

**Pitamber Sharma, ed. 2022. *Nepal-India Border Disputes: Mahakali and Susta*. Kathmandu: Mandala Book Point.**

The dispute between India and Nepal over the north-western Mahakali River border is a longstanding one. However, it reached a crescendo in 2019–2020. The Indian government announced a map encompassing disputed territory in November 2019 and announced the inauguration of the route to Mansarovar through the Lipulekh pass amidst Covid-19 lockdowns in early 2020. The second announcement was an attempt of the Narendra Modi government to retain the attention of its majoritarian Hindu voters in a time of pandemic induced despair and gain their approval. The Nepali government expressed its disapproval of the announcement and following refusals from the Indian side to enter negotiations, published a map including the disputed areas within Nepali territory. *Nepal-India Border Disputes: Mahakali and Susta*, was published after this episode by members of the Nepali civil society to lend historicity and technical reliability to Nepal's claims.

Edited and introduced by Pitamber Sharma—a former professor at Tribhuvan University and a former member of the National Planning Commission—the volume contains nine chapters including the introduction. Following the introductory first chapter, in the second chapter, historian

Tri Ratna Manandhar delves into the history of the Sugauli Treaty, the only document that specifies the Kali River as an international boundary and argues for the validity of Nepal's claims according to the historical treaty. The third chapter is a 2001 reprint of an article by geographers Mangal Siddhi Manandhar and Hriday Lal Koirala showing the gradual movement of the disputed boundary further east and into Nepali territory through the renaming of the Kali River by the British through colonial era maps. In the fourth chapter, researcher Dwarika Nath Dhungel, engineer Jagat Kumar Bhushal and geographer Narendra Raj Khanal, trace and assess the long history of diplomatic negotiations on the disputed border and offer strategies for resolving the dispute. In the fifth chapter, Jagat Kumar Bhushal explains the standard hydrological and technical approaches of identifying international river boundaries to bolster Nepal's claims over the major river stream of the Kali.

Narendra Raj Khanal, in the sixth chapter, investigates a range of historical maps, to argue that the renaming of the Kali to denote a lesser stream to the east by colonial map makers and subsequent Indian experts without any consent from the Nepali side is at the heart of the dispute. The seventh chapter by Jagat Kumar Bhushal and Dwarika Nath Dhungel is a study of the Susta dispute to show how the radical shifts in the Susta-Tribeni river belt have allowed the Indian state to encroach up to 4,000 hectares of Nepali territory, that they argue should be brought into negotiation. The eighth chapter, by engineer Prabhakar Sharma, summarizes the claims and counterclaims of the two states—India and Nepal—over the dispute and draws inferences from similar international cases to suggest mechanisms for the resolution of the dispute. In the final, ninth chapter, advocate Surendra Bhandari discusses international boundary disputes arbitrated through the International Court of Justice and suggests that a turn to international arbitration for the resolution of the Mahakali and Susta disputes would be ideal.

A quick summary of the chapters is enough to show that the overarching project of the volume is to critique the long process through which the Indian side, during British rule and after, encroached international boundaries to occupy Nepali territory. The experts draw on extensive evidence from historical documents and maps, and build on technical and legal knowledge to provide reasoned assessments for ways forward in the dispute. The studies show that the Nepali state's claim to the region east of the main river stream of the Kali is valid, considering all available historical documentation and

on the grounds of standard geographical and hydrological principles of international boundary-making. The chapter by Mangal Siddhi Manandhar and Hriday Lal Koirala and the chapter by Narendra Raj Khanal use available maps extensively and read them alongside major geographical principles of delineating river boundaries. They provide lists of available maps and reprints of the maps to demonstrate how the renaming of the Kali River to a tributary in the east instead of the main river stream was a strategy of the British after the 1850s to claim territory. This policy of creating inconsistent maps and confusion as a way of obfuscating the dispute, they suggest, was subsequently supported by the post-colonial Indian government. Similarly, in the fifth chapter, Jagat Kumar Bhushal clearly explains that according to hydrological principles of international boundary demarcation—such as the Thalweg Doctrine or the demarcation of the boundary along the line of the greatest depth of a river—Nepal’s claims to the disputed territories are sound.

The volume’s approach to the border dispute through a normative framework is welcome. The contributors all agree that treaty language and technical and evidentiary methods to settle the dispute should take precedence over other factors. Such an approach provides a much-needed counter to realist approaches in international politics that take power, size, and strategic interests as instrumental in shaping territorial claims. However, the authors rely on certain historical and documentary evidence more than others to fit their normative claims. All the contributors build their evidence on the Sugauli Treaty’s delineation of the boundary at the river Kali to argue that based on the treaty’s stipulations, Nepal’s claims over Lipulekh and Limpiyadhura are valid. As the Sugauli Treaty is the only document that specifies the north-western extent of Nepal’s boundary there is no denying the claims of the experts in the volume, if the language of the treaty is to be strictly followed.

