

# **Dissecting Divergence and Convergence in Contemporary Indo-Nepal Relations: Perspectives From Nepal**

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Indo-Nepal relations have navigated through many testing times. These two states are very similar and, at the same time, very distinct. While cultural, linguistic and religious affinities brought them together; the distinct history, political priorities, divergence in threat perception arose from the structural asymmetry of geographical size, location, economy and influence, and the lack of economic integration led them to pursue different political and strategic choices. Different perspectives on the fundamental issues of bilateral concerns made these two states interpret problems and concerns differently. This frequently confuses policymakers in Kathmandu and New Delhi regarding each other's perspective what they actually aim for.

This article examined six fundamental areas of bilateral concern: Nepal's quest for relative independence vis-à-vis India, open border and related issues, resource utilization, overland and sea transit, China's presence in Nepal, and cooperation on environment and climate. The aim is to identify the area of divergence and common areas for strategic convergence. Identifying and analyzing such areas of common interest, differences and commonalities could help strengthen bilateral ties and guide policymaking.

**Keywords:** Indo-Nepal relations, structural asymmetry, divergent perspectives, strategic convergence, areas of bilateral concern, cultural affinity, strategic choices

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Nepal- India relations have navigated through many testing times since the early modern times. As much as the cultural, linguistic and religious affinities brought these two states together, the dissimilar history, political priorities, divergence in threat perception, and the lack of economic integration led them toward different political and strategic paths. While both countries are raising and reiterating their concerns and assertion through formal, informal and academic discussion, the minutest heed is given to digging deeper into the worldview of the other side and searching for the areas of convergence from where bilateral ties could be strengthened (in some case repaired and rebuilt). India's realistic posture towards Himalayan states since its independence and the effect of its geographical and impetuous economic turn brought resentment in Nepal. On the other hand, Nepal's reluctance to accept the apparent preponderance of India's economic and political role in the region and its dilemma to join the Indian strategic orbit became an irritant factor for India.

In a rapidly evolving geopolitical and economic scenario of the region, it is prudent for any state to prioritise its policy goals and strategic choices. Such strategic and economic priorities are not set in stone but are subject to change with the development of the internal, regional and international geopolitical and economic environment. They also depend on the 'preference of specific government or policy elite, including ideology, religion and class identity' (cited in Burchill 2005, p. 3). Such changes in policies, priorities and implementing mechanisms lead to confusion among the strategists in Delhi and Kathmandu on what the other side really aspires and expects from them.

However, there are some major issues, priorities and concerns that have remained consistent when it comes to Indo-Nepal relations. Such intrinsic and deep-seated issues, concerns and priorities are the pillars that hold the weight of bilateral ties. What is deemed crucial for Kathmandu might not receive similar heed from New Delhi, and what Delhi considers important might not be feasible in the eyes of strategic planners in Kathmandu. It is pertinent, thus, to highlight these significant issues and examine different perspectives to see whether some areas of convergence could be identified. The main objective of this article is to identify such fundamental areas and bilateral issues in Indo-Nepal relations and examine the diverging and converging perspectives.

The article primarily focuses on an empirical analysis of the most significant recent developments in the bilateral ties between two neighboring nations. The paper is a qualitative study that comprehensively examines both secondary and primary literature to analyze bilateral relations, narratives, political and economic influence and other multifaceted elements between two neighbouring states. In this regard, qualitative research methods are considered the most appropriate approach to address the nuanced complexities inherent in the research objectives. The paper predominantly relies on a plethora of secondary sources including published books, articles and opinion pieces. Nonetheless, primary sources ranging from bilateral treaties, protocols, diplomatic correspondence, and statements made by leaders at various contexts are also extensively employed for the discussion. In addition, Government' declaration, press releases, and data received from the in-person interview has also been incorporated in the analysis. Ten in-person interview with political leaders , academicians and journalists have been conducted which helped in identifying major bilateral issues and opportunities but also in validating, comparing and corroborating data and information received from the secondary sources. The paper has not confined itself to any particular temporal timeframe with an objective of drawing a comprehensive synthesis of findings. The primary goal is to explain and analyze a wide array of information, then synthesise the discussion to highlight key points of divergence and potential areas of convergence between two states.

The paper is structured into three parts. The first part is the literature review in which available literature has been analyzed to comprehend the scope of bilateral relations, pattern of literature, and identify gaps in the existing research. The second part delves into six significant areas of bilateral concern, exploring divergent perspectives and narratives. This section identifies areas of common interest where the two states could potentially collaborate for mutual benefit. The third part is the conclusion.

### Review of Literature

Long-standing economic and sociocultural interactions have characterised the relationship between India and Nepal, predating the establishment of their respective modern nation-states within defined territorial boundaries. Notably, the historical trajectories of these two nations diverged significantly. India's history is marked by the prolonged foreign rule spanning over two centuries. Conversely, Nepal remained under the dominion of an iron-fisted oligarchy for more than a century. The dynamics between India and Nepal underwent a significant transformation following India's attainment of independence in 1947 and Nepal's abolition of the Rana oligarchy in 1951. This juncture marked a pivotal shift in the bilateral relationship between these neighbouring countries.

Literature has discussed multifaceted aspects of Indo-Nepal relations ranging from political and strategic to economic issues, and from the question of borders to the issue of harnessing resources and adaptation to climate change. Apart from the historical linkages, the majority of literature on Indo-Nepal relations is built on the foundation of the Treaty of Peace and Friendship between Nepal and India, which was signed in 1950. This treaty encapsulates many aspects of the relationship ranging from security to economy to people-to-people relations and open international borders. Pushpita Das (2008) studies the open border and argues that it was the British interest that was dictated for making the open border between Nepal and India. Independent India inherited this colonial policy and the Indo-Nepal relations have been guided by the centrality of this open border relations. Padmaja Murthy (2000) and Pushpita Das (2013) argue that foreign powers are using Nepal's soil to conduct activities contrary to Indian interests and recommend a stricter border protection mechanism along the Indo-Nepal border to prevent foreign forces from infiltrating India. Nihar Nayak (2010, p. 579) examines the relevance of the 1950 border relations and argues that the bilateral relationship should be transformed into a 'strategic partnership' aimed at advancing security, modernization, and prosperity. Surya Subedi (1994, p. 284), on the other hand, argues for the revision of the 1950 treaty in the spirit of cooperation and persuasion to reflect the current nature of relations between states. B.C. Upreti (2016, p. 113) argues that many aspects of Indo-Nepal politics are being overshadowed by personalised politics, inconsistency policies and short-term gains.

