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14. ABSTRACT The open border between Nepal and India in one way has helped in harmonizing the relationship between the two countries, but on the other hand it has been a great security concern for a small country like Nepal. There have been many talks from both countries to develop some kind of procedures for the regulation of borders, but due to the various factors these talks have not been able to materialize. So the issue of border between Nepal and India has remained the critical issue for centuries. The fact is the unregulated form of the international border has been largely responsible for the illegal smuggling of goods, men, drugs, smuggling of arms and ammunition across the border. In principle, both nations during the past years have shown commitment to control such illicit activities, but due to the lack of comprehensive approach to counter these unlawful activities the situation has been getting bigger and even more complex. The social-cultural and geographical proximity, historical attachments, and large numbers of immigrants living close to the border have been the main issues to control the border. In this point of view, it is almost very difficult to control the flow of ideas, thoughts, information, and weapons of small caliber, money, and drugs through the trans-state networks. With					
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MASTER OF MILITARY STUDIES

TITLE:
NEPAL - INDIA OPEN BORDER CHALLENGES AND PROSPECTS

**SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR THE DEGREE OF
MASTER OF MILITARY STUDIES**

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Executive Summary

Title: Nepal - India Open Border Challenges and Prospects

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Thesis: The open border between Nepal and India in one way has helped in harmonizing the relationship between the two countries, but on the other hand it has been a great security concern for a small country like Nepal. The trans-border criminal activities such as robbery, murder, kidnapping, smuggling of humans, proliferation of arms and ammunition, trafficking of drugs, and smuggling of counterfeit currency are some of the main problems of the open border.

Discussion: There have been many talks from both countries to develop some kind of procedures for the regulation of borders, but due to the various factors these talks have not been able to materialize. So the issue of border between Nepal and India has remained the critical issue for centuries. The fact is the unregulated form of the international border has been largely responsible for the illegal smuggling of goods, men, drugs, smuggling of arms and ammunition across the border. In principle, both nations during the past years have shown commitment to control such illicit activities, but due to the lack of comprehensive approach to counter these unlawful activities the situation has been getting bigger and even more complex.

The socio-cultural and geographical proximity, historical attachments, and large numbers of immigrants living close to the border have been the main issues to control the border. In this point of view, it is almost very difficult to control the flow of ideas, thoughts, information, and weapons of small caliber, money (both fake and real), and drugs through the trans-state networks. With the advancement of information – technology, communication and transportation these trans-state networks are becoming more and more sophisticated. In this context, the

geographical proximity and porous open border has serious implications in terms of both social and security threat. Hence this paper will try to examine the different types of problems as well as the prospects for Nepal in particular because of the open border between Nepal and India.

Conclusion: Although the open border in one way has facilitated to harmonize the relationship between the two countries the porous border has also some serious implications in terms of trans-border criminal activities and security issues.

Table of Contents

	Page
PREFACE.....	iv-v
INTRODUCTION	1-2
BENEFITS OF AN OPEN BORDER.....	4-7
SERIOUS NATURE OF SECURITY THREATS.....	9-17
CHALLENGES FOR BORDER MANAGEMENT.....	18-20
RESEARCH FINDINGS.....	21-22
RECOMMENDATIONS.....	22-26
ENDNOTES	27-29
BIBLIOGRAPHY	30-31

Preface

Nepal has always remained as a sovereign and independent state since its existence. Nepal shares most of its border with India. Although Nepal and India have similar kinds of cultures, traditions, religious beliefs, social, political, and economic relations, the boundaries between these countries have been the issue of concern from history. The current boundary of Nepal and India has been finalized or marked especially after the Anglo-Nepal War, which took place from 1814-16 where Nepal fought the epic battle against the British East India Company who was then colonizing the present India. Nepal shares its boundary with China in the North, which has not been the issue in the present time. On the other hand, Nepal, which shares its most of the border with India to the West, South, and East, has been the source of debate time and again, and this has been the issue not only to Nepal but also to India.

The Nepal and India boundary seems to be much more complicated than Nepal border with China. During the Anglo-Nepal War 1814-16, Nepal lost two thirds of its territory which it had gained during the unification campaign by the father of the nation: the late king Prithvi Narayan Shah. After losing the battle against East India Company, Nepal was bound to sign the treaty with East India Company. The loss of Nepal in the Anglo- Nepal War of 1814-16 against the British East India and the other treaties followed by the war between Nepal and East India Company paved the way in the creation of new border between these neighboring countries. The formal agreement between the officials from both the countries regarding the demarcation of the border was signed on December 8, 1816. Since then there have been several issues regarding the boundary between Nepal and India.

