriptions give more detailed information about Nepal and its relations with China and India of those times.[74] Historically, it was a unique time because the Silk Road was directed from China to the Middle East via South Asia. Nepal's capital Kathmandu became a popular hub to connect China and South Asia. When Xuan Zang was about to return to Yunnan, a Chinese mission of 36 men was approaching Nepal via Lhasa. For the first time in history, Chinese travelers used this route to approach Nepal and then South Asia. Wang Xuance, the defense minister of the Tang Emperor, had led this troupe. This mission established connectivity between Nepal and China directly, creating a route via the Himalayas. After this mission, Nepal and China got into a deeply entrenched cultural tie.[75] No other country in South Asia had such a unique active tie with China, nor did China have such a relationship with any other country. After staying nine months in Kathmandu, this mission marched to visit the Magadha Emperor at Pataliputra and Buddhist shrines in Northern Bihar.

Emperor Harshavhardhan had died, and Arjuna, one of his generals, had seized the northern territory by rebellion. This mission was arrested, detained, and tortured at the Nepal-Magadha border township named Tirahut. Some members of the entourage were killed, and others toured and robbed. At the request of the Tang Emperor, Nepal's King Nerendradeva took an operation and rescued the entourage, defeating the culprit.[76] In 651 A.D., Narendradeva sent a mission to China, headed by his first son

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73 'Fa Xian was the first Chinese monk to visit Nepal. He visited Nepal in between 399 and 413 (AD). He came to Nepal via *Ghandhara* (present Peshawar) and Kashmir. Nepal, as revealed by some historical evidence, was in that time bordering with Kashmir as its western frontier. The *Bharatvarsa*, south to Nepal, was divided into many dozens of independent Kingdoms, the erected a nation called India for the purpose of centralizing the government for convenience of tax collection. The second Chinese Scholar to visit Nepal was, who is said to have spent considerably longer period of time in Nepal and studied the *Dhyana* (meditative Buddhism). When he was returning to China, Yunan, a Chinese mission of twenty men led by Li I-paio and Wang Shuan Tse was heading to Nepal by a new route which had never before been used for the journey between Nepal and China. This route is Kerung pass. This is how Nepal and China got into a deeply entrenched cultural tie. No other country in has such unique tie with China, nor does China have such tie with any other country in South Asia. However, this unique historical relation is not emphasized by the both countries in their education systems, which is unfair.

74 On Xuan Zhang's descriptions about Nepal, See, Baburam Acharya, *Chin, Tibet ra Nepal (China, Tibet and Nepal),* Fine Print Books, Kathmandu, 2017.

75 'This mission was robbed in Magadha and had been rescued by a military mission in support of Nepal. Chinese historians have however largely ignored this fact.' For more detail see, Ying (n 23), p. 17.

76 Rishikesh Shah, *Ancient and Medieval Nepal,* Ratna Pustak Bhandar, Kathmandu, 1992, p. 20. *"The group of scholars was attacked by Arjuna (Arlo-nashun in the Chinese Text). Wang Suance and one of his colleagues managed to escape and returned to Nepal. King Udayadeve was ruling Nepal then, who was assisted by the ruler of Tibet to gain his reign back from his uncles. Udayadeva and Songtsan Gampo, the ruler of Tibet, formed a combined military to attack the ruler of Magadha, the troop was able to rescue the other surviving emissaries. The friendship between Nepal and China was thus formally and firmly established."*

Skandadeva. This visit of the Nepalese prince exemplifies a unique relation established between China and Nepal. Ignorance of such facts of history is a big mistake on the part of India's foreign policy to Nepal.

The third fault line in India's foreign policy centers on its ambivalence of socio-economic and political orientation. India's relations with China and other countries are affected by this ambivalence. The ambivalence breeds indecisiveness in its orientation. The ambivalence is manifested in its current relationship with China. On the one hand, India is happy to share the BRICS forum with China and benefit from BRICS Bank and AIIB's funding in its development activities. But on the otherhand, its persistent engagement in dialogue with the USA and others to form a quadrilateral alliance is hectic. India's economy is significantly transformed from enhanced trade with China. But India's affection to the West is unhidden. This ambivalence is posing constraints to unite Asia and transform it into the current world's economic hub.