Literature predominantly originating from India have consistently portrayed a sceptical viewpoint regarding the Nepal's relations with other power centers, particularly China, Pakistan, and sometimes the United States. This scepticism has been apparent across the spectrum, spanning from the political arena to the strategic community. Most of such narrative is based on the historical reference leading upto first few years of Indian independence. Jawaharlal Nehru's statement in Lok Sabha in 1950 expressed India's concern about the Himalayas as India's strategic frontiers and raised concerns about the presence of other powerful countries in Nepal. Most literature that is published in India continues to endorse this perspective (see Jain, 1959; Rae, 1983; Prasad, 1989; Chaturvedi, 1992; Kumar, 2010; Kumar, 2013). C. Raja Mohan (2006) even argues that India grand strategy is to prevent the influence of foreign power in its first concentric circles, i.e, its immediate neighbourhood. On the other hand, Nepalese scholars see this stand as problematic. Most of their arguments are based on the sovereign right of any nation-state to decide on its foreign policy. Seeing all the foreign actors in Nepal solely from the security perspective is a

narrow and problematic viewpoint that disregarded the agency of Nepal. Some of the authors even argued that the 1989 blockade by India was also motivated by this interest to prevent Nepal from taking this independent foreign policy (Weintraub, 1989). Some contemporary scholars like Amish Raj Mulmi (2021) point out that Nepal's relation with China is not merely political but also ethnic and social that existed since the medieval age.

The issue of Nepal's transit access to the sea is another frequently written subject of bilateral relations. Most literature published in India concentrates on India's economic relations with Nepal and also recommends Nepal focus on developing economic relations with India rather than focusing on the transit trade. On the other hand, literature published by Nepalese writers mostly takes a legal perspective and argues about Nepal's 'right' to a free and open transit mechanism as a landlocked state. Literature has explored different international legal provisions to argue for the conventions such as the Convention on the Territorial Sea and the Contiguous Zone (CTS) of 1958 the UN Convention on Transit Trade of Land-locked Countries of 1966 and the UN Convention on the Law of the Sea (UNCLOS) of 1982, to argue for the rights and modalities for the transit trade of landlocked states. This contention has dominated the literature on this issue of transit trade. However, as such international legal mechanisms are not legally binding and are open-ended in nature, states always interpret these clauses according to their interest. Also, states always invoke security concerns and national interests to justify their stand. R. N. Mishra & Sauveer Singh (2008) and Avinoam Idan & Brenda Shaffer (2011) argue that Nepal remains on the periphery of global trade because of lack of access to the sea and recommend Nepal make a special policy towards the transit state, i.e. India. In contrast, Subedi (2005, p. 114) Nepal's transit complication is the result of India's interest in tying Nepal's transit rights to other bilateral issues such as the treatment of Indians in Nepal and India's strategic interest. It is fundamental, hence to understand the divergent perspective and how fluctuation in bilateral relations affects the transit state. It is also important to look at what could be done to bring two policies into convergence.

Literature also concentrates on the issue of resource utilization and management, particularly water resources. Utilization of water for agriculture, harnessing clean energy, flood control and inland navigation are the four major bilateral areas when it comes to the harnessing of water resources. Most of the available literature in this area is surrounded around these four themes; and delves into bilateral efforts, challenges and politics in water management. Astik K Biswash (2008, p. 144) argues that deep-rooted mutual distrust and sometimes event hostility delayed regional cooperation in water resources. Disputes over the Koshi and Gandak River Project agreements in 1954 and 1959, and controversies surrounding the Mahakali Treaty of 1996 are the major water disagreement between Nepal and India. Paula Hanasz (2014; 2018) argues that India's asymmetric negotiating power becomes leverage benefitting India than Nepal. This encourages India to opt for bilateralism in water cooperation in South Asia. Harsh Vasani (2023) explored the ways in which the deficiencies and inconsistencies within international water laws become evident during bilateral talks on water management between India and Nepal. Scholars like Jeffrey Opperman, et al., (2022, p. 1) argue the relationship between the effect of climate change and the decreasing water volume in rivers could further increase the bilateral water conflict, which could be an economic threat not only to the countries but also directly to the

people living around the water sources.

### **Summary of Literature Review and Literary Gap**

In the realm of scholarly inquiry into Indo-Nepal relations, it is evident that multitudes of studies have been undertaken. These studies have predominantly focused on the examination of various issues and challenges existing within this bilateral relationship. However, it is noteworthy that a limited number of these studies have ventured into an exploration of the converging interests shared by the two nations. Furthermore, analysis of the existing literature reveals a distinct trend where the majority of the literature predominantly reflects an Indian perspective. This inclination is, in many respects, a natural outcome, given that a significant portion of the research in this domain has been conducted by Indian scholars or within Indian academic and policy institutions. This scarcity is partly due to the relatively small size of Nepal's academic community and historical state restrictions during the Cold War era. Consequently, the preponderance of literature predominantly reflecting the Indian viewpoint has resulted in an imbalance in the understanding of bilateral relations, with Nepal's perspective underrepresented. In such a heterogeneous field of literature that covers different issues of bilateral concern, discerning the pivotal areas of divergence and convergence between these two nations becomes a complex endeavour. This paper addresses this notable lacuna in existing literature and attempts to fill this academic gap. It examines the key bilateral issues within Indo-Nepal relation which is poised to serve as an essential reference for researchers, academic communities and policymakers.

