

POLICY BRIEF

Jan 9, 2024

Dr. Monika Chansoria is a Tokyo-based Senior Fellow at The Japan Institute of International Affairs. She is also a Senior Contributing Author and Analyst on Asia's geopolitics for the *Japan Forward Association Inc.*, Tokyo. Previously, Dr. Chansoria has held senior research appointments at the Sandia National Laboratories (U.S.), Hokkaido University (Sapporo, Japan), and Fondation Maison des Sciences de l'Homme (Paris). She has solely authored five books on Asia's security, including, *China, Japan, and Senkaku Islands: Conflict in the East China Sea Amid an American Shadow* (Routledge © 2018), and *Nuclear China: A Veiled Secret* (2014) among others.

Disclaimer :

The views expressed in this publication are those of the author and do not necessarily reflect the policy or position of The Japan Institute of International Affairs or any other organization with which the author is affiliated.

Nepal's Border Negotiations with Tibet and Later China: Key Milestones in the Delineation and Demarcation of the Land Boundary Line

Dr. Monika Chansoria

Nepal shares a 1,414km-long border in the Himalayan ranges on its northern side with the Tibet Autonomous Region (TAR) of China. Most parts of this boundary comprise the rugged and uncongenial Himalayan terrain. This paper traces the major milestones in Nepal's centuries-old historical borderland link with Tibet, and thereafter from 1949-50 onwards with China. The paper examines the long journey of Nepal's mountainous border with Tibet beginning from the 17th and 18th century, when there was not much traditional apprehension in Tibet, or Nepal, over a delimited border owing to their close monastic, cultural, and trading ties. Following Tibet's annexation by China, the latter began signing a series of boundary agreements and protocols with Nepal from 1960 onwards to delineate and demarcate their land boundary line. In the contemporary setting, Nepal's approach to its northern frontier remains critical when read and analyzed in the context of studying the historical borderland links between Nepal, Tibet, and China and its geopolitical implications for the region.

Boundary and territorial disputes often stem from material and/or cultural claims. At times, they also emerge as a result of fundamental changes in domestic and international environments. In certain circumstances, boundary and territorial disputes may even evolve into geopolitical games of big-power rivalry and competition¹ in specified regions. Apparently, China's approach to its land boundary issues with its Himalayan neighbors encompasses all the above-mentioned factors. Specifically, Nepal remains a curious case study of resource scarcity, locational features, domestic politics, geopolitical competition, and cultural linkages that decisively influence cross-

¹ Rongxing Guo, *Cross-Border Resource Management*, (Elsevier Publications) July 2021.

border issues in disputed territories.

Historical Connections and the Vitality of Tibet’s Cross-Border Trading Ties with Nepal

During the 17th century, Tibet was destabilized by internal disputes among the different Buddhist sects. Taking advantage of Tibet’s internal strife, the King of Kathmandu (in Nepal) attacked Tibet in the 1630s and again between 1645-1650.² Tibet agreed not to impose tax duties on the Nepalese traders based in Tibet, and permitted the merchant community of Nepal to establish 32 trading houses in Lhasa. Resultantly, Nepalese settlements and trade spread across Tibet. Following its unification, Nepal fought three more wars with Tibet, in 1788, 1791, and 1855, all of which primarily stemmed from trade disagreements and border disputes.

In the last quarter of the 18th century, Warren Hastings, the first *de facto* Governor-General of India from 1774 to 1785, initiated and set up the English East India Company’s relations with Tibet. In March 1774, Warren Hastings informed the Board at Calcutta that he had proposed a general treaty of amity and commerce between Bengal and *Bhot* [Tibet]³

—more like a commercial reconnaissance.⁴ Hastings’ letter invited the Tashi Lama for a final arrangement of the disputes on the frontier that would render the country accessible,⁵ thereby seizing the occasion to send a British mission to open relations with Tibet.

Hastings thus formally nominated George Bogle as his official envoy on May 13, 1774, to proceed to Tibet for negotiating a mutual treaty and establishing commercial trade arrangements between Tibet and Bengal by means of obtaining a passport for a European to proceed to Tibet.⁶ Bogle became the first British envoy to Tibet, and was merely 28 years old at the time. Bogle was the only Englishman to have crossed the *Tsanpu* (Tsang po) in its upper course and was fully conscious that the account of his journey would become a reference milestone for decades and centuries to come. In fact, among the many objectives of Bogle’s Tibet mission was to become informed of the course and navigation of the *Burramputra* (River Brahmaputra) and of the state of the countries through which it ran.⁷ By this time, in 1775, Nepal had signed a significant trade agreement with Tibet to strengthen border relations at Khasa.

