

Considering the Nepal-China Border

The social, political, and economic dynamics of Nepal's 1,414 km border with the Tibetan Autonomous Region (TAR) of China seldom receive serious study in Nepal. In part, this is because much of the border is composed of rugged, inhospitable Himalayan terrain that hinders human movement. However, in the past five years, the scope of Nepal-China bilateral relations has broadened from traditional security concerns to include a newfound interest in physical infrastructure and the movement of people and goods across the border. Greater connectivity has been made possible by greater funding and through new technologies. In this context, it is important to consider historical borderland links in terms of official relations as well as people-to-people connections. This article examines the history and current dynamics of the Nepal-China border, with an eye towards the changing political scenarios in both countries.

A brief geopolitical history of Nepal's northern border

During the 17th century, Tibet was destabilized by internal disputes between different Buddhist sects. The king of Kathmandu, Pratap Malla, took advantage of the situation and attacked Tibet in the 1630s and again in the period between 1645 and 1650. During the second conflict, a military force led by Pratap's brother Bhim Malla was advancing towards Shigatse when it was met by deputies of the Dalai Lama, who agreed to sign a peace treaty favourable to Kathmandu. Tibet agreed not to impose tax duties on Nepali traders based in Tibet or on any of their male children from Tibetan women. It also permitted the merchant community of Nepal to establish 32 trading houses in Lhasa. As a result, Nepali settlements and trade spread across Tibet.

Following King Prithvi Narayan Shah's conquests and unification of Nepal, Nepal fought three more wars with Tibet — in 1788, 1791, and 1855 — that stemmed from trade disagreements, economic competition, and border disputes. Nepal's 1791 invasion of Tibet was thwarted when Tibet sought help from the Qing Dynasty, who responded by sending an army led by renowned military commander Fu K'ang-an. The Chinese army pushed back the Nepali forces, who receded from the captured territories in Tibet. The war was concluded with the 1792 treaty between Nepal

and Tibet. The treaty, overseen by officials from the Qing Dynasty, prevented Nepali merchants from trading with Tibet and almost resulted in the expulsion of Nepali trading firms in Lhasa. Nevertheless, by 1796, the merchant community were trading with Tibet and maintained their firms in Tibet as Nepali citizens. This treaty also resulted in Nepal sending a mission with gifts quinquennially to Peking. While Nepal called these trade missions, the Qing Dynasty regarded them as tribute missions. In addition, prior to 1912, Nepal's official relations with China were predominantly conducted through the *Ambans*, the name given to government officials of mainland China based in Tibet.

The Thapathali Treaty, also known as the Nepal-Tibet Peace Treaty, was signed on 24 March 1856. It was the last treaty between Nepal and Tibet, and it re-emphasised and permitted Nepalis to establish trading houses in Lhasa without being subject to import duties. As a result, the treaties signed between Nepal and Tibet in 1775, 1789, 1792, and 1856 didn't affect the Nepali merchants' operations in Tibet and their trading benefits. In 1951, the People's Republic of China (PRC) under Mao's government occupied Tibet and in 1955 established diplomatic ties with Nepal. This political transition abrogated the Thapathali Treaty and all the previous treaties Nepal had with Tibet.

The diplomatic reset in 1955 also had a major impact on the practice of transhumance along Nepal's northern frontier. This area was important for both Nepali and Tibetan pastoralists involved in yak herding. Cross-border movement was essential to find fresh pastures and to prevent in-breeding between yaks. However, as the two countries negotiated a series of treaties after 1955, trans-border movements were restricted and transhumance dwindled over time. An ICIMOD report states, "In 1978, an agreement banning the trans-border use of pastureland was reached between the Chinese and Nepali government... However, with the beginning of closure of the national border to livestock movement in the 1960s and final closure in the 1980s (some farmers claimed in the 1960s), many new problems arose in both rangeland management and yak production".¹

Political turmoil in Tibet also had direct bearings on the northern border and trans-border movements. Although Nepal committed to the 'One China Policy' in 1955,² it was put in a tricky position after the

failed Tibetan national uprising in 1959, which led many Tibetans to flee to India through Nepal or to settle in Nepal.³ Some Tibetans settled in Mustang, a Nepali district bordering China, with close monastic, cultural, and trading ties to Tibet (Mustang had been a central corridor for the salt trade between Nepal and the north). After the uprising, a Tibetan Khampa resistance force known as the *Chushi Gangdruk* (Four Rivers and Six Ranges) was deployed across Tibet to defend the Dalai Lama, who was fleeing to India. After the resistance force had taken heavy casualties from the People's Liberation Army (PLA) in the 1960s, discussions between the CIA and the Khampas were held, which ensured approval from the former to allow the continuation of the armed resistance from Mustang.