### **Nepal's Quest for Relative Independence vis-à-vis India**

Different ruling dynasties of Nepal implemented different policies with regard to the power center in India. During territorial expansion (1644- 1816), Nepal's relationship with the British East India Company (EIC) was one of scepticism and competitiveness, eventually resulting in the Anglo-Nepal war in 1814-1816, which Nepal lost. The defeat in the Anglo-Nepal war forced Nepal to make an appeasement policy toward the British rulers in India. This policy of appeasement, especially followed by the Ranas to secure legitimacy for their oligarchic rule of the country, lasted for more than a century until 1951. This asymmetric relationship between India and Nepal for an extended period of history led Nepal to aspire for relative independence vis-à-vis India in foreign and domestic day-to-day policymaking. This quest made the country pursue a dualistic policy during the Cold War- one that imitated India's policy stance of nonalignment and another that sought diversification of its relations to balance India's preponderance in Nepal.

However, India continued to remain a force that affirms considerable influence in Nepal's political and economic decision-making, which was cemented by a series of treaties that Nepal signed with India. The Treaty of Peace and Friendship Between the Government of India and the Government of Nepal signed in 1950 (hereafter the 1950 treaty) governed many crucial aspects of Indo-Nepal relations ranging from movement, residence and equal treatment of each other national even though these provisions have not been completely implemented in reality. This so called 'special relations' in the early years (1951-1955) of the Cold War encouraged Nepal to align with India politically and economically. However, a significant section within Nepalese strategic circles, including some mainstream political parties,



considered the 1950 treaty 'unequal' and demanded its up-gradation and revision. Revision of the treaty is the constant demand of the political parties in Nepal beyond and across party lines. But as Shyam Saran argues, no Nepalese government has taken a risk to exercise its sovereign right to abrogate it (Saran, 2017, p. 153). It is because the abrogation of the treaty would directly and detrimentally impact millions of Nepalese living in India, to Nepal's economy, and multiple aspects of bilateral relations. Hence, the country advocated for selective revision of the treaty provision, which does not interest India. Both governments formed an eight-member Eminent Persons Group (EPG) in 2016 to review the totality of Nepal-India relations, including the 1950 treaty and suggest measures to further expand and consolidate the relationship. The EPG report lies dormant as India did not want to receive the report, which some analyst argues could be because of India's reservation about EPG's recommendations. Therefore, until a common ground has been found, the idea of treaty revision is likely to remain merely political rhetoric.

Furthermore, many incidents of coercive economic policies by India have remained as thorns in bilateral relations. India's choice of using a series of 'undeclared' blockades of 1969, 1989 and 2015 as a means to achieve its political and economic objectives in Nepal may have helped India in the short term, but they always triggered strong acrimony against India in Nepal. The 2015 blockade<sup>1</sup> is the latest case that upsurged strong anti-India sentiment in Nepalese polity and the public (The Kathmandu Post, 2015). S.D. Muni considered Indo-Nepal relations hit 'rock bottom' during the blockade of 2015 (Muni 2017, p. 130). Undoubtedly this strategic choice of India adversely affected Nepal's economy and society on an exponential scale; it has not made India's activities in Nepal any easier. Furthermore, these issues and grievances were highly politicised and used in domestic politics in Nepal. Such an environment of mistrust and suspicion toward India made Nepal urgently seek an alternative balancer. Even though Nepal has not been very successful in this activity, the urge and the need to diversify its relations with states other than India remains exceptionally high in Nepal.

One crucial political guarantee that Nepal is constantly seeking from India is the assurance in action that it would not violate Nepal's territorial sovereignty, independence and functioning of its foreign and domestic policies. Unfortunately, this has not been the case thus far. Instead, diplomats of India openly recommend Nepal to follow the 'Bhutan model' of treaty realignment (Rae 2019, p. 130). Such remarks have done more harm to bilateral ties than it has done well. At the time when the EPG's report has been ignored even after seven years of its completion, such a recommendation (Bhutan model) clearly shows the lack of gravity given to this issue by Indian establishments.

For India, Nepal's continued push towards relative independence remained an irritant factor that may hamper India's hitherto primacy in the economy and politics in Nepal. Nepalese ruling elite, since the Cold War, has been exploiting nationalist sentiments (in most cases targeted against India) to solidify popular support, discredit

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<sup>1</sup> Nepal accused India for imposing undeclared border blockade in response to Nepal's decision not to incorporate India's demand in the new Nepalese constitution. India, on the other hand, considered the crisis was the result of the Madhesis of Nepal protesting the discriminatory policy of Nepalese constitution. Whatever the stand one takes, the six-month long closure of border led to the economic and humanitarian crisis in Nepal.

oppositions and gain a political advantage (Rose 1971, p. 235). The regime's interest had been one of the crucial factors playing out when it came to Nepal's foreign policy decisions. This unpredictable stance among Nepalese political elites often aggravates Indo-Nepal relations much further. India considers that the Nepalese monarchy and some sections of the communist party propagate such sentiments for their domestic political gain. This leads to fractious ties with the monarchy and communist parties in Nepal. The seed of such antagonism towards the monarchy was sowed during the Cold War when King Mahendra Shah dissolved the newly institutionalised democratic system, diversified Nepal's foreign policy and expanded its diplomatic relations with many other states. He also sought greater cooperation with China through a series of bilateral agreements on border management and road construction. When India had a border conflict, Nepal's warming relations with the Chinese and staying neutral in the Sino-Indian war of 1962 did not go well with India. Similarly, King Birendra's interest in keeping Nepal as a zone of peace and refusing to align either with India or China was seen as a 'continuation of Nepal's efforts to undo its special relations with India and redefine them on a balanced and 'equal' footing' (Muni 1984, p. 783). India considered such efforts by the monarchy as against the spirit of the Indo-Nepal friendship treaty and a hurdle to India's primacy in the region. After the abolition of the Monarchy in Nepal in 2008, India saw the communist parties of Nepal carrying similar intentions and motivations.

Overall, Nepal perceives India micromanaging its internal politics, forbidding Nepal to conduct its independent foreign policies, serving as an ethno-guarantor to some ethnic groups of Nepal, and keeping Nepal in a stage of 'controlled anarchy.' In contrast, India perceives Nepal as unnecessarily propagating anti-India sentiments, violating its 'special relations', disregarding its security and strategic sensitiveness and trying to move out from its geopolitical orbit by aligning with India's rivals.