In particular, Hastings was seeking

2 For details see, Samar Sjb Rana, “Considering the Nepal-China border,” *The Record*, November 3, 2020, available at <https://www.recordnepal.com/considering-the-nepal-china-border>

3 Francis Younghusband, *India and Tibet: A History of Relations ... From the Time of Warren Hastings to 1910 with a Particular Account of the 1904 Mission to Lhasa*, (London: John Murray, Albemarle Street, 1910); and for related reading and reference see, L. Petech, “The Missions of Bogle and Turner According to the Tibetan Texts,” *T’oung Pao (International Journal of Chinese Studies)*, vol. 39, no. 1, January 1950, p. 338.

4 Once British paramountcy was ensured over Cooch Behar (by the Anglo-Cooch Behar Treaty of 1772), Warren Hastings went out of his way to win the good disposition of the Bhutanese. His treaty with Bhutan in 1774 illustrates this; for more details see, Arabinda Deb, “Cooch Behar and Bhutan in the Context of the Tibetan Trade” *Kailash*, vol. 1, no. 1, 1973, p. 83.

5 Younghusband, n. 3.

6 For more details see, Monika Chansoria, “George Bogle’s 1774 Mission to Tibet: Establishing English Trade and Reach beyond Northern Borders of Bengal,” *Policy Brief*, The Japan Institute of International Affairs (JIIA), March 26, 2020, available at <https://shorturl.at/oILOQ>

7 For related references and reading see, G.R. Gleig, *Memoirs of Warren Hastings* 1841, vol. I, p. 413.

information regarding Tibet’s existing trade with Siberia, China, Kashmir, and Nepal.⁸ Bogle was informed that trade in Tibet⁹ was principally carried out through Nepal and Patna (an ancient city along the south bank of the Ganges River in northeast India), with both becoming the main transit points.¹⁰ Tibet’s foreign trade was considerable around the 18th century. Being mountainous, naturally barren, and thinly populated, it required large supplies from other countries. Major Tibetan yields were gold, musk, cowtails, wool, and salt.¹¹ Coarse woolen cloth and narrow serge were almost its only manufactures as it produced no iron, nor fruit, or spices.¹² Besides, no duties were levied on goods, and trade was protected and free from exactions. Many foreign merchants, encouraged by these indulgences or allured by the prospect of gain, settled in Tibet.¹³ Agents were stationed on the coast of Coromandel, in Bengal, Benares, Nepal, and Kashmir to furnish them with commodities from these places, which they traded in Tibet or forwarded to their associates stationed at Seling (Sining), a town that lay on the border with China.¹⁴

Nepal was divided among the different states of Kathmandu, Patan, Bhatgaon, and Gurkha, and remained under the government of *Rajas* (Kings) independent of each other’s authority. A

very moderate duty was levied on goods. Nepal was populous and well cultivated and could easily furnish means of transportation, making way for many merchants to settle in Nepal.¹⁵ The traders brought their merchandise to Lhasa from China and Mongolia, Kam and Szechuan, up the passes from Bhutan, Sikkim and Nepal, and from Kashmir and Ladakh.¹⁶ From Nepal was brought in broadcloth, silk, indigo, coral, pearls, sugar, spices, and Indian manufactures.¹⁷

Mercantile operations were centered on Lhasa and Shigatze with merchants coming in around December every year and leaving in March, before the Tibetan rivers flooded. The people in the direction of Szechuan were clothed in Tibetan blankets that were also much in demand in Sikkim and Nepal. The supply of salt across Szechuan, Yunnan, the lands of all the other wild tribes north of Burma, Nepal, Sikkim, and Bhutan was done from Tibet.¹⁸ Through the Nepal and Ladakh routes, Tibet exported large quantities of yaks’ tails, borax, gold, silver, and ponies.¹⁹

The only document relating to the trade of Tibet as per Bogle’s mission was preserved among the archived records at Calcutta and in the India office.²⁰ Upon the retirement of Warren Hastings, his style of Trans-Himalayan

8 Panchen Lama’s letter received March 29, 1774, cited in, Arabinda Deb, *Tibet and Bengal: A Study in Trade Policy and Trade Pattern 1775-1875*, available at https://www.repository.cam.ac.uk/bitstream/id/636937/bot_1984_03_03.pdf/

9 A copy of the document was in the archives at Calcutta and appeared to be the only one that was preserved there relating to Bogle’s mission.