The open border has not only created the serious security threat but also has greatly facilitated to harmonize the relationship between the two countries and the people. But on the other hand, the open border between Nepal and India has also been the reason for transnational threat for a long time. The open border between these two countries has benefitted the peoples from both the sides, but the trans-national criminal activities, robbery, murder, proliferation of arms and ammunitions, human trafficking, smuggling, drugs trafficking, and kidnapping have been the major threats in the present years. Finally, I gratefully acknowledge the patient and benevolent guidance provided by Doctor Douglas Streusand, who mentored me throughout this work with critical instructions. I am also indebted to Ms. Andréa L. Hamlen and Mrs Stase Wells who helped me to improve my English.

INTRODUCTION

Background

Nepal and India share a unique relationship in the world due to the open border system between these two countries. The open border has been allowing the free and unhindered movement of people from both the countries across the border. The living style of people, food habits, religions, culture and traditions, and deep-rooted people to people relationship are the some of the characteristics which are common in Nepal and India. Nepal shares a border of over 1850 kilometers to India on the East, West, and South. The mountainous portion of the boundary lies in Sikkim, West Bengal in the East with the Mechi River, and along the Mahakali River in the west with Uttar Pradesh, Uttarakhand, and Bihar.¹

The open border has greatly facilitated in harmonizing the relationship between the two countries and the people. On the other side of the coin, this unregulated border has also been the reason for the transnational threat that both nations are facing for a long time. The open border system is largely responsible for the illegal and criminal activities like robbery, murder, kidnapping, human trafficking, smuggling of different kinds of materials and goods, arms and ammunition, artifacts and manuscript, trafficking of drugs, and smuggling of counterfeit currency on both sides of the border.² Many Indian states had served as a safe haven for many Maoist insurgent leaders and cadres during the period of insurgency, best utilizing the open border.³ Nepal's Southern neighbor has been raising the issue about the open border being evolved into the most lucrative passage for the flow of terrorists from one end to the other.⁴ Since 1998, Nepalese high profile Muslim leaders and business men, such as then minister Mirja Dilshad Beg ,businessman Younus Ansari, and many others have been killed or attacked by the

international criminal groups (Chhota Rajan, Chhota Sakeel, Bablu Srivastav) based in India. All of these groups have used the open border to enter and flee from Nepal and India.

Though the nexus between international terrorist groups and Nepalese armed outfits have not been identified yet the threat remains at the highest level due to the open and porous border. The open border has both positive and negative effect for both countries. However at this juncture of time the security threat perceived due to this open border is immense in nature, which can also destabilize the bilateral relationship of two neighbors who are enjoying good relations since the time immemorial.

Leaders, bureaucrats, security forces, and security experts from both countries seem well aware of the consequences of the current status of an open border. However, efforts to regulate the open border have not been encouraging till this time and seem likely to hurt Nepal more in the future if timely action is not taken soon. In this context, this research paper will examine some of the peculiar prospects and challenges of the open border and some of the ways to mitigate the problem caused by this existing border system which could be helpful for the policy makers to solve the problem in the days to come.

Perspective on the Nepal – India open border

Generally there are two perspectives of looking at the open border, one focusing on personal, daily issues, and the other giving emphasis to national interests. This is relatively an analytical distinction in everyday and socio- political views, due to the reason that both these dimensions and perspectives are interdependent and are influencing one another. The arguments of these different groups of people are moreover similar but referring to varied levels with

different focuses. On both levels there are two positions towards the Nepal – India open border; one is more concerned with the benefits of this existing border system, and the other is concerned with the disadvantages of this system on the culture, politics, economy, security, independence and national security of the country.

Material and Symbolic Meanings of the Open Border

General populace uses the open border for the economic advantage. This border system gives these peoples an opportunity for the close access to big markets, to procure goods, wherever they are accessible or cheap. However, it also implicates the prospect for misuse, for example smuggling and trafficking. In the perspectives of the open border, on one hand it can symbolize friendship and kinship between two countries and on the other hand it can be perceived as a symbol for threat.

There is a tension between transcendence of the international border, by the flow of goods, people, and socio- economic relations on the one hand and giving emphasis to the border in the name of national identity, integrity, sovereignty, and security but on the other hand, some of the illegal component is using this open border for various kinds of illicit activities. The border area presented itself as a complex field, in which meanings of identity, nation, and the state become visible.