By the early 1960s, Chushi Gangdruk was operating with impunity in Mustang and the surrounding vicinity, staging cross-border attacks against the PLA. The Chushi Gangdruk's operations were made easier by the historical disconnect between the central government of Nepal and Nepal's borderland states like Mustang. The Tibetan force was supported by the CIA, who delivered arms through air-drops and provided military training to the Khampa warriors. However, the US abandoned support to the Chushi Gangdruk after establishing diplomatic relations with the PRC in the early 1970s, and the resistance force was finally disarmed by a Nepali military operation in 1974. Because of the geopolitical sensitivity of the area, foreign nationals were barred from entering Mustang until 1992.

Amidst the unrest and emigration of Tibetans from TAR, Nepal and China officially delineated their border by signing the Sino-Nepal Boundary Agreement in 1960 and the Nepal-China Boundary Treaty in 1961. China and Nepal initially put forward competing claims to Mt Everest during a field survey by the Nepal-China Joint Boundary Committee in 1961, in addition to 31 other disputed border claims.⁴ But in 1960, during BP Koirala's cabinet, two incidents regarding the Nepal-China border impacted the relations of the two countries. First, China laid claims to Mt Everest, which led to the first anti-China protest in Nepal. Chinese Prime Minister Chou En-Lai responded immediately by visiting Nepal and reassuring the Nepali government that China was ready to accept the demarcation of the boundary along the peak's summit. A month after his visit, a Chinese mountaineering team conquered Mt Everest without notifying Nepal about their expedition and ignoring Nepal's sensitivity to the matter. Second, in June 1960, Chinese forces entered Mustang and accidentally fired on Nepali police in a demilitarized zone, killing one and capturing the rest. After a number of letters were exchanged between BP Koirala and Chou En-Lai, the Mustang incident was settled after China agreed to pay NRs 50,000 as compensation.⁵ All

the border disputes were later resolved in a cooperative manner by November 1962.

The Nepal-China border protocol signed in 1963 required a quinquennial joint survey of the entire borderline by teams consisting of representatives of both countries.⁶ The boundary protocol was renewed in November 1979 and again in December 1988. The last joint inspection was in May 2005, and it identified two disputes – first, over the location of a boundary marker in Lamabagar, Dolakha District, and second, over the height of Mt Everest. During President Xi Jinping's visit to Nepal in 2019, 20 instruments were signed between the two countries, one of which stated that both nations would “jointly announce the height of Mount Sagarmatha/Zhumulangma and conduct scientific researches”. However, China continues to measure Mt Everest by itself; its most recent expedition to measure the mountain was in May 2020. China has been showing the mountain's height as 8,844.43 metres, four metres less than the Nepali measurement since 2005.

In the late 1980s, China began to draw flak from the international community due to the internationalisation of the Tibetan exile movement and the Tiananmen movement.⁷ China then gradually began tightening its border with Nepal. Although the Government of Nepal (GoN) stopped issuing refugee certificates to Tibetans in 1989, it permitted their safe passage to India under an informal, unwritten “Gentlemen's Agreement” with the United Nations High Commissioner for Refugees (UNHCR). As recently as 2002, nearly 2,000 Tibetans were crossing into Nepal annually.⁸ This flow placed Nepal in a difficult position vis-à-vis both China and the UNHCR. In 1999, when the 17th Karmapa escaped into India through Mustang– which had been opened up to foreigners in 1992 – China reacted by building a fence at the Ko Rala Pass.⁹

Ever since the Chushi Gangdruk in Mustang were disarmed, China has sought to keep a vigilant watch over the roughly 20,000 Tibetan refugees in Nepal. As protests broke out in Tibet in the lead-up to the Beijing Olympics in 2008, anti-China protests were also held by Tibetans in Nepal. However, bowing to pressure from China, the GoN cracked down on the protestors. To deter public demonstrations on politically sensitive dates such as the Dalai Lama's birthday, Nepal continues to beef up police security around the Chinese Embassy, Tibetan enclaves, and Buddhist religious sites – a strategy that has greatly reduced anti-China activism in Nepal.¹⁰ Security remains a vital component of China's agenda in its relationship with Nepal.