### **Open Border and Issues**

During the 18<sup>th</sup> century South Asia, the continued struggle among chiefs, kings and princes for the control of specific territory made the notion of border something that is fluid and overlapping. However, as the power of EIC grew tremendously, it dictated map-making and influenced many of the boundary formations in South Asia, including the Indo-Nepal border. Apart from the day-to-day cultural and economic interaction of the cross-border communities, the security and strategic interest of the post-1858 British Raj became the primary factors in keeping the border open. Open border helped British India maintain the continuous flow of Nepalese youth in the British army, secure its market for finished goods in Nepal (Das 2008, p. 880) and extract the natural resources and raw materials from the resourceful Himalayan kingdom. In the post 1947, the independent Indian administration inherited and continued with the open border policy set by the British, which it believed would be the strategic measure to address the security concern looming from the north (Ghimire, 2024, p. 405). The 1950 treaty further cemented this open border policy.

China's presence in Tibet and the perceived security threat led Indian Prime Minister Nehru to define the Himalayas on a very realistic note. In a statement in the Parliament on 6 December, 1950, he stated, '...so far as the Himalayas are concerned, they lie on the other side of Nepal, mostly not on this side. Therefore, the principal barrier to India lies on the other side of Nepal and we are not going to tolerate any person coming over that barrier...' (Bhasin 2005, p. 150). Nepalese Prime Minister

B. P Koirala rejected Nehru's statement as it would endanger Nepal's sovereignty and publicly announced that Nepal did not perceive a security threat from any quarters. However, a newly democratic Nepal with no diplomatic relations with China considered aligning with India the most convenient geopolitical and ideological option. Thus, keeping the open border with India was strategically beneficial for Nepal too.

In the contemporary period, the open border means different things for Nepal and India. For Nepal, an open border is so integral to the long-term security of the country. Not only does the open border facilitate cross-border employment and business ventures for both Nepalese and Indian nationals, but it also facilitates greater economic interdependence. Nepal's trade balance remains negative, and its dependency on India is constantly increasing<sup>2</sup>. Hence, keeping the border open is inextricably linked with the economic security of Nepal. Likewise, most of the democratic struggles in Nepal, ranging from the Nepali Congress insurgency against the Panchayat regime to the Maoist insurgency, have extensively used the open border to escape apprehension. Maoists were also alleged to have used it to make an ideological connection with the communist groups of northeast India through the Coordination Committee of the Maoist Parties and Organisations (CCOMPOSA) and the Revolutionary International Movement (RIM) (Nayak 2008, p. 464). Apart from that, many organised criminal groups in Nepalese terai in the first and second decades of the 2000s also used the open border to conduct their armed activities. Human trafficking and smuggling of goods, narcotics and arms are frequent incidents across the border region. Hence, managing the open border is crucial for safeguarding the traditional as well as human security of Nepal.

For India, an open border may not jeopardise its sovereignty and strategic positioning, but it could easily put India's strategic and political primacy in Nepal on the line. Had there not been the open border, the influence it has on Nepal's politics, economy and policymaking would have been reduced. Furthermore, the less mobility would result from the closed border would affect the people-to-people connect. With countries with sea access like Sri Lanka, Bangladesh and Pakistan slightly immune to India's excessive influence, the only effective edge that India enjoys presently is with the landlocked states of Nepal and Bhutan. Provided it chooses to close its open border with Nepal and Bhutan, it would be a strategic blunder on the Indian side that might jeopardise long-term security interests in the Himalayan region. It also might raise a question about its primacy in South Asia. Apart from the strategic significance of the open border, the short-term security interests, such as the prevention of crimes along and across the open border and the effect it could have on the bordering states, are some areas that India is concerned about. India argues that such increased border security outposts along the border and excessive power given to Sashastra Seema Bal (SSB) to search, arrest, seize and harass the local public along the international border were necessary to prevent criminal groups from smuggling counterfeit currency (Ministry of Home Affairs Press Information Bureau, 2019) into India and

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<sup>2</sup> Nepal Imported from India the value of \$ 66612.96 in 2017-2018, \$ 7766.20 in 2018-2019, \$ 7160.35 in 2019-2020 and \$6838.46 in 2020-2021 whereas it exported to India merely \$ 438.38, \$ 508.14, \$ 711.61 and \$ 673.16 respectively in the same years. For details see Export Import Data Bank Country Wise-Nepal, <https://tradestat.commerce.gov.in/eidb/iecnt.asp>, (Accessed July 7, 2022).



to avert terrorists from entering India (Das, 2013). The hijack of the IC 814 flight from Kathmandu, Nepalese Maoist misusing the open border, increasing Madrasas in the terai belt of Nepal, are some reasons cited to justify the increasing power given to SSB along Indo-Nepal border (Murthy 2000, p. 195; Das, 2013).

Despite this common security and economic interdependence, the border disputes have remained a thorn in Indo-Nepal relations. Despite the Nepal-India Joint Technical Committee, which was said to have resolved 98 percent of the border issues except for the Susta and Kalapani area, the border dispute once again resurfaced in 2019 when India dismantled Article 370 of the Indian Constitution and gave assent to the Jammu and Kashmir Reorganization Act. This was followed by the unveiling of its new map, including the newly formed union Territories of Jammu Kashmir and Ladakh, on 2 November, 2019 (Press Information Bureau Government of India, 2019). Nepal protested the move and alleged India of altering its borders with Nepal and taking its territory of the Kalapani-Lipulekh area into the new political map of India. India, on the other hand, continuously argued that no such cartographical alteration was done regarding its border with Nepal. Further Indian Army Chief alleged Nepal for bringing up this issue at the behest of others (indicating to China). The border row further escalated after Indian Defense Minister Rajnath Singh formally inaugurated a road to Kailash Manasarovar via Lipulekh pass on 8 May, 2020. Nepal again lodged a protest through the diplomatic channel. The issue reached the point where the Nepalese parliament unanimously passed the constitutional amendment bill to update the country's new political map in the national emblem, which included the territory of Limpiyadhura, Lipulekh and Kalapani (Ghimire, 2020). Prime Minister of Nepal KP Sharma Oli, who capitalised on nationalistic sentiments arisen during the 2015-blockade period to win the general election, was on a weak political footing with mounting pressure from the opposition and his party and coalition partners. Tabling the constitutional amendment bill to amend the territory of the country further triggered a fresh nationalistic agenda around the border question, which could also be interpreted as a way to divert people's attention from his weak performance. The constitution amendment triggered a protest by India (Ministry of External Affairs Government of India, 2020). Indian Ministry of External Affairs rejected Nepalese's objections regarding India's inauguration of the road to Kailash Manasarovar and claimed that the road lies 'completely within the territory of India' (The Hindu, 2021). Once again, two South Asian neighbors disagreed over the remote but strategically important territory in the western Himalayan region. One crucial element to note here is that instead of cooperating to make a proper study of the concerns and bring out the facts, the continuous denial of the concerns and the constant refutation of the issues by both sides made the problem more complex and long-lasting.