Consequently, India is failing to catch the course of Asia's transformation as one of the leaders. These failures are manifested on three fronts. (a) India is failing to grow as an Asian nation with its Asian identity. Most Indian elites think that India should be closer to the West than China and other Asian countries. Indian cultural and civilizational proximity with Chinese is disregarded, if not refused entirely. While the Bharatiya Janata Party stresses Hindutva as a milestone of its political orientation, it is more a strategy of constructing Hindu vote banks than decolonizing the image of Indian culture and civilization. Until and unless India changes its pro-West orientation, Asia stands fragmented. The change in India's orientation will, on the other hand, help it build civilizational and cultural ties with Asian nations. The orientation will build mutual cultural and civilizational trust between China and India. However, the Indian diaspora poses a serious hurdle in building such connectivity. A segment of the Indian intellects and diaspora promotes a theory of Indo-Western proximity. In their opinion, India's closeness to the Western system of knowledge and interactions is more comfortable and beneficial. Influenced largely by the Western 'binary opposition' theory, as a part of colonial hegemony, the pro-West segment of Indian intellect, including the larger section of foreign policymakers, propagates a theory that China poses a perennial threat to the Indian security system. The pro-West segment of the Indian intellect, including foreign policymakers and the Indian diaspora, poses a hurdle in building a trusted relationship between China and India. It also contributes to detach India from the Asian fraternity. Hindutva-driven politics and rising relations with Israel are recently causing setbacks in its relations with Central and Middle East Asia. Its relations with Malaysia and Indonesia are also in decline recently. (b) India's well-orchestrated possibility of an alliance with the Western bloc will divide Asia further and emit conflicts risks. Should Indian align with the Western bloc? At least, the answer is not critically sought by the Indian think tank. The alliance is not only imprudent but also unfeasible, both culturally and geopolitically. India's ambivalence in this regard is deeper. During the early phase of the Cold War, India chose to mirror its image as an active member of the 'non-aligned' movement.[77] However, the non-aligned movement faced serious

[77] Sunil Khilnani and et al, *Non-alignment 2.0: a Foreign and Strategic Policy for India in the Twenty first Century;* New Delhi: Centre for Policy Research, 2012.

challenges from the Western capitalist countries—the NATO countries, particularly the US. In a quest for imperial ambition and domination of the world, the Washington elites treated non-aligned movements calmly, if not abhorrently. A champion of the Bandung conference, Sukarno, President of Indonesia, was assassinated in the U.S.-assisted *coup d'etat*.

The incident posed a serious setback in the smooth development of the movement. The movement advocated for the right to self-determination. It promoted the theory of nationalism, thus posing an obstacle to the U.S.'s ambition of dominating the world resources and markets, particularly the energy resources of the Arab countries. Hence, American Secretary of State John Foster Dulles vocally opposed the usefulness of the non-alignment movement. He accused India in 1955, saying that the non-aligned movement was an 'obsolete conception.' In his argument, the non-aligned movement was a concept of neutrality. In 1956, he bitterly condemned the movement saying, "…except under very exceptional circumstances ... an immoral and short-sighted conception".[78] Therefore, Nehru's India was ignored as an opportunist, short-sighted nation. As noted by Harsh V. Panta and Julie M. Super, India counted no profound nation to the United States, specifically in its mission to curb the spread of communism. However, its liberal democracy was considered helpful in assuaging western concerns.

The only reason of the Western favor of it was the liberal democracy. Yet, the American dislike of India outweighed its liking. Despite this unfavorable treatment of the West, Nehru kept clinging to the Western interest, thus ignoring the U.S. hegemonic activities in Indonesia and Egypt, two stalwarts of the non-aligned movement and friends of India. The ambivalence loomed largely; India's sensitivity was too insignificant to the growing Western influence in Asia. Its clinging to the Western bloc, despite its dislike, pushed it away from China and other nations in Asia; India ignored to explore a better relationship with China's communist government. India's interpretation of China's communist system as a threat was not homemade—it was West-made. The China threat was more a pretension of India to win the favor of the Western powers. This factor fumed undercurrent in the relations of the two countries, leading to a situation of conflict. Nehru's biggest failure was to keep India out of the anti-Socialism ploy of the Western countries. The Western bloc used India as an instrument of sabotaging the communist government of China in Tibet by helping the separatist mission of the Dalai Lama. Nepal's stand was far prudent than India in that issue; Nepal rejected an appeal of Dalai Lama for refuge. India's acceptance of Lama's refuge and permission to run an exile government from Indian territory was one of the key fault lines in Indian foreign policy that generated spiraling conflicts between the two countries in the days to come. And Nepal was victimized by the spillover of their conflicts. Spectacularly, India's foreign policy to Nepal is governed by its flawed foreign policy to China.