10 As per Bogle’s journal dated August 20, 1774, cited in Clements Markham, *Narratives of the Mission of George Bogle to Tibet and of the Journey of Thomas Manning to Lhasa*, (London: Trubner and Co., Ludgate Hill, 1879).

11 Ibid., Chapter XIII, *Trade of Tibet*, p. 124.

12 Markham, n. 10, p. 124.

13 Ibid.

14 Ibid.

15 Ibid.

16 Ibid., p. cxxii.

17 Ibid., p. cxxiii.

18 Ibid.

19 Ibid., p. cxxiv.

20 Ibid., *Preservation of the Bogle Manuscripts*, p. clviii.

diplomacy was rejected, and the Sino-Nepalese war of 1792 closed the doors of Tibet to the south²¹ and to the Indo-Tibetan borderland. Decades later, John Claude White, a civil servant in British India who originally worked in Bengal, Nepal, and Darjeeling was sent to Yatong at the foot of the Chumbi Valley in Tibet to assess the trade situation at the new outpost. Following the 1890 Convention of Calcutta, White reported on his Tibet journey and stated that the Chinese “had no authority whatever” and were unable to control the Tibetans. White concluded that “China was suzerain over Tibet only in name.”²²

The 1856 Nepal-Tibet Peace Treaty (Treaty of Thapathali)

By the beginning of the 19th century the Gurkha Kingdom had become the dominant force in Nepal. It began with a period of active expansion which pulled it into conflict with the British and Tibetan powers. The period climaxed with the Nepal-Tibet War of 1854–56, following which the Treaty of 1856 forced the cession of certain territories to Nepal and required Tibet to pay an annual sum to the Gurkha monarch.²³

Following the Nepal-Tibet War, in January 1856, a delegation of Tibetans came to Kathmandu for discussions on a peace treaty and thus the Treaty of Thapathali was signed between the Tibetan government of Ganden Phodrang and the Gurkha Kingdom of Nepal in Thapathali Durbar, Kathmandu (capital of Nepal). Through this treaty, the final settlement of Nepal’s northern border with Tibet was reached. This March 24, 1856 treaty stated that

Gurkha troops north of the Bhairab Langar range were to be withdrawn, hence hinting at a *de facto* border. A few of the vital articles (as per the translated Tibetan text) to which the Gurkha and Tibetan governments mutually agreed before concluding the treaty²⁴ by affixing their seals were as follows:

- The Tibetan Government would pay a sum of ten thousand rupees annually as a present to the Gurkha Government.
- Tibet would not henceforth levy taxes on trade, or taxes on roads, or taxes of any other kind on the merchants or other subjects of the Gurkha Government.
- The Government of Tibet agreed to return to the Gurkha Government the Sikh soldiers captured by Tibet, and all the Gurkha soldiers, officers, servants, women, and cannons captured in the war. The Gurkha Government agreed to return to the Tibetan Government the Tibetan troops, weapons, yaks, and whatever articles may have been left behind by the Tibetan subjects residing at Kyi-rong, Nya-nang, Dzong-ga, Pu-rang and Rong-shar. Upon conclusion of the Treaty, all the Gurkha troops in Pu-rang, Rong-shar, Kyi-rong, Dzong-ga, Nya-nang, Tar-ling, and La-tse would be withdrawn and the country evacuated.
- Henceforth the Gurkha Government would keep a high officer (*a Bahadur*), and not a Newar, to hold charge at Lhasa.
- The Gurkha Government would open shops at Lhasa, where they can freely trade in gems, jewelry, clothing, food, and different

21 Deb, n. 4, p. 83.

22 As cited in, Younghusband, n. 3.

23 “China-Nepal Boundary,” *International Boundary Study*, no. 50, May 30, 1965, [Office of the Geographer, Bureau of Intelligence and Research, Department of State, Washington D.C.]