Threat vs. Benefit

There are many views at different levels, different communities, and different political parties on open border, Nepal-India relations and the security perception. Many regard the open border as the symbol of friendship and cooperation between the two nations. It can enhance the close socio - economic relations in the local populace. At the same time some people have perceived it as a threat for their business, independence or sovereignty, and security of the nation. The existence and contents of these conflicting understandings and views gives an impression of an internal division in Nepal and the significance of being original Nepalese. Border management has been the key issues for the political parties from both the countries as it is directly related to the feelings and emotions of the peoples from both the countries and the security interest of the countries. When we analyze the various perception of the general public and cadres of political parties then the existing system of open border has more negative impacts than the benefits. The benefits and threat of this open border are discussed below:

Benefits of an Open Border

If we see the history of two nations in the past, there has been a sound relationship between Nepal and India and the open border has never been a problem. However, especially after the independence of India in 1947 there have been some small problems due to the open border. As a normal citizen of the country the open border in many ways has been a great benefit to both nations. Some of the major benefits that the peoples from both the countries are getting are discussed below:-

1. Free access

Due to the lack of regulated borders and proper border control system the peoples of one country are allowed to cross the border of another country. Although there are around 22 check points in various places along the border, they are only limited to the road networks. These check points are manned by the border security forces from both sides, but their effectiveness is very minimal because there are several other routes and tracks from where peoples can easily cross the border. This free access to both countries from various places in the border has been the reason of good relations among the peoples in the bordering areas in one way. But on the other hand the trans-border criminal activities has been the main feature of Nepal India open border system. The peoples from both the countries does not need any kind of permits or visa to go from one country to another. These provision was possible due to the agreement between the governments of both countries which was signed in 1950.

2. Socio-cultural Ties

The similarity of religion, food habits, and various kinds of festivals which are celebrated in both the countries have been on the influential factor due to which control of the border has been a very complex issue. Besides that there is a huge population near the border areas who have matrimonial relations from long time. This is because the people who live in border areas speaks the same language and have similar kinds of customs and traditions due to which there is the inter-connection between these peoples. The similarities of socio-cultural ties have also bonded these peoples together particularly the peoples who live close to the border areas.

3. Employment opportunity

Nepal is one of the under developed countries in the South Asian region. For years the economy of the country was based on agriculture, but things have started to change in the recent years. Most of the youths are attracted either towards business or doing governmental jobs. Since they don't have well and higher education due to the unavailability of good schools in most part of the country. Hence, they prefer going to India for work because they are paid higher in India and another thing is more employment opportunities are available. Many peasants living near the borders carry out trade of their domestic animals and other agricultural products at the local markets. These trades have been generating opportunities for an employment in the border areas for long time. Significantly, the presence of millions of peoples across the border areas in the neighboring Indian states provide a large prospect for the growth of trade and industries in the Nepalese border areas.⁵ Nepal has been unable to provide employment opportunities for all the youths in the country. Therefore, lots of Nepalese youths go to India for employment purposes. For example, the Indian government is employing a lot of Nepalese youths in the Indian army as the Gurkha Regiment.

4. Others

The other major benefits which Nepalese peoples are getting due to the open border is the education. The cities like Lucknow, Nainital, Darjeeling, Krishna Nagar, Gorakhpur, Simla have been the common places for education. Most of the peoples are attracted to India for their education mainly due to the political stability and the quality of education those institutions provide. Nepalese people believe that the Indian education system is among the best in the world, and moreover the syllabus which the students have to follow is similar to

the Nepalese education system. The major benefit that Nepalese people get in India as per the Treaty of Peace and Friendship of 1950 is that there will not be any kind of discrimination between Nepalese and Indian citizens.⁶

PROBLEMS AND CHALLENGES OF OPEN BORDER

There have been many treaties between Nepal and India regarding the border issues, but both the countries till now have failed to address the critical problems regarding the regulation procedures in management of borders. Moreover, the peoples from both the countries are allowed free movement from one country to other without the need of the visa or any kind of special permit. However, there are no any kind of specific agreement or treaties regarding the movement of peoples or goods from one country to another. So this concept of open border and the lack of specific treaties or agreement has made border issues more complicated. The fact is that, this unregulated form of the international border has been largely responsible for the illegal smuggling of goods, smuggling of drugs, movement of small arms and ammunition across the borders, and movement of terrorists and other type of criminals. These illegal activities conducted along the border have always remained the main issues for both the countries. In principle, both nations time and again have shown commitment in controlling these illicit activities along the border, but in reality neither of these countries have shown a sense of urgency in resolving this critical issue.