Connectivity and opportunities at the northern border

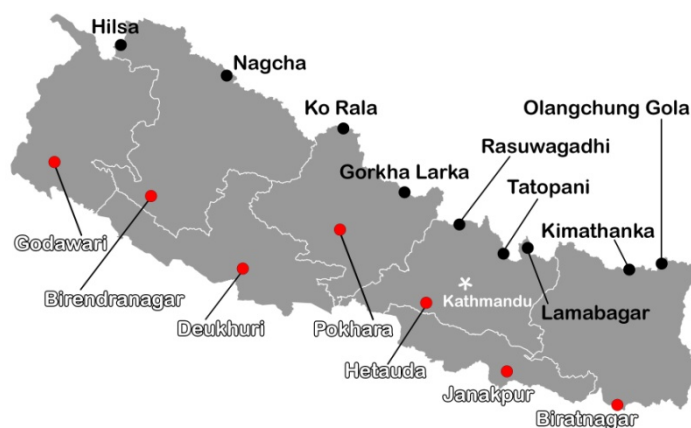
There are six major ports of entry along the Nepal-China border: Rasuwagadhi, Rasuwa-Kerung (Gyirong) County; Tatopani (Kodari) Sindhupalchok-Zhangmu County; Hilsa, Humla-Burang, Burang County; (Ko Rala) Lo Manthang, Mustang-Zongba County; Kimathanka, Sankhuwasabha-Zhentang, Dinggyne County; and Olangchung Gola, Taplejung-Ri'og County. Other border points like Gorkha Larka, Mugu (Nagcha), and Lamabagar are also being developed into trading routes.¹¹

Rasuwigadhi and Tatopani are situated at elevations of 1,983 m and 2,300 m, respectively, making them passable during winter. For this reason, they have long been the most-used border passes between Nepal and China.¹² Other crossings are above 3,000 m and are snowbound for a couple of months each year. The Arniko Highway, which passes through Tatopani, was the sole motorable road between Nepal and China, from the time of its construction in the 1960s, until 2014, when another vehicle route was added via Rasuwagadhi-Kerung.

Building on earlier treaties from 1961 and 1974, China and Nepal signed an agreement in 2002 allowing Nepalis who live within 30 km of the border to enter certain Chinese border-towns using 'special citizen' cards, without the need for a passport or any other formal travel document.¹³ This system has enabled many borderland residents to find work through trade.¹⁴ This system is not applicable at all border crossings between Nepal and China. The Mustang border at Ko Rala is opened for a few weeks each year in the spring and autumn, allowing residents to conduct a semi-annual trade fair called *Tsongra*, and at Tatopani and Rasuwagadhi, the border is open throughout the year.

Earthquakes in April-May 2015 severely damaged the Tatopani border route,¹⁵ forcing it to close until 2019. After re-constructing the physical infrastructure at the border, both countries re-opened the Tatopani border in May 2019, although the movement across the border has been limited due to stricter regulations.¹⁶ During the four-year closure, borderland residents lost their jobs as porters and in associated commerce. In the aftermath of the earthquakes, Rasuwagadhi became the only cross-border pathway to China. The Rasuwagadhi-Kerung Friendship Bridge was severely damaged by the tremors, but it was quickly replaced by a truss bridge.¹⁷ The Friendship Bridge was reconstructed and re-opened in 2019.¹⁸

Nepal and China signed an agreement in 2015 under which China will construct an integrated border facility and dry port on the Nepal side of the border at Timure, near Rasuwagadhi. However, construction was delayed, beginning only in May 2019. Similarly, at



Larcha, near Tatopani, a dry port has been under construction since 2013, but the project has been continually delayed due to a landslide in Sindhupalchok in 2014 and the earthquakes of 2015.