Most importantly, the Indo-Western relation is not firmly based on the reciprocal importance of each other. While India thinks the West is politically and intellectually

[78] Thomas, 'Nonalignment and Indian security', p. 160, quoted in John Lewis Gaddis, *Strategies of containment: a critical appraisal of American national security policy during the Cold War;* Oxford: Oxford University Press, 2005, p. 151.

closer to it than China, the Western bloc, particularly the US, needs India as an alley for nothing other than to contain Communist China. India is used as a pawn by the West against socialist China. Therefore, the Western bloc is the sole profiteer from India's flawed foreign policy and conflicts with China. So that, no pragmatic foreign policy of India can be expected free from the Western bloc's interest in Asian politics. The source of fault lines in Indo-Nepal relations ultimately sprouts from the Indo-Western unnatural partnership, which is neither defined properly nor beneficial for India's larger poor populations. On the contrary, closer and peaceful ties between China and India can bring huge economic fruits to the people of both countries, and Nepal can benefit equally.

It is explicable that Indo-Nepal relation is impacted by the asymmetry mentioned above of its foreign policy direction. The asymmetry, in turn, is rooted in the inheritance of the foreign policy approach adopted by British colonialism before 1947. India was expected to emerge as a new nation with its distinct foreign policy and political system relevant to the culture and civilization and the socio-economic realities of the Indian society, which was brutally exploited in the past. The British colonial rule left Indian society with a severe problem of class and caste-based divisions. But even the post-independent politics of India felt no necessity to correct the errors. It was one of the costly mistakes of the pro-British Nehruvian doctrine of democracy and freedom.

In the early post-independent era, India saw a mushroom of problems, nationally and internationally. Nationally, it had to bear the trauma of division and ensuing carnage. Thousands of people lost their lives from the communal violence generated by division schemed by colonial rule. Internationally, the Indian post-independent era coincided with the onset of the Cold War. The world is divided between pro-USSR and pro-USA alliances. The socialist bloc backed by the USSR faced massive soft-attacks by the capitalist bloc headed by the USA. In this unwanted situation, India was pressed to remain in between, thus championing the principle of the non-aligned movement. Was that involvement sincere and principled? The answer requires deeper research. Yet, a few issues raise some doubts. First, the non-aligned movement promoted nationalism backed by the right of self-determination driven international law. The independence movement forced the British to quit India, but the nationalism of Indian people against foreign domination remained low-spirited. The economic domination, democratic structure, legal system, and many British legacies prolonged and ruled the new Indian society. Most importantly, the Nehru-raj failed to take neighbors into confidence; it continued the British-raj attitude in foreign policy.

Nehruvian problematic foreign policy—needing corrections:

Consequently, that flawed policy hindered India's rise in Asia as a nation to protect non-aligned movement and help safeguard weak neighbors' national sovereignty. Its image was paradoxically stated above. The principle of *panchasheel* preached as a foundation of non-aligned movement by India, and the 1947 tripartite agreement regarding Gurkha recruitment and 1950 treaty signed with Nepal contradicted each other. Hence, India

could not rise as an important stakeholder in international affairs. Two hundred years' colonial subjugation ruined the identity of India badly. At that time, India had very little international posture. Even after independence, the posture was not very bright. At that point, China gained high profile posture opposing American hegemony in Korean Peninsula, but India's voice against Western hegemony in Asia was absent. As a matter of fact, its role in international affairs was overshadowed; neither the Soviet Union nor the United States gave attention or interests to India politically. As noted by Sujeet Ganguly and Manjeet Pardasi, the U.S. had very scant attention to India.[79] Rajen Harshe, an Indian intellectual, writes, "The United States was virtually ignorant about India and had few cultural, strategic or economic links with the nascent nation."[80]