Security Implications

The socio cultural and geographical proximity, historical attachment, and issues of immigrants close to the border of both countries have definitely increased the security demands in the border areas. In this point of view, it is very difficult to control the flow of ideas, thoughts, information, weapons of small caliber, money (both fake and real), and drugs through the trans-state networks. With the advancement of information – technology, communication and transportation these trans-state networks are becoming more and more sophisticated. In this context the geographical proximity and porous open border has serious implications in terms of both social and security threat.⁷

The intrusion of other immigrants hostile to the third nation can pose a security threat if it establishes the transnational networks in order to carry out subversive activities through various intelligence activities in Nepal. There have been several benefits for Nepal due to the open border, but the open border can really threaten its sovereignty if effective measures will not be taken soon. For instance, the flow of around 20000 Bhutanese refugees in Morang (East Nepal) in the early 1990's from the South border has been the key issue regarding the sovereignty. Many Nepalese people felt that it had deteriorated the concept of sovereignty and independence in politics and economy. Smuggling of daily consumption goods, lethal arms, ammunition, explosives, and drugs are another significant issue which is confronted by both Nepal and India.⁸

Serious Nature of Security Threats

Mostly of the security threats that Nepal is facing at the moment is more internal than external threats. Though it can't be ruled out completely that external threat is at zero level but the internal security threat is the major concern for Nepal which is being affected by the porous border. Hence proper management of this border system is extremely important for the national security. The border security situation is marked by mostly increasing number of armed groups that are rising in the terai region of the country, open border providing the safe haven for various criminals groups close to border areas of both countries. Some of the serious concerns for Nepal has been the increase number of small arms proliferation especially after the Maoist insurgency, kidnapping of rich businessmen from different parts of the country, poaching of medicinal herbs and animals, human trafficking, robbery, murder, unauthorized trade, smuggling, extortion, and increase number of drugs cases which are mostly done from the border areas.⁹ These kinds of illicit activities conducted along or from the border areas have seriously increased internal security situation in the country. Some of the genuine types of threats which Nepal has been facing in the recent years are discussed below:-

1. Women Trafficking

The trafficking of the young girls and women especially from Nepal to big cities of India like Mumbai, Delhi, Kolkata, and Bangalore has been the greatest challenge for the government for a long time. The government has given special focus to stop these kinds of

activities through various awareness programs but the progress has not been encouraging. In addition, a lot of NGO's and INGO's are also associated with protecting and stopping women trafficking, but the statistics do not show much progress in this aspect. A group of individuals who were researching in this subject have revealed that due to the dense forest in the border areas and huge number of tracks and trails in the border areas have made women trafficking much easier. As per the group there are more than 1200 unmanned routes along the border areas, which has made women trafficking possible.¹⁰

These girls are forced into selling their bodies, often with physical torture, and whatever they are paid is taken by the brothel-owners. It is believed that more than 200,000 young women and girls are forced to work in brothels in various towns of India.¹¹ Such brothels and red-light areas are based in Mumbai, Kolkata, Darbhanga, Betiya, Siligudi, and other towns and cities of India. In most of the cases which police had investigated regarding the women trafficking police have revealed that their own father, husband, step mother and even relatives are found guilty in selling these women. Most of the people take advantage of the illiteracy of women and are able to sell these women in brothels. The poor, innocent girls in brothels are treated like animals or consumer goods, their bodies humiliated and souls injured. The result of this forced prostitution is that they are isolated from the population due to which they live a very miserable life or they are infected with dangerous diseases like HIV/AIDS. One major factor causing this misery and misfortune of Nepalese girls is the open, unregulated, uncontrolled border between Nepal and India. However, the organization like Maiti Nepal chaired by Anuradha Koirala has been working continuously to help such girls and women.

Maiti Nepal has been successful in rescuing more than 100 women who were forced to sell their bodies from Indian brothels with the help from Nepal and India police.

2. Arms and Drugs Trafficking

Transporting arms and explosives illegally comes under terrorist activities. Whenever terrorists cross over the border, they usually import and export illegal arms. That was done during the Maoist insurgency by the then CPN (Maoist). Best utilizing the unregulated border, Maoist transported these arms and explosives to Nepal. For example, the Nepal Police confiscated 1410 items of guillotine, 3300 items of detonators, and 740 items of fuse wire, transported from India to the Nepalese territory of Kapilvastu which is just 12 km north from the border.¹² Similarly a huge quantity of explosives along with Nepalese terrorists was confiscated by the Indian security forces in many Indian cities which were being transported to Nepal.