The Rasuwagadhi-Kerung border crossing was open only for citizens of Nepal and China from 2014 until 2017, when it was opened to citizens of all countries. The planned Nepal-China railway will pass through the Rasuwagadhi border point, connecting the two countries. The route between Rasuwagadhi and Kathmandu was shortened after the Nepali Army (NA) constructed a 17 km stretch from Mailung to Syabrubesi in May 2018,¹⁹ which is 24 km shorter than the original route.²⁰ However, this road has not yet come into operation due to a lack of security checkpoints along the route to control smuggling.²¹

Public and political interest in connectivity with China has grown as the perils of Nepal's import dependence on India have become more apparent. In September 2015, just months after the earthquakes, Nepal's Constituent Assembly ratified a new Constitution without heeding India's concerns about the Madhesi community's opposition to the statute. India reacted with an unofficial economic embargo along the southern border, devastating Nepal's already-reeling economy and propelling anti-Indian sentiments in the country. The crisis drove the GoN to seek help from China, which was only too willing to demonstrate the value of the northern border and their active pursuit for border diplomacy, in contrast to India's complacency and overreach.

Many Nepali policymakers envisage transforming the country into a land-bridge between India and China. In this regard, three major routes hold significant potential. The first route runs through the Karnali region from Burang-Hilsa along Nepal's north-western border with TAR to Rupaidiha-Nepalgunj, an important border crossing between India and Nepal. Currently, an integrated check post at Rupaidiha-Nepalgunj is being set up after both governments approved it in December 2018.²² The Burang-Hilsa border crossing is an important pitstop for Indian pilgrims traveling to Mt

Kailash, Mansarovar via Nepal. To reach Mt Kailash, pilgrims enter Nepal from Rupaidiha-Nepalgunj and travel to Simikot, the capital of Humla District, and then fly to Hilsa by helicopter (there is currently no road connecting Hilsa to Simikot).²³

The second potential land-bridge route runs through the Koshi region, from Zhentang-Kimathanka along Nepal's north-eastern border with China to Biratnagar-Jogbani in the south. Nepali PM KP Oli and Indian PM Narendra Modi virtually inaugurated an integrated check post at Biratnagar-Jogbani in January 2020. A 362 km road from Biratnagar to Khandbari-Kimathanka is nearing completion; it will be the shortest route through Nepal connecting India and China.²⁴

The third land-bridge route runs through the Kaligandaki corridor, starting at Belahiya-Sunauli on the Nepal-India border and extending up to Ko Rala Pass in Mustang. In a joint statement during PM Oli's visit to China in 2018, Nepal and China vowed to expedite the north-south economic corridors through the Karnali, Gandaki, and Koshi as alternatives to the long-established crossings at Tatopani and Rasuwagadhi.²⁵

Economic dimensions

With the rise of Xi Jinping as leader of the Chinese Communist Party in 2012 and as Chinese President in 2013, China has sought to expand and strengthen its influence on the international stage. Its strategy includes a strengthening of trade connections with neighbouring countries through the Belt and Road Initiative (BRI), which is reviving ancient Silk Routes through major new infrastructure projects.

China is Nepal's second-largest source of tourists and its second-largest trading partner, after India. In 2003, a meagre 7,562 Chinese tourists entered Nepal,²⁶ but by 2019, the number of Chinese tourists had reached a staggering 169,543 (14.2% of all tourist arrivals that year, compared to 21.2% from India).²⁷ China's growing middle class has shown a keen interest in exploring Nepal, which is still novel to them.

Chinese foreign direct investment (FDI) in Nepal has increased over the past four years and is currently Nepal's largest source of FDI.²⁸ India's unofficial blockade in 2015 gave further impetus to Nepal's efforts to strengthen economic relations with the north, leading to bilateral talks between the two countries. China and Nepal signed a protocol in 2016 that allows Nepali traders to access three dry ports (Lanzhou, Lhasa, and Xigatse) and four seaports (Tianjin, Shenzhen, Lianyungang, and Zhanjiang) in China.²⁹ When President Xi visited Nepal in 2019, he and PM Oli signed 20 instruments in which China pledged to provide NPR 56 billion (USD 492.6 million) as financial aid to Nepal.³⁰

Despite China's provision of duty-free access to its market for 8,030 Nepali products and agreements to open seven new border points (in addition to Rasuwagadhi and Tatopani), Nepal hasn't been able to take full advantage of economic opportunities with China.³¹ According to Department of Customs data, the trade deficit increased by 13.55 percent from fiscal year 2017/18 to 2018/19, reaching NRs 1,321.42 billion.³² The trade deficit is due in part to Nepal's high costs of production and its inability to produce high-quality goods that can compete in international markets. The trade deficit also indicates Nepal's dependence on consumable goods from China.³³ Nepal operates just nine customs offices at the northern border, compared to 27 at the southern border.³⁴