To sum up, while the open border is essential for the economic, political and strategic reasons for both countries, it is vital to regulate the border to prevent extra-civilian groups from misusing the border at the cost of the security of both states. Othering Nepal as a precarious zone for grooming terrorism and justifying the need for unilateral draconian border security from India is problematic. In the same way, Nepal has to ensure and show its commitment to preventing the use of its soil against criminal and illegal activities targeted toward the friendly neighboring state and should avoid its domestic politics from adversely affecting its relations with its neighbors. Such a need has become more prominent at a time when India is concerned about the possibility of both state and non-state actors misusing the Indo-Nepal

border. On top of that, amicably solving the border disputes through peaceful and diplomatic means, conducting targeted responses against criminal groups without intimidating the locals, joint patrolling of the no man's land, supporting the local community, strengthening bilateral mechanisms and institutions and establishing joint grievances redress mechanism would help ensure the peaceful border relations.

### **Harnessing of Resources**

With only nominal deposits of minerals and some medicinal herbs, the water resource is the only natural resource that is sufficiently available in Nepal. It is estimated that forty-two gigawatts of hydropower generation is economically viable to produce from the rivers of Nepal (Gunatilake, Wijayatunga and Roland-Holst, 2020). The utilization and management of hydro resources, thus, became an important priority for Nepal since the 1950s. Even after the prioritization, a big question about where to generate funding/investment to harness the resources remains at the center of strategic discussion in Kathmandu for a long time. The initial answer is to seek bilateral cooperation especially from India and China. However the differeign priorities regarding the water cooperation remains a theoretical hurdle. While Nepal was interested in hydropower generation, India, on the other hand, was more interested in flood control and irrigation. An example could be the Koshi treaty of 1954 and the Gandak treaty that was signed in 1959 which focused mainly on the inundation and irrigation issues, while the issue of hydropower generation remained deprioritised. Paula Hanasz argues that India's asymmetric negotiating power and political influence on the political parties resulted in securing asymmetric treaties benefitting it and less equitable outcomes for the weaker party (Hanasz 2014, p. 106). These agreements became a source of discontent and fostered displeasure as some political parties of Nepal considered them a 'sell-out' leaving a bad legacy in water cooperation between these two countries. The disagreement on flow augmentation, water sharing, flood control mechanisms and hydropower development are other factors contributing to the decreasing trust between states when it comes to water cooperation.

Against the backdrop of the Koshi and Gandak experience, Nepal intensified its effort to go beyond bilateral ventures and bring regional cooperation in harnessing the water resources of Nepal. It proposed partnerships among Asian countries such as Nepal, India, China, Bhutan, Bangladesh, Pakistan, Sri Lanka and all other regional countries (cited in Shahdev 1982: 178). The country also emphasised the importance of a sub-regional forum between Nepal, India, and Bangladesh during the first conference of the Head of State/Government of South Asian countries on 7 December, 1985, in Dhaka and the Second conference in Bangalore in 1986 (Bhasin 2005, pp. 745-775). None of the efforts bore any significant fruit because of India's unwillingness to cooperate with other states regarding utilizing natural resources in Nepal. India has always preferred bilateralism when it comes to water cooperation in South Asia as its National Water Policy of 2002 and 2012 emphasises on bilateral approach as the only approach for water cooperation with its neighbours (Hanasz 2018, p. 119). Nepal's effort to break the Indian stronghold on Nepal's water resources by bringing China and other regional organisations into the picture did not bear any significant fruit. China's performance in constructing some of Nepal's major hydropower projects was unexpectedly delayed. Some projects were also marred with geopolitical tussles and became the token of ideological rivalry between domestic

political parties. For instance, the Budi Gandaki hydropower project awarded to China in 2017 by the Maoist-led government was scrapped in the same year by the Congress-led government. Again, when the Communist government, which was in power in 2018, awarded it back to a Chinese company, which the Congress-led government again scrapped in 2021. When it comes to regional organizations, they are not in a financially stronger position to invest in such expansive projects, nor would they support them without India's endorsement. Other international organizations like World Bank and the Asian Development Bank too always sought India's endorsement in their projects in Nepal and would not invest if they failed to secure it.

Furthermore, India has recently modified its stance on developing hydropower projects, allowed the export of Nepal's electricity to India, and opened the scope for the private sector's involvement in hydropower generation in Nepal. In 2024, Nepal and India signed an agreement for 10,000 MW electricity export from Nepal to India for the next ten years. This is one of the positive departures from India's stance, which until recently prioritised primarily agricultural use of water, the departure which was motivated by the increasing energy demand of the country. International commitments towards clean energy and the question of climate started appearing in mainstream politics could also be an underlying factor for this. In India's case, its commitment at the UN conference on climate change (COP22) to reduce its carbon uses and increase the use of clean energy intensified its search for hydropower resources. This objective broadens India's interest beyond flood control and irrigation toward hydropower generation.