Understandably, India was not in the picture of the US's international affairs; neither was it in the focus of the USSR. The USSR had very little reason to pay attention to India; India had little strategic importance.[81] Nehru's British or English affinity was not hidden. The USSR also was informed of complaints and resentment of China concerning India's support to the Dalai Lama. This diminished posture of India in internal affairs was humiliating to some extent. On the contrary, China drew significant attention from the United States and the Soviet Union. It obtained a seat at the Security Council of the United Nations, which the People's Republic of China later represented.

Some Academics have argued that the low profile or isolated position in international affairs placed India, even at the regional level, at a disadvantage. Unfortunately, this low-profile position was interpreted by Nehru as a vulnerability of threat from China. Some pro-Western Indian Intellectuals supported the notion of Nehru arguing that the other major regional states, the People's Republic of China (PRC) in particular, posed a significant security threat to India."[82] Such arguments misguided Nehru further; this argument was without foundation. Nehru's foreign policy was mooted before China's communist rise in 1949. Before 1949, China was preoccupied with its domestic problems—anti-Japanese resistance and civil war. India stood a free nation before China. However, this fact never occupied the Indian intellectuals while searching for factors affecting Indo-China relations in the 1950s. The rift between China and India is neither ideological nor historical. The rift between the two countries goes back to the 1914 Simla agreement that recognizes the freedom of Tibet. The Nationalist Government already rejected the McMahon line theory of border. India could utilize the rise of a new Government in China to negotiate and settle the issue as a friendly country. Nehru's foreign policy failure is costly and provides causes for several problems of India with neighboring countries.

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79 Sumit Ganjuly and Manjeet Pardasi,'Explaining Sixty Years of India's Foreign Policy', *India Review*, volume 8, no. 1, January–March, 2009, pp. 4–19.

80 Rajen Harshe, 'India's non-alignment: an attempt at conceptual reconstruction', *Economic and Political Weekly* 25: 7–8, 1990, pp. 399-400.

81 David M. Malone, *Does the elephant dance? Contemporary Indian foreign policy* (Oxford: Oxford University Press, 2011), p. 76.

82 Rajen Harshe, 'India's non-alignment: an attempt at conceptual reconstruction', *Economic and Political Weekly* 25: 7–8, 1990, pp. 399-400.

Paradoxically, even today most Indian intellectuals take Nehru as a real architect of the post-colonial foreign policy of India. Admittedly, he was an ardent believer in Western liberal values in politics, though he was skeptical of the United States.[83] But his skepticism resulted from his highly Anglicized personal and professional background, Ganguly and Pardasi have written.[84] On the other hand, he was ambivalent to the Soviet Union. In conclusion, he happily followed the British legacy in the post-colonial foreign policy, whereas the world was governed by nationalist sentiment. Nepal was not an exception. Hence, the 1950 treaty and Nehru's acts of controlling Nepal's domestic affairs, by allowing the Indian ambassador as a governor of Nepal and appointing Indian employees as advisors for the Nepalese government,[85] slapped the face of Nepalese people, which is instrumental in fuming inundated anti-Indian sentiments. Consequently, the foreign policy of India plummeted into a tangle of ambivalence. He neither could develop dependable relations with China—he was adamant in McMahon line principle of border settlement—nor could he establish an independent influence in international affairs.

At this right point starts the third thread of ambivalence. India chose to evolve as a firmly dominating power in the subcontinent. It tried to prove its significance by dominating powerless smaller neighbors, which was against the principle of *panchasheel*. It forced Bhutan to enter into an unequal treaty, thereby securing its control over the foreign affairs of Bhutan. It secretly entered into a Peace and Friendship Treaty with Nepal in 1950 with the oligarchic Rana regime and ensured that it could implement unlimited influence over Nepal's domestic affairs. India accepted Dalai Lama's refuge in India and allowed to run an exile government from India, which during the 1960s launched an armed rebellion against China, using Nepal's territory. India made all efforts to emerge as a dominating power in the sub-continent. Rather, it could choose a policy of trusting all neighbors with full support and adherence to the principle of sovereign equality and could prefer to emerge as a regional peacebuilder. This would have given a bright posture to Indian identity as a post-colonial leader for the right to self-determination of the third world countries. The Post-Nehru era witnessed massive modernization of the military with expansionist ambition. In 1965, Sikkim was annexed to India, thus posing a serious threat to Bhutan and Nepal. In the 1970s, the Indian spy agency began planning to annex Nepal—at least its southern plain. The following excerpt of an Indian intelligence officer RK Yadav's book will confirm the argument:

> *"…a legendry Indian spy late Kao, a true Indian by heart and devotion. Kao told me that after the merger of Sikkim, he had a plan to disintegrate the Tarai area of Nepal because of the increasing presence of China there much to the discomfiture of the Indian Prime Minister Indira Gandhi. He saw Maoist menace to India in 1975 which is now posing a serious security threat to India. However, the merger of Tarai of Nepal was deferred in view of political turmoil when Indira Gandhi declared an emergency in*

[83] Sumit Ganjuly and Manjeet Pardasi,'Explaining Sixty Years of India's Foreign *Policy', India Review*, volume 8, no. 1, January–March, 2009, pp. 4 -19.

[84] Ibid.

[85] See, Bishweshwar Prasad Koirala (Ganesh Raj Sharma ed.)*, Atmabritanta* (Autobiography), Jagadamba Prakasan, Lalitpur, 2055.

> *the country in June 1975, just after the merger of Sikkim with the Indian Union… Unfortunately, when elections were held in 1977, Indira Gandhi was defeated, and her party did not come to power, and Kao's operation of merging Tarai and other assignments, did not materialize.*[86]

Hence, such maneuvers and activism cause the weaker South Asian nations to fear India. Such fears are rooted in something called the *Nehruvian diplomacy* in South Asian neighbors of India. And, this type of diplomacy is what Indian intellectuals, media, and politicians must review to initiate a new era of relations with its neighbors. But the same is largely lacking and not hoped much in the present situation of a rush to the quadrilateral alliance. They must sincerely and critically review the provisions of the 1950 treaty to promote a fresh start in Indo-Nepal relations.

By entreating into the 1950 treaty, the Nehru government acted against the moral obligation to respect the sovereignty of Nepal. Nehru wanted to bind Nepal by the treaty to remain within its security umbrella. Nepal is grappling through difficulties imposed by this treaty even today. The treaty is inconsistent with Article 2 of the UN Charter and the principle of the right to self-determination. Nehru was successful, by this treaty, to squeeze Nepal's independence for his pre-emptive rivalry with communism in China, but it was ultimately a game of loss. However, the Treaty recognizes the sovereignty, territorial integrity, and independence of Nepal, its sets some mutual obligations by stating that the "two governments hereby undertake to inform each other of any serious friction or misunderstanding with any neighboring state likely to cause any breach in the friendly relations subsisting between the two governments" (Article 2). Unfortunately, India never followed the provision. The treaty obligation is unilateral; only Nepal is to abide by the obligation strictly.

Article 5 of the treaty provides Nepal a right to import arms, ammunition, or warlike material and equipment necessary for the security of Nepal using the territory of India. However, this freedom is used against Nepal to buy arms from India or the country it desires as a treaty obligation. Nepal's freedom to purchase arms for its security has thus been dependent on the choice of India. The anti-positivist doctrine of international law rejects the legitimacy of such a treaty. Accordingly, in 1989, Nepal purchased basic weapons of security from China, refusing to accept the unilateral obligation of the treaty. The consequence was tragic; Nepal had to face a yearlong blockade, thus starving Nepal's people. Many young children and sick persons died because of the lack of necessary medicines. The blockade was inhuman and contrary to every norm, principle, and rule of international law. The letter exchanged with the treaty was kept secret till 1959, which required mutual consultation by stipulating that: "Neither government shall tolerate any threat to the security of the other by a foreign aggressor. To deal with any such threat, the two Governments shall consult with each other and devise effective countermeasures."