The highly priced yarsagumba fungus,³⁵ valued for its aphrodisiacal properties, is found in Nepal's mountainous region along the border with China. Until 2001, yarsagumba was smuggled across the border. Following its legalization for trade in 2001, it has been exported to bordering areas in Tibet, although smuggling it to evade taxes remains common.³⁶

Border and security challenges

Historically, Nepal's security policies were dictated by the monarchy and a few powerful individuals among the central authorities in Kathmandu. Since the re-establishment of multi-party democracy in 1990 and after Nepal became a federal republic in 2008, the number of elected representatives and public servants has greatly increased. With the creation of ministerial berths at the provincial level, there is more potential for interactions between sub-national officials and their counterparts across the border. However, most elected representatives are not experts on security issues and have little experience in bilateral relations.

For both India and China, concern over traditional security threats tends to overshadow other unconventional threats when dealing with Nepal. In contrast, Nepal has faced mostly unconventional security threats since the 2006 Comprehensive Peace Agreement (CPA) brought an end to the 10-year Maoist insurgency. Since the beginning of the 21st century, unconventional security threats have included livelihood insecurity, human trafficking, smuggling, natural disasters, cybercrime, and education and health insecurity.³⁷ Nepal remains concerned about the infiltration of criminals and terrorists seeking refuge in Nepal owing to lax border management and security.³⁸

Many of Nepal's border-security concerns relate to the smuggling of illicit goods like animal products, gold, and red sandalwood.³⁹ There was a steady rise of cross-border cartels in the early 2000s that smuggled red sandalwood and animal hides from Nepal to China.

Poaching and smuggling were facilitated by Nepal's poor security environment, a by-product of the Maoist conflict.⁴⁰ Despite Nepal's ban on the trade of red sandalwood – which was done in conformity with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)– red sandalwood was smuggled from India to China via Nepal in large quantities during the conflict years.⁴¹ In recent years, gold smuggling from China to Nepal, and from China to India, via Nepal, has become a major concern. Recent seizures of contraband gold at Tribhuvan International Airport and elsewhere have illustrated the strong links between smugglers and corrupt Nepali officials.^{42, 43} Nepal continues to be exploited as an entrepot for illegitimate trade between India and China.

In a recent incident, 122 Chinese nationals suspected of committing cyber-crime and bank fraud at the behest of China were arrested in Kathmandu. But no formal complaints or charges were registered against the nationals in Nepal. This raised concerns among security analysts regarding the process of detaining and deporting people on the request of another country, with no formal procedure or mechanism in place in Nepal.⁴⁴

Human trafficking between Nepal and its neighbours is also rampant.⁴⁵ Some human traffickers trick Nepali women and girls into getting married to Chinese men by offering them citizenship, a better lifestyle, and job opportunities – promises that are not always fulfilled.⁴⁶ China's 'one child policy,' which was finally abrogated in 2015, created an imbalance in the nation's sex ratio (113.5 boys to 100 girls in 2015). Most Chinese families preferred sons over daughters, leading to sex-selective abortions and creating a high demand for brides for their sons.⁴⁷ This demand has been met, in part, by trafficking women from Nepal and other neighbouring countries.⁴⁸

Nepal's new federal system promises to be both an opportunity and a challenge regarding border management. Article 268 of the Constitution allows for the formation of provincial police forces in each state, but it does not mention their role in border security. Combating both trafficking and smuggling will require greater coordination between provincial and federal law enforcement agencies in Nepal.