However, when it comes to Nepal, the economic potential and the constant pressure on the state to utilise the resources for its economic growth remains motivating factors for increased quest for greater bilateral cooperation. The scenario is more amplified today. With the global temperature rising and melting glaciers in the Himalayas, it becomes urgent for Nepal to speed up its process of harnessing water resources as a few decades down the line, the water resources could deplete and no longer be sufficient for hydropower generation of considerable size (Opperman, et al., 2022, p. 1). Here comes the convergence between the interest of India and Nepal. As Nepal is interested in harnessing its water resources to produce electricity that could be sold in India, India is interested in intensifying its investment and focusing on buying hydropower from Nepal for its ever-growing industrial need. Yet, even if India is interested in investing in and purchasing electricity from Nepal, it is not interested in cooperating with a foreign power, especially China, to invest in Nepal's hydropower sector. India refraining to purchase hydropower from projects with investment of other countries, especially China further constrained Nepal's prospects to attract foreign investment in Nepal's hydropower. While it is essential for Nepal to avoid one-state dependence/ monopoly on the hydropower investment in Nepal, it is equally important that Nepal negotiate with India and ensure that it will be a stable and reliable electricity supplier to India and assure India that it would not let any foreign powers in Nepal manipulate on energy security of India.

Furthermore, Nepal also aims to engage with other South Asian countries (especially Bangladesh) in the exploration and development of hydropower projects. It is an exercise of sovereignty and an interest in attracting more foreign investment to Nepal. It is also an attempt to reduce Nepal's economic dependence on India, especially in the sector of hydropower projects. Cooperation with Bangladesh is also not politically sensitive to India as it was with China because the cooperation with

Bangladesh does not aim to undermine India's dominance and its strategic interest. It also helps in developing positive interdependencies with countries in the region and contributes to economic integration of the region. However, even for this, Nepal required India to be on its side. India's permission is crucial to lay the cross-border transmission line in its territory and expand Nepal's electricity link beyond India. Cooperation at the bilateral level between Nepal and India and possibly at the trilateral level between Nepal, India and Bangladesh would be essential. In 2024, a tripartite agreement between Nepal, India and Bangladesh for the electricity export from Nepal to Bangladesh via India was signed. This agreement is a significant achievement that could foster sub-regional economic cooperation in the region. Such cooperation at different levels would bring a win-win solution to all the states concerned. For Nepal, it would help expand the market for its hydroelectricity. For India and Bangladesh, it would secure a reliable energy supplier, help them meet their energy demand, and meet their clean energy commitment made at various international forums related to climate change. It is also suitable for the environment as it would help reduce carbon emissions by providing an alternative clean energy source.

### **Overland and Sea Transit**

Transit trade to countries other than India and China remained a constant foreign policy priority of post-1950s Nepal. The 1950 treaty, for the first time, provided restricted transit access to Nepal by defining the transit regime in a very narrow frame. Since then, the transit issue has remained a significant matter in the relations between India and Nepal. During the Cold War, Nepal mobilised international opinion through many international conferences and conventions to negotiate the normative issues of transit rights of landlocked states. Even though it was visible to the outside world as a campaigner for the rights of landlocked states<sup>3</sup>, it had equally undergone hardships because of its restricted transit access through India. History also shows that Nepal and India came across a heated debate and disagreement on transit access for Nepal especially in the late 1980s. Nepal argued for the two separate treaties for trade and transit, while India prescribed a unified one. Nepal argues that the question of transit rights were the 'fundamental right' of any landlocked state, which is different from the trade relations between two countries. It further argued that transit and trade agreements should not be clubbed together as they have different objectives.

In contrast, India considers that trade and transit are interlinked issues and need to be clubbed together in one unified treaty. In 1960, the governments of India and Nepal had a single trade and transit treaty. However, it continued with many provisions that restricted Nepal's access to the sea resulting in the treaty not being received enthusiastically in Nepal. Debates around the transit regime continued further. The Janata government in India agreed to Nepal's demand for a separate trade and transit treaty in 1978. However, the foundation of the transit treaty was again shaken by the Congress government led by Rajiv Gandhi, which continued to push for a single unified treaty for both trade and transit with Nepal. Earlier in 1988, Nepal and China had signed an understanding on military cooperation and also Nepal agreed to purchase some military hardware from China. India argued it goes blatantly against the spirit of the 'special relations' between India and Nepal, postulated by the 1950 treaty of peace and friendship and the secret Arms Assistance Agreement concluded in 1965. Nepal disagreed and continued with the first consignment of arms purchase. The disagreement over arms purchases and the failure to upgrade



and renew the treaty finally led to the 1989 border blockade with a catastrophic impact on Nepal's economy and trade.

Nepal's dependence on India for its transit continued. Another border blockade in 2015 shows how the restriction on supplies across the border could have a detrimental impact on almost all the socio-economic sectors in Nepal. It compelled Nepal to re-emphasise its diversification policy and talk with China about transit access. For the first time in its history, an agreement was reached in 2016 between Nepal and China for the former's access to seven<sup>4</sup> Chinese seas and land ports. Even though the immediate implementation of the transit treaty is far away because of the sheer distance, lack of infrastructures such as roads and warehouse facilities, geographical harshness of the northern Himalayan region and lack of standard operating procedure (SoP) for the implementation, the transit agreement is undoubtedly a normative achievement for Nepal's transit diversification.

Conversely, India lies in a position of power when it comes to giving transit access to Nepal. Its geographical centrality and Nepal's continuous dependence on it put India in a powerful position to tax, impede, curtail and/or suspend both the sea and overland transit access. Such a favorable geographical location and the capability to influence could be used to fulfill India's national interest and expand its political influence in Nepal. However, a question remained unanswered: Should India exercise the transit as leverage, restrict Nepal's international trade and face a continuous backlash in its relations with Nepal, or should it choose to offer Nepal open and free access to its transportation networks and ports and create positive interdependence with the latter? The second option would benefit both states economically and help create an environment of trust to resolve this long-unsettled issue. For Nepal, it is indispensable to maintain its sound relations with India to prevent disruption in transit access. It is also recommended to diversify its transportation routes by including rail lines and waterways, promote transit corridors, increase investment in internal infrastructure to make it efficient and hassle-free, negotiate for a long-term transit treaty with India and promote regional economic integration.