Following the signing of the Comprehensive Peace Agreement between major parties in 2006, the number of armed groups increased especially in Terai and eastern hills of Nepal. With the increase of these armed groups the rates of the proliferation of small arms and improvised explosive devices have accelerated. Arms are easily entered to Nepal from the bordering cities of India such as Patna, Bihar, Raxual, Sitamadi, Motihari, Jogbani, Lucknow, Gorakhpur and Bayalbas. Such arms are imported by goods Lorries from Nepal-India Transits. The close coordination between the drug trafficking groups, numbers of criminal networks, and the terrorist groups has created the political instability in both the countries.¹³ The small arms cost one thousand to ten thousands Nepalese Rupees (NRs) in India, which is around 100\$, and those arms are sold in Kathmandu at nineteen thousand to

thirty thousand NRs (200\$-300\$). It is estimated that there are 440,000 privately owned fire arms, with roughly only one-eighth (55,000) believed to be legally registered, and the trend is higher in Terai districts.¹⁴

Nepal has become the regional hub for the drug traffickers in the recent years. Due to the lack of effective security along the border between Nepal and India, the drug dealers have significantly increased their activities in the Terai region of Nepal. The recent trends in Nepal show that the youth are highly attracted to these illicit activities because these youths can make a huge amount of money in a short period. The districts located mostly in the mid-Terai region of the country like Sarlahi, Rautahat, and Mahotari have turned into major transit points for drug trafficking.¹⁵ Often it is reported that narcotic drugs are transported into the Indian and Nepalese border from south and south East Asian nations, and then exported to western countries through the Nepalese land.

3. Unauthorized Trade

This unauthorized trade has been the serious concern for Nepal. Nepal has witnessed negative export growth resulting to widening trade deficit. Several commercial goods, clothes, and machinery have been found illegally imported from some points of the open border where there is no customs office and police post. It is found that the illegal import and unauthorized export have been carried out through the open border taking advantage of the weather, time and other situations.¹⁶

The most common challenges that the security forces are facing daily are to control the unauthorized trade that has been taking place throughout the open border. There is no specific place from where these kinds of activities are taking place because it has been taking place from the Eastern part of the country (Mechi) to the Western part (Mahakali). The common trades that take place in order to avoid the customs are sugar, rice, electrical items, different kind of fertilizers used for agricultural purposes, and animals. The people who live in the border areas are so poor that they are forced to buy daily commodities from Indian markets as they are much cheaper than in Nepalese markets. These people who buy these commodities take the advantage of the open border just to avoid paying the custom. The merchants and the businessmen hire these poor people and conduct unauthorized trade from the Indian markets to make more money. The poor peoples involved in the unauthorized trade will get around 10 percent value of goods as their commission.¹⁷ The open borders have encouraged the poor people more and more in these kinds of unauthorized trade because they are able to get employment, and moreover they are able to earn much more money. The government is seriously concerned about this situation because more and more people are getting involved in these activities, which have resulted in the revenue collection of the government. Nepal's economy is mostly based on agriculture and remittance. According to the report made by agriculture ministry, around 55 billion Ruppes were spent in the unauthorized trade, which has in one way or the other affected the economy of the country.¹⁸

4. Activities of Extremist, Insurgents, and Revolutionary Groups

Particularly during the insurgency period in Nepal, more than 33 armed groups were formed in various parts of the country. Most of these groups were involved in kidnapping, murder, looting, and several other illegal activities. The government recognized the leaders from these groups and figured them as criminals. The police force are tasked to capture these peoples, but these criminals used the border to go in other side of the border to get the safe haven. This created a lot of difficulty for the security forces to conduct their operations. Moreover most of the leaders of Maoist communist party during the insurgency operated from Indian territories. When the situation was favorable to them they came to Nepal and when the security forces increased their activities they used open border to go in India. So during the decade long insurgency in Nepal, leaders and cadres of Maoist party time and again used the bordering state of India as their shelter.

5. Smuggling of Counterfeit Currency

The smuggling of counterfeit currency using the open border has been the major challenge for the security forces in the present period. There are several networks operating from India and Nepal in this activity. Due to the open border a huge amount of counterfeit Indian currency overflows from India to Nepal. Every year many Indian and Nepalese smuggling groups are captured along with huge amount of money by the border security forces.