24 *Nepal-Tibet Peace Treaty*, [dated the 18th day of the 2nd month of the Fire-Dragon Year] as cited in C.A. Bell, *Tibet: Past and Present*, (Oxford: 1968), pp. 278 280; Translated from the original was shown to him by the Dalai Lama in 1920, (for further reference see, L/P&s/10/718, Lhasa Mission, Nov 1920 to Oct 1921, *Final Report*; and see, Michael C. van Walt van Praag, *The Status of Tibet: History, Rights, and Prospects in International Law*, (Boulder, Colo.: Westview Press, 1987).

articles.

- The Gurkha officer would not be allowed to try any case arising from quarrels amongst Lhasa subjects and merchants, and the Tibetan Government would not be allowed to try any case arising from quarrels amongst the Gurkha subjects, traders ... of Kathmandu who may be residing in the jurisdiction of Lhasa. In the event of quarrels between Tibetan and Gurkha subjects, the high officials of the two Governments would sit together and jointly try the cases.
- If the property of a Gurkha merchant of other subject were plundered by a Tibetan subject, the Tibetan officials after inquiry would compel the restoration of such property to the owner. Should the plunderer not be able to restore such property, he would be compelled by the Tibetan official to draw up an agreement to make good such property within an extended time, and vice versa.
- After conclusion of the Treaty, neither Government would take vengeance on the persons or property of the Tibetan subjects who may have joined the Gurkha Government during the recent war, or on the persons or property of Gurkha subjects who may have so joined the Tibetan Government.

Following the Nepal-Tibet War and the signing of the 1856 treaty, the Gurkha Kingdom adopted a policy of isolation, and the relationship between Nepal and Tibet remained relatively peaceful. By then the region had gained considerable importance by becoming a key transit trade route between India and Nepal on the one hand, and Tibet on the other. For countless centuries, the contrasting economies of the areas have been loosely integrated. Traditionally, salt, wool, and hides flowed from north to south while cereals, tea, and spices were sent to Tibet. However, the 1856 Treaty of

Thapathali was the last treaty signed between Nepal and Tibet.

Much like elsewhere in Asia, there was not much traditional concern in Tibet or Nepal over a delimited border. Rather, the focus was on negotiations over trading rights, control of trade routes, and territorial taxation privileges. The British Survey of India maps showed a border between Nepal and Tibet which served as an acceptable *de facto* border in the absence of control of the Himalayan area by either power. However, rising nationalism in the 20th century and increasing awareness of the value of well-defined borders to eliminate sources of friction led to serious consideration of the need to legally define the Nepal-Tibet border. In addition, questions of trans-frontier crimes, ownership of disputed areas, and occasional armed clashes in the border regions stimulated formal consideration of the points of dispute.

The 1950 Agreement to Maintain Friendly Relations between Nepal and the People’s Republic of China

Following the signing of the 17-Point Agreement between China and Tibet after the Chinese invasion of Tibet in 1949-50, the People’s Republic of China (PRC) under Mao annexed Tibet in 1951. The PRC established diplomatic ties with Nepal in 1955, and the political transition abrogated the Treaty of Thapathali and all the previous treaties that Nepal had signed with Tibet. On September 20, 1950, an agreement to maintain friendly relations between the Kingdom of Nepal and the PRC was signed which primarily concerned trade and interactions between Nepal and China’s ‘Tibet Autonomous Region.’ Article III of the agreement stated, “All treaties and documents which existed in the past between Nepal and China, including those between Nepal and the ‘Tibet Region of China’, are hereby abrogated.”²⁵

25 *International Boundary Study*, n. 23.

The two countries negotiated a series of treaties after 1955, and this diplomatic reset had a major impact along Nepal’s northern frontier and trans-border movements. The northern border of Nepal receives far less attention than the southern one. Nepal’s approach to its northern frontier undermined the importance of its mountainous regions, especially when read and analyzed in the context of studying historical borderland links between Nepal, Tibet, and later, China. Understanding the geopolitical history of Nepal’s northern border is vital in correlating the history and current dynamics of Nepal-China border issues. The failed Tibetan national uprising of 1959 led many Tibetans to flee Tibet and either head to India through Nepal or settle in Nepal itself. Many such Tibetans settled in Mustang, a Nepalese district bordering China with close monastic, cultural, and trading ties to Tibet. Notably, Mustang had been a central corridor for the salt trade between Nepal and the north.²⁶

The 1960 Nepal-China Boundary Agreement: Delineation and Demarcation of a Land Boundary Line