### *China's Presence in Nepal*

Since the time of British rule in India, it was the established policy of India to prevent any foreign power from gaining roots in Nepal, which was observed in the various treaties that British India concluded with Nepal. Independent India also continued with this colonial legacy. Nehru's foreign policy towards Nepal and Bhutan replicated this notion of preventing foreign power's influence in Himalayan states. Indian PM Jawaharlal Nehru in 1954, stated, '...whatever contacts they [the Government of Nepal] may have with a foreign country in a matter of concern to us' (cited in Bhasin 2005: xxxvii). Earlier in 1950, Nehru also referred to Nepal as 'an extension of India's Gangetic Plain' (cited in Baral 1992, p. 63). Such realistic foreign

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<sup>3</sup> During the United Nations Economic Commission For Asia and the Far East (ECAFE) ministerial conference on Asian economic cooperation held in Manila in 1963, Nepal along with Laos and Afghanistan prepared a draft convention on behalf of the Asian and African landlocked states for consideration of UN Convention on Trade and Development (UNCTAD), and advocated for the UN convention on Transit issue of Landlocked states in 1966.

<sup>4</sup> China agreed to let Nepal use its Tianjin, Shenzhen, Lianyungang and Zhanjiang seaports and Lanzhou, Lhasa and Xigatse dry ports for trading with third countries.



policy that justified the natural preponderance of stronger ones over the weaker ones, according to Nabarun Roy, was a deviation from what is popularly known as the moralistic, peaceful and universalistic foreign policy of Nehru (Roy 2011, p. 310).

Even though India followed a reconciliatory approach towards China during the early decade of the Cold War (Madan 2020: 4), it suddenly changed after the 1962 border war against China. This policy of preventing China in Nepal continued until the contemporary period. Ashok K. Behuria, Smruti S. Pattanaik and Arvind Gupta even considered this effort to prevent external influence as an 'Indian doctrine' for the region (Behuria, Pattanaik and Gupta, 2012, p. 236). As this policy remained constant, India often tried to prevent Nepal from formulating relations with other powers and investing in Nepal's infrastructure, hydropower, and institutions. According to C. Raja Mohan (2006, pp. 18-19) the primary objective of India's foreign policy is to remain strategically dominant in its neighborhood, which he calls 'India's first concentric circles of grand strategy.' This interest in seeking primacy entails preventing foreign powers' political, military and economic influence (especially rival powers) in its neighbourhood. Such efforts intensified in the post-Cold War era when China's economic presence in the Global South (also in Nepal) increased considerably. China's promotion of Belt and Road Initiatives (BRI), an increase of Chinese tourists in Nepal, the promotion of culture through Confucius Institutes, and the big foreign direct investment in Nepal made India much more blatant in preventing Nepal's inclination toward China. Such effort increased exponentially after the mid-2010s when Nepal and China signed the transit treaty and the BRI in 2016 and 2017 respectively.

For India, China's increasing influence in Nepal is an intrusion on India's position in its neighborhood (Mohan, 2006, p. 18). India also considers it as Nepal's non-observation of India's concern. However, Nepal sees the issue through a different lens. Nepal considers its relations with China independent of its ties with India, which it argued should not be viewed from a zero-sum perspective. It considers its policy toward China and its interest in gaining from China's economic growth is not a recent phenomenon but started since the Cold War. In recent times, strengthening relations with China warrants urgency (even though with scanty success) to prevent New Delhi's restraint over Nepal's external trade and transit.

Some policy blunder from the Indian side also contributed to encouraging Nepal's quest for an alternative economic partner. In the aftermath of the economic blockade, Nepal-India bilateral relations hit rock bottom, which was capitalised by the CPN-UML to incite nationalistic sentiments and eventually performed exceptionally well in the general election in 2017. While some positive efforts, such as the construction of the first-ever oil pipeline between India and Nepal helped in normalizing relations. However, this effort was short-lived with the resurfacing of the border crisis at the end of 2019. Again India's support to Nepal by supplying the COVID vaccines in 2020 helped to improve relations. However, such fluctuation of the relations clearly demonstrates that the structural interdependence between India and Nepal is weak and is affected by small fluctuations in the relations. It is also to be noted here that Nepal's relations with China go beyond the traditional objective of balancing India. Nepal's engagement with China in the contemporary times is motivated by the former's interest in infrastructure financing and trade diversification to reduce the trade deficit that it is facing with India. Nepal also engaged with China with the interest

to cooperate in the infrastructure field with the objective to secure China's assistance to improve its rudimentary infrastructure such as roads and airports. While developing economic engagement with China remains vital, Nepal nonetheless should also be careful not to make any security concessions to the former which could be detrimental to Nepal but also affect India's security and strategic interest.

Another important thing that needs further inquiry is whether New Delhi has the overall capacity to challenge China's economic and strategic presence in South Asia. When India itself relies on China in many developmental and economic aspects, it is natural for smaller states like Nepal to engage with China for some developmental and economic sectors. And why would Nepal not try to gain from China when many other states, including India, seek greater economic cooperation with China? Rather than using the traditional 'stick' method and attempting to block Nepal's strategic options, New Delhi could use the 'carrot' method to integrate Nepal's economy with the region and come up with developmental, economic and infrastructural initiatives to take Nepal along with its growth path. Such investment and initiatives would develop positive interdependence. India also should be mindful that its traditional outlook towards Nepal is not paying enough but rather could lead to an upsurge in the threat perception towards India. Some nationalistic political leaders of neighboring states would use this as a pretext to search for alternatives. Hence, India's positive outlook towards its neighbors and economic enticement could be more productive than exerting pressure on smaller neighbors. Likewise, it becomes more pertinent for Nepal to take India's support to meet its economic objectives. Nepal's interest in infrastructure integration with India and the region through many regional, subregional and inter-regional platforms (SAARC, BIMSTEC, BBIN and SASEC) also requires India's economic and political support. Nepal has to give serious consideration to India's security and strategic interest in Nepal. It should not entice foreign power to challenge India's bottom line and security sensitivity. Encouraging regional economic integration would not only help reduce the trust deficit between India and Nepal but also bring tangible benefits to the people of both states.