However, the contributors perhaps give more weightage and assign more value to the Treaty over other historical evidence, particularly evidence from the history of diplomatic exchanges. In all fairness, the authors chart quite clearly the negotiations over the border between the two governments over a span of 200 years. Dhungel, Bhushal and Khanal point out that by as early as 1817, the British laid claims over the taxation rights to Kuti and Nabhi—areas that fall west of the Kalapani but east of the Kali. They note that despite of protests from Bom Shah in the Nepali side, the British refused to concede these regions and that was the first violation of the treaty. By

the 1860s, British interest in trade with Tibet, as the contributors in several chapters argue, gave incentive to the government of India to draw maps naming lesser tributaries of the main river as the Kali River, and push the boundary further east. Several chapters flag the complications created by the Nepali government's agreement to allow India to use several border posts in the 1960s to monitor Chinese activity after which it didn't push for the troops at Lipulekh to leave. Dhungel, Bhushal and Khanal, and geographer Narendra Raj Khanal also draw on the writings of a former British army officer and researcher Sam Cowan to explain that in the postcolonial period, lack of political will on the part of Nepali leaders is the primary reason for the dispute to continue despite strong claims from the Nepali side. However, an alternative interpretation of these historical facts would suggest a more complex narrative of Indo-Nepal diplomacy.

The history of the violations of the Sugauli Treaty, the absence of evidence on the consent or disapproval on the Nepali side to colonial era maps, the indifference in the postcolonial period to the Indian occupation of Lipulekh might suggest that the historical Nepali state made conscious choices in choosing its battles for power with its powerful southern neighbor. A closer reading of King Mahendra's supposed decision to let the Indians stay in Kalapani "for now," (p. 51), and the timing of the Mahakali Treaty of 1996, during I.K. Gujral's tenure as Prime Minister, might point towards a more complex narrative about the importance of timing in diplomatic negotiation. Such reading will also provide insights into the question of when states and their rulers choose to raise certain questions and when to let them be. The narrative of the history of diplomatic timing is not absent in the volume but lies buried within the historical sources that are often presented without wider contextualization and substantive interpretation.

While all the evidence allows the authors to demonstrate the unequal relations between Nepal and India, a broader normative claim about the suppression of treaty relations by bigger states in the creation of an uneven world order can be made through the rich evidence that the volume provides. The material speaks very closely to the literature in international law and history (Anghie 2007; Benton 2010), that show how manipulations of treaty language and development of policies based on political strategy rather than documentary claims were fundamental to the creation of an international world order shaped by colonial powers. In the case of modern South Asia, the subversion of treaties with smaller Princely States by forging agreements

through letters or the implementation of colonial policy overriding treaties became the mechanism for the British to build paramount rule (Saksena 2020). If indeed, as the Indian side claim, Rana Premier Chandra Shamsher agreed in the 1920s to a map that pushed the boundary further east (and this is not entirely out of the realm of possibilities) that documentary evidence would weaken Nepali side's argument. However, the onus in such a case, as the contributors in the volume rightly suggest, would be on the Indian side to share this documentary evidence.

A broader claim about how we may understand the larger history of international relations through the Indo-Nepal border dispute does not get articulated in the volume. In all fairness, the goal of the volume is not to make such a claim. However, with its focus on how the Nepali state is technically correct, alternative, or complimentary readings of the same materials perhaps do not quite find place in the volume. This may be because the volume includes multi-authored and single-authored chapters by the same set of authors. Sam Cowan's research on the subject, which Dhungel, Bhushal and Khanal cite quite heavily, would have added much-needed depth and variety to the volume. By including a non-Nepali author, the book would have also countered any criticisms of the volume being a partisan Nepali project to bolster the Nepali state's claims.

Overall, the volume is a critical contribution to the study of Indo-Nepal border disputes that presents us with reasoned, evidentiary claims. The 11 by 8.5-inch format and reprints of primary sources and maps in high quality glossy paper make the physical experience of reading the book quite pleasurable. Students of international law, history, politics, diplomacy, geography and hydrology would all benefit from it. This volume would be of obvious importance if Nepali political leaders, bureaucrats and diplomats were to sit at the negotiation table with India over this issue in the future. In this regard, a point needs to be made about the fact that the expert contributors in the volume have had to rely heavily (almost entirely) on sources from the National Archives of India and the British Library in the absence of Nepal-based sources and lack of access to more documents at the National Archives of Nepal. While the volume provides the Nepali government with very important documentary evidence to address the border dispute, it should also inspire the government to ensure the protection of archival documents and provide researchers with efficient and easy access to research materials.

That question, however, is best left to the wisdom and foresight of the Nepali political and bureaucratic leadership.

### **References**

- Anghie, Antony. 2007. *Imperialism, Sovereignty, and the Making of International Law*. Cambridge: Cambridge University Press.
- Benton, Lauren. 2010. *A Search for Sovereignty: Law and Geography in European Empires, 1400–1900*. New York: Cambridge University Press.
- Saksena, Priyasha. 2020. Jousting Over Jurisdiction: Sovereignty and International Law in Late Nineteenth-Century South Asia. *Law and History Review* 38(2): 409–457.

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