Rupees 500 and 1,000 fake currency are brought to Kathmandu either by air or transported overland to Birgunj and then taken across the border by smugglers to distribute on the other side of the countries. Some of the examples out of many is the arrest of Shekh

Muhammad with Rs. 905 million Indian fake currency on 7 June 2013 and Aasin Miya with Rs. 6.9 million on 28 May 2012 in Bara district border.¹⁹

6. Kidnapping, Murder, Robbery, and Extortion

Rise of armed groups have a direct implication in the illegal trade of small arms facilitated by the porous border. Thus significant rise of armed violence has been observed in Nepal in overall and Terai and Eastern hills in specific. After signing the peace agreement between the major political parties and the Maoist party in 2003, the insurgency has officially ended but the criminal activities has significantly increased then. The political instability in the country and the lack of presence of security forces in many part of the country has resulted in the rise of many criminal groups. These criminal groups are mainly involved in kidnapping the rich people, murdering the political leaders and looting. For instance, Nepali businessman Tulsi Ram Agrawal was abducted and taken to the other side of the border. He was released after the monetary negotiation.²⁰ Due to the lack of better education and employment opportunities in the country the younger people are more attracted in these activities so that they can make money easily. Due to the development of technology and communication the tracking of these peoples have been much more difficult for the security forces. The situation has been much more worst because some of these groups are protected by some of the political parties.

Due to the uncontrolled movement along the border, the children of the rich people, businessmen, industrialists, politicians are kidnapped and cross the border and ask for huge ransom in return for the safe release. These kinds of criminal activities are increasing every year because of the lack of strong rules against these criminals. The police force of Nepal has

been working very hard to control the criminal activities and are able to arrest many peoples involved in criminal activities. The Nepalese police were able to capture 375 peoples involved in criminal activities this year which is more than 26 in comparision to last year.²¹ Majority of these arrestees were nabbed in from Terai districts. So these shows that more peoples from the terai regions are involved in such kinds of criminal activities because they have good connection with other criminal groups from India. These people time and again meet each other to plan for such criminal activities and this has been possible because of the open border.

Since 1998 Nepalese high profile Muslim leaders and business man, such as then minister Mirja Dilshad beg on June 29 1998, businessman Younus Ansari 10 Mar 2011, Jamim shah 07 Feb 2010, General secretary of Islamic Association Nepal, Faijan Ahmed on 26 Sep 2011 and others have been killed or attacked by the international criminal group (Chhota Rajan, Chhota Sakeel, Bablu Srivastav) based in India. All groups have used this open border to enter and flee from Nepal.²²

7. Terrorism

The open border has made it easy for the terrorists to run their activities. One they carry out terrorist act they enter into the other country easily and take safe shelter. No such evidence has been collected so far that any armed groups having close connection with the terrorist. The Maoist "revolution" in Nepal until recent past that used arson, bombing, assassination, kidnapping and the lot to further their political aims. The bombing of the local bus in the Chitwan district which killed 28 innocent people is the extreme form of terrorist activities. Although the revolution was contained within the geographical limits of Nepal, at

one time, they were labeled as terrorists by the Nepalese, Indian, US, EU and many other governments. During this Maoist insurgency top Maoist leaders and many others had taken many Indian cities as their safe shelter and used border area for doing so.

On the other hand India has been blaming Nepal time and again for not adopting strict measures to stop the free movement of ISI agents from Nepalese soil which she claim ultimately these anti- Indian elements enters to India best utilizing the porous border. Further to this India today a daily Indian newspaper once claimed that in Nepal there are hundreds of Nepalese ranging from high profile leaders to ordinary citizen have been working as an ISI agent. ²³ The another incident which shows that many terrorists groups are using Nepal as their hub for operating different kinds of terrorists activities is the hijacking of Indian Airlines, IC 814 on 24 December 1999.²⁴ The plane was to travel from Tribhuvan International Airport, Kathmandu, Nepal to Gandhi International Airport, Delhi, India but the hijackers took it to Kandahar, Afghanistan. The plane was hijacked by Harkat-ul-Mujahideen, a Pakistan-based group .Lashkar-e-Taiba members Abdul Karim Tunda and Yasin Bhatkal were arrested by the police from the Indo-Nepal border which in investigation by the police revealed that they used open border for these terrorist activities. These activities force to make believe that something ill motive organization had been utilizing Nepal – India open border for their vested political interest.

Challenges for Border Management

1. Disputed Borders

In the recent years especially after 1990 the major problem in the border management has been the issue of border disputes. Before the independence of India, every year the officials from both the countries conducted a joint survey to figure out any issues and problems in the border. The Indian authorities were responsible for the inspection and maintenance of pillars having even numbers and Nepal officials were responsible for the pillars of odd numbers. The main problems which were seen in the past were the issue of encroachment from either of the sides, missing of border pillars and broken pillars. But after the independence of India the survey of the borders were halted for more than three decades. However in 1981 Joint Boundary Commission was finally established comprising of six border survey teams. These survey teams after the inspection reported that there were several areas where the encroachment was done, missing borders and several other border disputes. Although the majority of border disputes are in the process of negotiation but the issue of Susta and kalapani have been the issue of debate.²⁵ Both the countries claim that these areas belong to them.