This obligation is solely imposed on Nepal, however. India engaged in wars with China and Pakistan without feeling it necessary even to inform Nepal. The treaty has become

[86] RK Yadav, *Mission R&AW,* New Delhi; Manas Publications, 2014, p. 263.

a basis for legitimizing the hegemony of India against customary international law established by the Montevideo Convention 1933, UN Charter, and various resolutions adopted by the UN General Assembly. The two governments signed an agreement in January 1965 "under which, Lok Raj Baral writes, "New Delhi agreed to underwrite the entire requirements of the Nepalese army as far as possible.' American and British assistance would only be sought when India was not in a position to supply the necessary equipment."[87]

The treatment of India grew more constraining to Nepal in the days to follow. While Nepal had no option but to accept what India grants, the attitude of Nepalese people began to grow gradually against India. The trade and transit treaty was concluded in 1960, agreeing to treat each other's goods favorably. Nepal had to agree to give preferential treatment to Indian goods. The industrial products manufactured in Nepal were to access the Indian market, although 90% of such products would have to be made of not less than 90% Indian or Nepali materials. The same restrictions did not apply to India. Hence, Nepal was virtually turned into the Indian market. [88] Today's massive underdevelopment of Nepal thus owes to the unequal treaty. It is also hindering the development of trilateralism in trade and cooperation. Nepal has no option to refute following the treaty and engaging in the diversification trade and investment. And, this necessity is dubbed as 'China Tilt' by Indian media and intellectuals.

Since 1947, India's influence in Nepal's domestic politics, as Rabindra Mishra, a Nepalese journalist at BBC in the past, writes, "has remained strong to this day." He continues, "In early years of Nepal's first experiment with democracy, Indian advice was solicited by Kathmandu on virtually all political, administrative, security and foreign policy matters." This practice was resented and avoided once King Mahendra ascended to the throne after the demise of King Tribhuvan. Following the 1959 general election, the first elected PM B.P. Koirala followed the suit of King Mahendra, arguing that Nepal and India were 'equal friends.' He pursued a policy of equal friendship with China and India and with other countries.[89] However, these policies were looked at as unacceptable by Delhi, thus unleashing tensions between the two countries.

Discussion and Conclusion

Arguments of Indian intellectuals and media (by the silence of the Indian government) that Nepal's increasing cultural and economic ties with China are posing a threat to India's security is unrealistic, unsustainable, or untenable. The argument is baseless also on the ground that India is maintaining its partnership with China in BRICS, AIIB, and the Shanghai Forum. India's problem with China, solely related to their undemarcated

87 Lok Raj Baral, 'India-Nepal Relations: Continuity and Change', *Asian Survey,* volume XXXII, no. 9, September 1992.

88 For detail provisions, See P. C. Rawat, Indo-Nepal Economic Relations (New Delhi: National, 1974), p. 73.

89 Rabindra Mishra, India's Role in Nepal's Maoist Insurgency, *Asian Survey,* volume XLIV, no. 5, September-October, 2004, pp. 627-646.

borders, has nothing to do with Nepal because Nepal's primary foreign policy is driven by the principle of political 'equi-distance' and 'economic equi-closer.' The Indian thinktanks and leadership must realize that the security threat in this era does not come from soldiers standing at the border but from the 'button realizing missiles located far away from the border.'

Enough, the problem lies in between China and India but not between Nepal and India and Nepal and China. Most Nepalese politicians and *think-tank*, whose significant part suffers from a trait of pseudo-knowledge fallacy, think that China's heavy involvement may irk India. This pseudo understanding is a *fear-psychology* or paranoia. It implies Nepal and India's lack of ability and determination to grow as significant nations in international affairs and economic development on their strengths. For most Indian leaders, the threat from China via Nepal is a political agenda for election-driven politics; nothing more than that. It is an undeniable fact that India suffers from paranoia—the humiliation it encountered in 1962. Nepal is a scapegoat of its paranoia. The paranoia irks of Chinese presence in Nepal. Thus, the security threat from Nepal is a perception rather than a problem. This paranoia results from Indian leaders' failure to emancipate the mind by searching reality from ground reality.