On March 21, 1960, Nepal and China delineated and demarcated their land boundary line through the Nepal-China Boundary Agreement.²⁷ The boundary agreement signed between the Government of the People’s Republic of China and His Majesty’s Government of Nepal essentially replaced the Treaty of Thapathali and recognized China’s sovereignty over Tibet, agreeing to surrender

all privileges and rights granted by the old treaty.²⁸ The boundary agreement stipulated that the “traditional customary line” would serve as the basis for a boundary treaty.²⁹ The boundary was to be determined and demarcated i) where maps of both sides agree; and ii) according to local jurisdiction or administration where they did not.

Accordingly, a Joint China-Nepal Boundary Commission was created to examine the evidence and delimit the entire boundary. A great deal of confusion has existed on the number of places in dispute and their exact locations. Almost every discussion on the boundary lists three or four points of dispute; however, the places are rarely the same. In any event, no substantial area of territory on the ground was involved. The Joint China-Nepal Boundary Commission held the following sessions:

- a) First: August 12 to October 26, 1960 in Kathmandu
- b) Second: January 1 to February 15, 1961 in Peking [Beijing]
- c) Third: July 31 to August 24, 1961 in Kathmandu
- d) Fourth: October 1 to October 5, 1961 in Peking

During these periods, the Commission and its subsidiary Joint Survey Teams produced detailed delimitation plans based upon a common agreement for the entire frontier. The position of Mt. Everest was regarded as special and fell to

26 For details see, Rana, n. 2.

27 *International Boundary Study*, n. 23; the full text of the Nepal-China Boundary Agreement of March 21, 1960 was not available to the Office of the Geographer at that time; however, excerpts were cited from Padma Bahadur Khatri, “Nepal-China Sima Sandhi” (Nepal-China Border Treaty) *Gorkhapatra*, vol. 63, no. 313, March 1962, pp. 2-3. This International Boundary Study was among a series of specific boundary papers prepared by the Geographer at the Office of Research in Economics and Science, Bureau of Intelligence and Research, Department of State, in accordance with the provisions of Bureau of the Budget Circular no. A-16.

28 For further details see, Khatri, *ibid.*

29 *International Boundary Study*, n. 23.

the heads of government for decision.³⁰

Formal Settlement of the 1961 Boundary Treaty

Nepal and China concluded the first-ever boundary talks in 1961 leading to the Boundary Treaty between the People’s Republic of China and the Kingdom of Nepal signed on October 5, 1961. The complete delimitation of the boundary created by the Joint Commission became Article I. Article II defined the boundary in all streams as the median line and provided for the continuation of that line in the event of a change of river course. Article III directed the Joint Commission to draft a demarcation protocol to be incorporated into the treaty.³¹ After the signing of the treaty, the Joint China-Nepal Boundary Commission constituted in pursuance of the March 1960 agreement on the question of the boundary between the two countries decided that permanent boundary markers should be set up as necessary on the boundary line between the two countries. Then a protocol would be drafted, setting forth in detail the alignment of the entire boundary line and the location of the permanent boundary markers, with detailed maps attached showing the boundary line and the location of the permanent boundary markers. The above-mentioned protocol, upon being signed by the governments of the two countries, would become an annex to the treaty, with its detailed maps replacing the previous version of the maps. Upon the signing of the above-mentioned protocol, the tasks of the Joint China-Nepal Boundary Commission would be terminated, and the agreement of March 1960 between the two parties on the question of the boundary between the two countries would

cease to be in force.³²

The Joint Commission met for the Fifth and Sixth sessions to complete its work. The boundary was divided into six divisions and a joint team was dispatched to each to perform the demarcation work. Upon completing the demarcation, a total of 99 boundary pillars – 79 major pillars numbered 1 to 79 as well as 20 sub-pillars – were installed on the boundary. The numbering ran from west to east; however, pillars 33, 37, and 38 could not be placed due to geographic challenges on the ground.³³

During a field survey conducted by the Joint China-Nepal Boundary Commission in 1961, both countries initially put forward competing claims to Mt. Everest in addition to 31 other disputed border claims.³⁴ These border disputes were later resolved amicably by November 1962. Thereafter, Nepal and China signed a border protocol in 1963 requiring a joint survey of the entire borderline by teams consisting of representatives from both countries. This boundary protocol was renewed in November 1979, and then in December 1988. The joint inspection of May 2005 identified two disputes– first, over the location of a boundary marker in Lamabagar (Dolakha District), and the second, over the height of Mt. Everest. China continues to showcase Mt. Everest’s height as 8,844.43 meters, four meters less than Nepal’s figure. It needs to be highlighted here that no joint boundary inspection has taken place since 2006.