A recent incident involving the temporary disappearance of a border pillar and the construction of new Chinese buildings near Lapcha Pass, above the Limi Valley in Humla District, illustrates the lack of coordination between different tiers of government on border issues.⁴⁹ The local government alleged that China had constructed the buildings on Nepali soil, but its opinion fell on deaf ears as the federal government, before even completing its own investigation into the dispute, hastily responded by declaring that the new Chinese buildings were built on

Chinese land. The incident illustrates how Nepal's failure to clarify the roles of sub-national governments in border management can lead to foreign policy shortcomings.⁵⁰

For decades, Nepal's central government has excluded borderland regions from key nation-building and decision-making processes. This is in part due to the infrastructural disconnect and in part to the fact that the ethnic groups indigenous to these regions have been historically marginalized under the nation's caste hierarchy. Communities near the northern border are prone to unconventional security threats that remain unaddressed. For example, Nepali communities like Hilsa along the Karnali River (also called Mapchakhamabab) live in fear of flooding due to a lack of flood-control embankments. By contrast, flood-control structures have been built on the Chinese side of the border.⁵¹ Federalism holds the potential to bring the government closer to borderland communities and give marginalized communities the chance to participate in governance processes and in addressing unconventional security threats along the border. Although both foreign policy and defence fall under the purview of the federal government, the sub-national governments also have a role in assisting the federal government to create a more secure border. But coordination and collaboration between the three-tiers of government on matters as critical as security still remains ambiguous in Nepal.

Looking ahead

Policy frameworks for the Nepal-China border must take into account geopolitical affairs, economic concerns, domestic politics, and security needs. The following four points should be kept in mind:

First, the chiefs of the border security forces of both countries should participate in annual or biannual talks to discuss matters relevant to the shared border. In this regard, Nepal can follow the example of the Border Security Force (BSF) of India and Border Guard Bangladesh (BGB), which hold biannual talks to discuss issues pertinent to their shared border. Top commanders as well as foreign ministry and home ministry officials are part of each country's delegation. Annual talks commenced in 1975 and have been held biannually since 1993 in Delhi and in Dhaka.

Second, Nepal's northern frontier is prone to natural disasters that can damage border crossings and choke the livelihoods of local people. The examples of Rasuwagadhi and Tatopani are illustrative: due to damage from the earthquakes in 2015, cargo movement came to a standstill, devastating local communities as well as hurting Nepal's national economy as a whole.⁵² Border crossings like Ko Rala, Hilsa, and Kimathanka should be enhanced with better transportation infrastructure and integrated border check posts that can house the customs, immigration,

and border security offices. They should be further equipped with quarantine facilities, canteens, and foreign exchange offices that operate throughout the year.

Third, Nepal should carefully consider its National Security Policy, which has not yet been made public. As mentioned earlier, Nepal's security policy has historically been dictated by central authorities and the military, with little transparency in the process of policy design. The incumbent government continues to act in an opaque manner regarding border security.⁵³ Efforts should be made to include the perspectives of all security agencies, experts, and public stakeholders in designing security-related policies and reforms. Experts should promote academic research on international relations and security studies. A robust advisory body can be formed to conduct research and data analysis for Nepal's National Security Council.

Fourth, sub-national governments should be considered important stakeholders in designing border-related policies. Representatives of local governments have a deep understanding of the challenges borderland communities face. Yet to date, Nepal still hasn't determined a coherent role for the sub-national governments in border management. The Ministry of Foreign Affairs must clearly outline standard operating procedures and define jurisdictions relating to security and diplomacy. Provincial police and local officials must also take steps to deal locally with threats of smuggling and trafficking. China has shown an inclination to explore economic prospects with Nepal's provincial governments by inviting six of the seven Chief Ministers for the Nepal-China Economic and Trade Cooperation Forum in 2019.⁵⁴ China and Nepal signed a deal in 2014, in which China would provide 10 million Yuan (USD 1.63 million) annually from 2014 to 2018 to assist Nepal in developing their bordering districts with China. More recently, the newly formed China International Development Cooperation Agency is slated to begin projects with 15

border districts in Nepal.⁵⁵ This points to the importance of involving provincial and municipal governments in border management. A conscious effort can be made by the sub-national governments to engage with local residents as the absence of non-local officials in border management is noticeable, and there is a trust deficit between the local residents and non-local government officials.

Nepal's leaders should pay greater attention to developing coherent and effective policies for the northern border. This border receives far less public attention than the southern one, where security threats are well-documented and the flow of people and goods is much greater. Nepal's complacent approach to the northern frontier is unrealistic and undermines the importance of its mountain regions. The northern frontier remains threatened by unconventional security

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threats and has its own unique challenges that must be resolved in a timely manner. Threats and challenges can be mitigated through joint working mechanisms, dialogue, and by avoiding ill-planned, *ad hoc* measures.

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