This perception can only be changed by fostering trilateral trade and business engagement. The practice of trilateral trade was rich in history. The scope of trilateral cooperation has strong prospects amid the pro-western Indian intellectuals and the jingoist media's noises against the Indo-China partnership. One of such prospects is founded on their representation of the two biggest ancient civilizations of Asia. They also share an extended long and common border. In the past, they had a peaceful relation accompanied by the exchange of scholarly communications and trades. Hence, some people's argument that China and India lack historical evidence of appreciable partnerships in the past is wrong.[90] In history, the Silk Road connected China and India via Nepal. The route followed North Indian cities to Kabul and eventually to Iran and beyond.[91] In that period, several Chinese scholars visited Nepal and India to learn about Buddhism. Nepalese and Indian scholars also reciprocated by visiting China.[92] These communications significantly contributed to establishing trust between the two countries and promote trade between the two countries. However, the colonization of India dismantled this communication abruptly. The British colonial regime began to produce opium in India and sold it in China. By this trade, China suffered a lot. China had to declare war against Britain for its harmfully addictive product. The first war took place from 1839 to 1842, and the second, between 1856 and 1860. The colonial power defeated China, imposing a burden of debt and unequal treaties, over four hundred in number.[93] This defeat was a big blow against historical trilateral connectivity nurtured

[90] See, W. P. L. Sidhu, & J. Yuan, *China and India: Cooperation or Conflict*, Boulder, Colorado: Lynne Rienner Publishers, 2003.

[91] Y. Sangroula, South Asia China Geo-economics, Kathmandu: Lex and Juris Publication, 2019.

[92] Y. Sangroula, 2019 and T. Sen, *Buddhism, Diplomacy and Trade*: *The Realignment of Sino-Indian Relations – 600-1400*. Honolulu: The University of Hawaii Press, 2003.

[93] Jonathan D. James, 'The Prospect of 'Chindia' as a World Power', E-International Relations, 2019, available at https://www.e-ir.info/2019/12/06/the-prospect-of-chindia-as-a-world-power/, accessed on 20 June 2020.

by Nepal, China, and India.

However, measures had been taken to place the broken relations after the independence of India. Both countries shared anti-imperial sentiments as a driving force to reinstate their relations promptly. Nehru's famous slogan '*Hindi-Chini Bhai-Bhai* (India and China are brothers) was unprecedented in China-India relations in the beginning. However, this euphoria did not last long. The main reason is discussed above. The Indian stand to recognize border demarcation as per the McMahon line was a rigid option. The Mcmahon line theory was adopted arbitrarily in the *Simla Accord* of 1914 and signed by Dalai Lama's representative against the will of the government of China. The treaty was rejected instantly by the Nationalist Government of China. Hence, the objection to the McMahon line theory persisted even before establishing the communist government.

This issue created a standoff between the two countries. The People's Republic of China denied accepting the agreement as an instrument of colonial imposition. The situation eventually led to the war between the two countries in 1962, resulting in the severe defeat of the Indian Army. The relations came to be stagnated until the end of the late 20th century. However, the two countries have successfully normalized the relations through trade and commerce. Today, they stand at the position of largest trading partners, exceeding 100 billion US dollars trade annually. Yet Nepal has been unable to take advantage of these improved relations between them, despite connecting both countries as a bridge geographically. Nepal still faces tough times because of critical relations between them. Undoubtedly, the coldness and hostility in Indo-China relations directly impacted Nepal's development in all aspects, and the situation is still not improved. With its deteriorated relations with China, India relentlessly sought to keep Nepal within its "sphere of influence" in line with the Nehruvian doctrine of absolute control over smaller neighbors in the region.

India's un-empathetic attitude to Nepal as a landlocked sovereign country can thus be attributable to the Indian ruling elites.[94]With a typical geopolitical and economic situation, Nepal saw, at times, the Western countries as neutral, un-harmful, reliable friends for its security and economic development aspirations. A large segment of the common people and the rulers assumed that the Western financial and technological aids would immensely be instrumental for lifting Nepal from the looming deplorable economic condition. Of course, this appeared as a major reason behind Nepalese political society enhancing ties with the Western countries. They viewed that easier access to the development of science and technology and an immensely developed economy of the Western countries would rescue Nepal from the darkness imposed by the oligarchic Rana regime and the British colonial rulers in India. However, this proved a sheer myth sooner.