The 1963 Protocol to the Nepal-China Boundary Treaty

A Protocol to the Nepal-China Boundary

30 Ibid.

31 Ibid.

32 Signed in duplicate in Peking (Beijing) on October 5, 1961, in the Chinese, Nepalese, and English languages; all three texts being equally authentic; signed by Chairman of the People’s Republic of China Liu Shaoqi (1959–68) and His Majesty the King of Nepal Mahendra Bir Bikram Shah Deva.

33 *International Boundary Study*, n. 23.

34 Rana, n. 2.

Treaty was signed on January 23, 1963 embodying the final demarcation work of the Joint Commission. Part I concerned general arrangements; Part II contained the final detailed delimitation; Part III provided details of the laying of pillars; Part IV was on the maintenance of the pillars; and Part V was its concluding section. The protocol apparently has not been made public as is often typical with technical demarcation documents.³⁵ While, as per this protocol, no side can install or put up a fence or wire around border pillars unilaterally because this would constitute a sovereignty issue, China has unilaterally placed fencing and wiring around pillars 6 (2) and 9 (2) along the Nepal-China border.

The 1960, 1961, and 1963 boundary agreements as well as the border treaty and border protocol between Nepal and China were aimed at addressing, and potentially removing, the causes of friction on the alignment of the common boundary in order for it to be considered an international boundary, i.e., one that is delimited and demarcated, and so shown in official maps. It has been noted that the maps show a considerable positional shift of places along the frontiers from the representations depicted on official British and American maps. There have been instances wherein the quality and accuracy of the base line and survey were not known, and thus the grid references on the treaty maps needed to be treated with caution.³⁶

China’s New “Land Borders Law” (October 2021) and Its Impact on Himalayan Borderlands

Despite all the above-mentioned treaties, agreements and protocols, questions regarding

China’s territorial claims have consistently arisen. Building on the earlier treaties from 1960 onwards, China and Nepal signed an agreement in 2002 allowing Nepalese who live within 30 kms 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. This system has enabled many borderland residents to find work through trade. The system, however, is not applicable at all border crossings between Nepal and China. There are six major ports of entry along the Nepal-China border. Of these, only two, namely, Rasuwagadhi and Tatopani, are situated at elevations making them passable during the harsh winters (1,983 meters and 2,300 meters, respectively) and they are thus the most-used border passes between Nepal and China.³⁷

All the above bilateral agreements and protocols notwithstanding, a 2021 report submitted by the study panel constituted by Nepal’s Ministry of Home Affairs highlighted a host of issues identified along the Nepal-China border in the Humla district. The panel, led by a Joint Secretary, submitted its report after conducting an on-field study to Nepal’s Home Minister in September 2021.³⁸ As a follow up, the Ministry of Home Affairs wrote to the Ministry of Foreign Affairs to take the issue up with Beijing. The study panel reportedly has identified problems along the Nepal-China border in Humla, specifically from border pillars 4–13. Apart from this, several other media reports have indicated that at least seven of Nepal’s fifteen districts bordering China have been experiencing territorial intrusions by Beijing. In the Humla district itself, China has constructed 11 buildings in the far outskirts.

³⁵ *International Boundary Study*, n. 23.

³⁶ *Ibid.*

³⁷ Rana, n. 2.

³⁸ Report titled, “Study panel says ‘there are issues’ along Nepal-China border in Humla,” *The Kathmandu Post*, October 23, 2021, available at <https://kathmandupost.com/national/2021/10/23/study-panel-says-there-are-issues-along-nepal-china-border-in-humla>