### **India and Nepal Cooperation on Environment and Climate Change**

Conversations between India and Nepal consistently revolve around hydro energy, while the most pressing threats and difficulties experienced by people on both sides of the border, such as water scarcity, environmental harm and the effect of climate change, are noticeably absent from their bilateral discussions. Nepal possesses substantial hydropower potential, and India, being an energy-deficient nation, heavily depends on coal for its energy generation, which makes it one of the world's largest carbon emitters. Shifting to hydroelectric power would decrease India's reliance on coal. This mutual need of both the states dominates the bilateral cooperation. India is the primary investor in Nepal's hydropower projects and the largest purchaser of electricity. Nepal is committed to increasing hydropower production; however, in this pursuit, it neglects and compromises its ecological concerns. The southernmost foothills of the Himalayas, referred to as the Churia Range in Nepal are confronting significant environmental issues, including soil erosion, deforestation, and rapid population growth (Mandal, 2021). Furthermore, altered rainfall patterns due to climate change have caused severe water shortages in various areas (Bhatia, et al., 2022). However, experts note that this cross-border water crisis is not a part of the political agenda. Journalist Chandra Kishore considers the situation of water crisis

in the border towns as a result of the environmental degradation of the Churia range as collective failure and something that is missing in the Indo-Nepal bilateral relations (Bhushal, 2023).

The question of aquatic biodiversity is another concern. While discussion on harnessing the river resources, energy generation and agriculture is underway, the poor water cooperation is hampering the biodiversity and environmental cost with a series of irreversible impacts to aquatic biodiversity. A study by the Asian Development Bank in 2018 says: 'Damming of rivers has had huge environmental costs with serious and irreversible impacts, including the rapid decline in the population of many fish species' (Asian Development Bank, 2018). A report by Asia Foundation emphasises that the agreements between Nepal and India regarding rivers lack provisions for sustainable water management, fail to encourage participation, and do not acknowledge the emerging risks associated with these rivers (Dixit, Rimal, Bhandari, & Sharma, 2023).

It is the need of the hour for Nepal and India to address these environmental concerns and pursue sustainable development. On this front, India and Nepal have signed a MoU for wildlife conservation which aims to facilitate and advance cooperation between the two nations in the domains of forests, wildlife, environment, biodiversity conservation, and climate change, encompassing the restoration of corridors and interconnected regions (Press Information Bureau, 2022). Another area of cooperation between the two countries that has shown the light on friendship is Humanitarian Assistance and Disaster relief (HADR). India under its neighborhood first policy was the first responder during the 2015 earthquake crisis in Nepal. Claiming it to be its largest-ever disaster relief operation, India's response garnered praise from many quarters with a top UN official acknowledging the country's role as a 'first responder' (The Economic Times, 2015). Even though there are some areas where both the States have taken some steps, like wildlife conservation and HADR; there is a serious lack by leaders in India and Nepal to address the climate change and biodiversity concerns, which remains important avenues for these two countries to cooperate.

Another potential avenue for coming together and working in tandem on climate change is through regional organizations, particularly within the SAARC framework. SAARC has previously been active in coordinating the regional stance in international climate change negotiations, as evidenced by the SAARC's unified position presented at the UNFCCC negotiations and the 2009 Climate Summit in Copenhagen, where the SAARC common stance emphasised the concept of Common but Differentiated Responsibilities. However, due to its current state of inactivity, SAARC has been unable to achieve substantial progress in implementing its climate change goals and initiatives ever since. It is evident that many of SAARC's climate change initiatives primarily focus on capacity building and the generation and sharing of knowledge. Unfortunately, such initiations are primarily doctrinal and there is a lack of implementation protocols, collaborative planning and the joint execution of projects at the regional level. This situation presents an opportunity for India and Nepal to work together both bilaterally and through SAARC to initiate a regional climate change agenda and collectively implement various bilateral and multilateral initiatives. Climate change offers a chance to reinvigorate SAARC and make significant strides in responding to the multiple challenges posed by climate change, including efforts in mitigation and regional adaptation.

### Conclusion

The above discussion shows that Nepal sees India through a paradoxical lens—as an economic opportunity and a security threat. This paradoxical perspective goes hand in hand, making Nepal not discard its history-long relations with India but also its compulsion to seek new diversification strategy to protect its vital interest vis-a-vis Indian economic and political preponderance. Relations with India are so encompassing that it affects Nepal's short-term and long-term strategic interest. On the other hand, India primarily used its traditional security lens to look at Nepal and prioritised its security concern over all other aspects of relations. In some sense, it also seems to have been hyper-sensitive over Nepal's engagement with China. For India, problems with its relations with Nepal directly affect its short-term security interest as well as its economic and political primacy in its neighbourhood, but it is less likely to affect India's larger strategic positioning.

Since the gravity of bilateral relations is very heavy and all-encompassing, it would be beneficial for the economic, security and strategic interests of both states to search for a common ground for convergence and to build from there. Both states need to figure out short, medium and long-term interests and ways forward to achieve such interests while reducing the trust deficit. These countries also need to ensure that the vital economic and strategic interests of both states are given due consideration. Even in contemporary times, the relations between Nepal and India are guided by the frame of reference of the 1950 treaty, which needs to be updated. With the drastic change in the global geopolitical environment, strategic positioning, power politics and bilateral relations, such treaties need to be updated to accommodate contemporary issues and make them more relevant. Apart from upgrading formal treaties and continuing with formal channels of engagement, states could be flexible in establishing various track 1.5 and track II mechanisms to deal with the immediate economic, security and other issues that may arise between states. Also, it is recommended that political parties in Nepal chalk out the intra-party differences, agree on a common minimum approach in their relations towards India and agree on the larger foreign policy framework of the country. The above-discussed issues and concerns need to be sorted between these two states to have everlasting harmony and a friendly relationship.

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