It has been adequately discussed already that Nepal and China are the closest neighbors and share a long cultural tradition, a common border, and a trusted relationship. Nepal can definitely and tangibly benefit from the greatest advancement of China's economy,

[94] Y. Sangroula, 2019 and T. Sen, *Buddhism, Diplomacy and Trade*: *The Realignment of Sino-Indian Relations – 600-1400*. Honolulu: The University of Hawaii Press, 2003. p. 56.

trade, technology, and finance. So, Nepal and China both share a great prospect of collaboration and partnership in economic development cooperation, thereby building a mutual benefit in matters of economic development and protecting mutual national security interests. While Nepal's economy and the territory are relatively smaller, it contains immensely bigger natural resources.[95] With 0.01 percent of the world's landmass, Nepal contains 3 percent of the world's natural resources. This situation is an amazing advantage of Nepal. As such, Nepal is one of the richest countries in the world. However, its resources are untapped and unharnessed.[96]Natural resources are manifold, ranging from scarce herbs to uranium. Though the quality of the uranium is yet to be ascertained properly, the preliminary survey findings suggest that the deposit spread over an area of 10km in length and 3km in width could be of medium grade in Upper Mustang.[97] The quantity is huge.

In the last few years, the trade and economic communications between Nepal and China have been enlarged. The Government of China has now included Nepal with the *Belt and Road Initiative* framework through a comprehensively worked out agreement between the two countries. But communication between academics and researchers between the two countries is still developing and not enough. Only expanded communications can help both sides to grasp the insights for future economic cooperation properly. In this context, Nepal must be actively involved in the *Silk-Road Economic Belt and Road Initiative.* For this, it must seek to be a partner in activities with priority. Besides, Nepal has to develop connectivity with the web of China's development projects, transportation networks, and trade and business webs, focusing on connectivity with the Autonomous Region of Tibet. Nepal must benefit from a transit transport agreement utilizing China's web of roads and railways via the autonomous region of Tibet. The connection between Kerung Dry-port of China and Raxaul Dry-Port of Nepal is vital for Nepal's access to Central and Southeast Asia and China's access to North India and eventually the Bay of Bengal.

Most importantly, materializing the idea of developing the China-Nepal-India economic corridor is vital for transforming Nepal and India (the Northern territory of India particularly) into industrially developed areas. The government of Nepal and the political leadership has repeatedly made mistakes in this regard. The *think-tanks* of Indian and Nepal, and China should expand their dialogues to avoid the occurrence of past mistakes. Only this way a lasting trust can be developed. The leaders of Nepal must stop playing cards of any kind. Building a sustainable trust with Chinese and Indian leadership by open and candid diplomacy is a need of time. But the Nepalese leadership has been proven naïve in this purpose if it is not dishonest.

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95 Keshab Khadka, 'Land and Natural Resources: Central Issues in the Peace and Democratization Process in Nepal', *Economic Journal of Development,* volume 11 & 12, no.1-2, 2010, pp. 46-68.

96 See, Krishna Prasad Oli, 'Utilization of Himalayan Natural Resources (Waters, Herbs and Minerals) with a goal of Enhancement of Nepal's Future, a working paper presented in 'One Day Conference on Nepal's Dream-Search for a Worthy Paradigm of Development' organized by Kathmandu School of Law on 5 August 2017.

97 Ibid.

Undoubtedly, a poor and weak Nepal poses a threat to India and China's security because the vulnerability of using Nepal's territory by outsiders is immensely bigger. Understandably, Nepal has been seriously tormented over the years by vivid gameplans of outsiders. The politics of Nepal is made extremely fragile, as a result. The social cohesion among people is severely tarnished. The only way Nepal can combat with such problems is to boost its economic diplomacy, so that it will help gaining the economic prosperity of people. The People's Republic of China and India should pay a deeper attention to such problems faced by Nepal, if they want to prevent security risks from outsiders by using Nepal's fragile politics and strategic geopolitical location. India must adopt strategy to push Nepal's economy up by agreeing to a policy of trilateral cooperation. India's positive attitude and engagement for making Nepal a bridge between with China is a beginning for trilateralism. For this, Nepalese people have to realize that their politics is failing. They have to be conscious to make their leaders accountable to the people.