The joint boundary commission reports that among the various borders disputes between Nepal and India most of them has been resolved but every year new disputes comes to the news. Since there is no proper system demarcation of the border the problem is getting more and more complex every year. In some of the districts the rivers separate the border but these rivers changes their course after the monsoon season due to which the conflict develops. As

per the joint boundary commission center out of the twenty six (26) districts of Nepal that borders to India, twenty two (22) districts have problem regarding an encroachment. The four remaining districts Bara, Mahottari ,Baitadi and Dhanusha districts are free from border disputes. The remaining twenty two districts in one way or the other has some kinds of border issues. The government from both the countries has not been able to resolve these issues due to which in many occasions peoples from both the countries are involved in violence.

2. Porous Nature of Border

Nepal's border comprises a diversified variety terrain comprising of rugged terrain, dense forest, mountains and hills. Due to this diversified terrain the country is basically divides as mountain, hills and the flat land. In general the porous nature of border is particularly because of the existing geographic condition, and socio-cultural affiliation of living in the vicinity of the borders in both the countries. The increase in proliferation of weapons, smuggling, and illegal migration of the people, unauthorized trade, human trafficking, drugs and narcotic smuggling are some of the serious problem of open border.

The Nepal- India open and porous border has been the most responsible factor for a longstanding problem between these countries. The border is not fenced and not been monitored through the adequate border security forces which leaves an area under open territory. There are some few check points along the border but it really has not been able to restrict in conducting the illicit activities. The geographic condition, similar cultures and traditions, demographic composition and the lack of adequate security forces of the border

area make it conducive environment for the illegal elements or groups to infiltrate along these border areas. The another difficult thing for the security forces is the identification of these peoples because the peoples from both the countries look similar in appearance and they can speak the local language.

3. Dense Population in the Border Areas

The another main challenge in providing the security in these areas for the security forces is the dense population living in these districts. The density of the population in the mountainous region is 50 peoples per square kilometer, in hilly area ranges from 200-300 persons per square kilometer but the terai increases to 800 persons per square kilometer. The villages and the house are so compact that once the criminals, terrorist or other illegal elements gets information about the security forces operation, it is very difficult to monitor or capture them. These elements easily cross the border and lives in other side of the borders.

4. Unfenced Border

There is no fencing in a huge stretch of over 1500 km long border. But in our context neither it is fenced nor effectively patrolled nor kept under strict surveillance which makes the favorable condition for the unlawful elements to conduct their activities with ease. There are some of the check posts and point along the borders to control the illicit activities but they are very ineffective. The major reason for the ineffectiveness is that there are so many open areas along the border from where these groups can easily infiltrate.

Research findings

1. Nepali citizen's perception of open border varies with the community ranging from those who live nearby the border area, living in the hills or mountains and varied interest of political parties.
2. The open border has greatly facilitated to harmonize the socio – cultural relationship between the two countries and its people, but this unmanaged or unregulated border is also responsible for the transnational threat that the both nations are facing for a long period.
3. All the illicit activities which are conducted all along the border is mainly due to the open border. This open border has been the safe passage for the drug dealers, criminals and many peoples involved in several other kinds of illegal activities.
4. The presence of or a nexus between international terrorist groups and Nepalese armed outfits has not been identified yet but the threat always remains at the highest level due to the open and porous border. Similarly India is also very much concerned about its misuse by the anti- Indian elements to endanger her national security.
5. There have been so many cases that criminals chased by the security forces from either of the countries enters easily to other country through the porous open border and conduct illicit activities such as smuggling of drugs, murder, human trafficking and other unlawful activities in that country.

6. Misuse of this border by the unlawful elements and the inability or unwillingness of the officials from both the countries has definitely soured the relation between these countries to some extent.
7. The lack of Nepalese government for developing these border areas in terms of road networks, telecommunications, health, education etc, has helped such groups and peoples to conduct illicit activities. The political instability, decade long insurgency and poor economy of the government has also created such problems in the border regions.
8. The closure of the border only may not solve the problem, but a strong government and cross- border cooperation and collaboration can prevent the unlawful activities which possesses the security threat to both nations.