While the 1963 Boundary Protocol marked the boundary line from pillar 5 (2) all the way to the middle of Kit Khola, it has been found that the Chinese side has put up wires and fencing well inside Nepalese territory, as per the panel’s report cited in *The Kathmandu Post*.³⁹ Moreover, “...[the] Chinese side was also trying to build a permanent canal 145 meters inside the Nepalese territory... it wanted to build a road. After Nepal’s Armed Police Force’s objections, the structures were destroyed and the covered rubble was visible.” The Chinese side has fenced and wired pillar 6 (1), which lies in Nepalese territory, and “attempted to show” its presence in the areas between pillar 6 (1) and pillar 5 (2). *The Kathmandu Post* report also stated that “... it was learnt that pillar 7 (2), on the Chinese side, was not visible and it could not be found when local security officials from Nepal searched for it.”⁴⁰ These revelations, according to the study panel, point to breaches of the 1963 Nepal-China Boundary Protocol, given that the Chinese side has put up fences towards pillar 10, which is 32 meters from the Nepal-China common pillar 9 (2). *The Kathmandu Post* report further stated, “As per the 1963 protocol, boundary demarcation was made on the basis of passes, watersheds, and peaks in the Limi Lapcha area.” The presence of Chinese security forces in the Lalung area, which falls within Nepalese territory through which religious pilgrims trek towards the Kailash Mansarovar in Tibet, has affected Nepal’s religious activities.⁴¹

Amid all the above developments, China introduced a new “Land Borders Law” in October 2021 (中华人民共和国陆地国界法) that went into effect from January 2022.⁴² The law primarily seeks to establish boundary

markers along all China’s land boundaries. More significantly, it calls upon the state to develop border towns vis-à-vis connectivity, services, and civilian and defense infrastructure, and to encourage civilians to protect their homelands and provide assistance to the People’s Liberation Army (PLA). This push for strengthening civil-military coordination is an extension of the deep-rooted ideological agenda of the Chinese Communist Party (CCP), according to which, “... a strong border is a political responsibility.”

Given that the scope of Nepal’s exchange with China has witnessed a multifold increase economically and broadened to extensive cooperation, particularly in terms of infrastructure development via Belt & Road Initiative (BRI) projects, Beijing’s deep leverage inside Kathmandu cannot be ignored or set aside easily. In this regard, China is all too likely to use the platform provided by its land borders law to maximize its connectivity projects (both civilian and military), settlements, and village construction all along its border with Nepal, although China has stated that the law will have no effect on current border accords. In the name of safeguarding China’s sovereignty and integrity, the latest land borders law could well be another legislative tool for China’s territorial expansion across the Himalayan Borderlands region.

The past few years have witnessed an unprecedented outpouring of politico-military activity in the entire Tibet Autonomous Region by senior officials of the CCP. A minute analysis of these developments suggests greater political readiness for “any border situation” that Beijing could be preparing for. During the reported

39 Ibid.

40 Ibid.

41 Ibid.

42 As cited in, Shuxian Luo, “China’s Land Border Law: A Preliminary Assessment,” *Commentary*, Brookings Institution, November 4, 2021, available at <https://www.brookings.edu/articles/chinas-land-border-law-a-preliminary-assessment/>; related also see, Galen Murton, “Roads to China and infrastructural relations in Nepal,” *Environment and Planning C: Politics and Space*, vol. 38, no. 5, 2020.

examination of the border counties of Lhoka and Shigatze by the Deputy Secretary and Executive Vice Chairman of the TAR People’s Government, plans for constructing a South Asian Grand Corridor – widely viewed as perhaps a subsidiary project of the greater Belt and Road Initiative – were reportedly discussed.⁴³ The BRI seeks to revive and expand historical trade connections with countries neighbouring China, especially by means of restoring the Ancient Silk Road that was initiated and spread by China’s Han dynasty. For China, Nepal constitutes a core priority in its neighbourhood diplomacy in South Asia, especially when it comes to spreading connectivity through ports, roads, railways, and aviation networks via the BRI. All these initiatives are likely to have a cumulative impact on China’s geopolitical and geostrategic roadmap for the region, and particularly for Nepal, a small landlocked Himalayan nation bordering Tibet.

43 For more details see, Monika Chansoria, “Tibet Sees Surge of Chinese Interference, Focus on Border Regions,” *Japan Forward*, August 1, 2023, available at <https://japan-forward.com/all-politics-is-global-tibet-sees-surge-of-chinese-interference-focus-on-border-regions/> ; for additional reading and references on the subject see, Uddhab Prasad Pyakurel, “The BRI, Nepal’s Expectations, and Limitations on Nepal-China Border Relations,” *Issues & Studies*, vol. 55, no. 3, 2019.