Recommendations

1. Border Guidelines

The concerned authorities from both the countries should develop the common border guidelines so that there will not be any kind of confusion in order to work jointly together. The aim being to ensure co-operation between various stakeholders over cross border crimes, exchange of related information and intelligence at all levels.

2. Mutual Legal Actions against Terrorism

Terrorism has become a curse for almost all nations in South Asia and the victim nations are combating for themselves against the threat of terrorism. Blaming each other will not solve the problem. Hence mutual legal action against the unlawful elements must be taken immediately to check the criminals, women's traffickers and narcotic drugs holders and the terrorists.

3. Fencing the Border and Enforcement of ID Cards

The terrorists, rebels and criminals have misused present porous border from the very long time and this Nepal– India border is likely to create instability in the domestic politics as well as can severe the bilateral relationship. Therefore, introduction of ID card system, fencing the borders and use of temporary permit card should be an appropriate measure to counter the illegal groups, different types of criminals, various smugglers, drug traffickers and the human traffickers and so on. However it doesn't mean to stop the flow of general public from one end to other but it is to regulate them from a designated point. It will also help to manage for export and import of merchandise legally, so that life and property of people of both the frontiers would be safe and secure. Most importantly country would be able to collect the revenue, which would assist in the national development.

4. Regulation of Border for the Normal citizen

Most importantly the border must be regulated for the genuine people of both nations. The unsecured border and disputed border like Nepal and India could be transformed into safe and protected border. The main important with what is needed in doing so is the political commitment, dedication and will from government officials from both nations. Security should be a key concerned topic for the border management among these two nations and for this the following steps can be taken:

- 4.1 Citizenship, identity card or passport must be carried by all who travels from one country to other.
- 4.2 To enter to Nepal or India people must fill up the registration form in an entry or exit point where by the full address of him or her and the purpose and duration of visit must be clearly mentioned in it.
- 4.3 After confirming all these formal procedures he or she can enter to the other side. However there shouldn't be limit of time for stay to any country, which will address the concerns of the populace at larger scale.

5. Joint Effort and Commitment

Nepal and India both the countries should operate jointly together in order to regulate the open border. The joint border commission established in 1981 must be made more effective by giving them more authority to settle the border disputes. The current ongoing borders

disputes, missing pillars and the encroachment areas should be solved through joint effort from both the countries.

6. Deployment of trained & sufficient no of border security forces

Since India has deployed special border security force and Nepal has deployed Armed Police Force for the purpose of border security but they are lacking to effectively fulfill due to insufficient numbers of security personnel. Therefore it is needed to establish at least a battalion sized APF Border Security forces on each district close to the border where currently only a company sized forces are deployed.

7. Wide Coverage

Security force at various places should remain in alert at border for a tremendous job to control the problem of trans-border security problem. All illegal access should be located and stopped and minimum entry and exit route should be made. Armed Police Force should try to establish as many BOPs as possible due to the long open border.

8. Establishment of a high level special body for the border security

Nepal government should form a high level special body comprising various specialist to suggest the government in order to deal with various border security problem such as border encroachment, informal trade, women trafficking, illegal arms transaction, drug trafficking etc.

9. Constructing roads on the no-man's land

Construction of roads in the border areas between Nepal and India can be good solution to the existing border security problem and an alternative way in order to protect the borderline, to check the intrusion of unwanted elements within the country. It helps security forces to patrol border area vigorously, which assist to solve the existing border security problem.

10. Budget

Additional budget should be allocated to equip the border security force with modern equipment and accessories, and also for maximum utilization of informants, both internal and external. The lack of adequate budget have restricted the border security forces with the lack of communicating equipment, transportation so providing with adequate budget can reduce in the number of illicit activities.

Conclusion

The open border have both advantage and disadvantage. The main advantage is due to the open borders huge numbers of population from both the countries are benefitted economically. Peoples from both the countries can freely move from one country to another which also have helped in developing the close relationships among each other. The open border has also facilitated the peoples from both countries to find employment and open business. Many people has also the social and family relation with the peoples from India. So the open border has also

helped in mutual cooperation among the peoples who lives in border areas and developing the good relations.

The major challenge of the open border for both the countries has been the security concern. Besides, this unregulated border is also responsible for the transnational threat that both nations are facing for a long time. The major challenges in the recent periods due to open borders have been drugs and narcotic smuggling, human trafficking especially young girls, small arms proliferation, murders, kidnapping, robbery, unauthorized trade and other various kinds of illicit activities. But it does not mean both the countries should close the borders as it would have a significantly negative impact on the socio-economic condition of the people. So in order to preserve the good relation between the two neighbors both countries should give special emphasis in the regulation of open borders.

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