

European influence over the sovereign identity of Nepal: A study of Open Border with India

Shailen Verma

Doctoral Fellow

Malaviya Centre for Peace Research

Banaras Hindu University

Abstract

Over about four centuries European states carved this space into empires, jurisdictions, and spheres of influence over which each claimed absolute, sovereign authority. The idea of Westphalian sway, fundamentally a rule of strategic distances in the interior issues of different states, has been a challenging idea since the start of its commencement.

This study addresses the construction of a global grid of European colonial possessions created through conquest and colonization. The analysis is based upon how In the present situation when much of political discussion revolves about the negative merits of freedom and security as goals of national and international policy, a consideration of the more abstract relation of autonomy and order may have some value even in the case of Nepal. Similarly, the resolution to the crisis in Nepal requires a proper understanding of geopolitical constraints and its impact on both popular and state autonomy. On the other hand, this paper will point out the rationale behind the theorists believe in the fact that European imperialism was driven by economic, political, and cultural forces, which were universalizing. The paper will also try to understand the conflict between popular and state autonomy.

Keywords: *European states, imperialism, modern states, borderlands, cultural relations, sovereignty*

Introduction

Nepal is one of the principal nations in South Asia to be perceived as a sovereign by the British back in 1923—even before its two goliath neighbors India and China. Be that as it may, the political relations between the two nations started in the mid-1800s. After the Anglo-Nepal war of 1814-16, the British, very much aware of the key position Nepal held as an exchange course among Tibet and the Indian realms didn't colonize the Himalayan country considerably in the wake of vanquishing it. the European force decided to make it a feeble partner on the northern outskirts (Joshi and Rose 1966 and Baral, 2012).



The idea of sovereign political space depended on a new way of envisioning the world, as an infinite, empty space. The existence of territorial states was deeply implicated in the construction of a world order that was economic and cultural as well as political and military. Indeed, it is impossible to understand the development of modern states without considering the way European states constructed an interconnected global order by means of conquest, trade, religious conversion, and diplomacy.

Theoretical framework

The study based on historical research methods, the primary concern is to analyze the sovereign perspective of a nation as Nepal. However, the characteristics of the open border always possess hurdles to remain non-align and non-interference from neighbor nations of both sides. As the third wave of historical-comparative research social structures is often but not exclusively post-structural in its theoretical orientation which includes the model of Philip Gorski and Julia Adams.

Methodology

In order to the collection of data, the study relies on primary data as archival data. There are four stages to fulfill the objectives of the study;

- a. development of the premise of the investigation, identification of events and concepts
- b. selection of the case (location-region) to examine
- c. interpretation of historical sociology (similarities- differences)

d. to propose a causal explanation for the phenomena based on the information gathered.

However, determining causality is a difficult task; coupled with the incomplete nature of historical data and the complexity and scale of the social systems being used to examine causality the task becomes even more challenging.

European Imperialism and the nature of Sovereignty

Imperialism refers to the process of “expanding a state’s power and authority by territorial acquisition or by extending political and economic domination and control over other peoples.” Imperialism is simply a manifestation of the balance of power and is the process by which nations try to achieve a favorable change in the status quo. The purpose of imperialism is to decrease the strategic and political vulnerability of a nation.

"...we are engaged in 'pegging out claims for the future'. We must consider, not what we want now, but what we shall want in the future. We have to consider what countries must be developed either by ourselves or some other nation and we have to remember that it is part of our responsibility and heritage to take care that the world, as far as it can be molded by us, shall receive the Anglo-Saxon and not another character. Remember that the task of the statesman is not merely with the present, but with the future. We have to look forward beyond the chatter of platforms, and the passions of party, to the future of the race of which we are at present the trustees, and we should, in my opinion, grossly fail in the task that has been laid upon us did we shrink from responsibilities, and decline to take our share in a partition of the world which we have not forced on, but which has been forced upon us."

Earl of Rosebery, Speech at the Royal Colonial Institute, 1893.

European imperialism differs from other historical empires such as the Roman, Chinese, Inca, and Zulu. These empires were not global and their internal dynamics did not construct their world as infinitely expandable. Despite being more decentralized, unplanned, and episodic than these empires, European states claiming sovereignty beyond their borders, individuals greedy for profits, and missionaries seeking souls for the universal Christian commonwealth produced the first global system of contiguous and interconnected empires extending across oceans and continents.

The planet was thus enclosed in a grid of European colonial possessions. Very few portions of the non-European areas of the globe escaped European imperialism. Huge swaths of territory, all the Americas, Australia and New Zealand, most of Africa and the Middle East, and portions of Asia were incorporated within the European imperial system. Those areas that escaped direct European hegemony— China, Persia (Iran), Japan, Korea, Siam (Thailand), and Abyssinia (Ethiopia)—were eventually reconstructed by indigenous elites using the state as it had emerged in Europe as the basic model and incorporated into the globalizing system of nation-states largely on European terms.

Typically, discussion of European imperialism begins with the voyages of discovery (1400–1600) by Europeans along the coast of North Africa, out into the Atlantic Ocean, and beyond. European expansion began much earlier. It is important to recognize that expansion overseas was essentially a continuation of *internal expansion*, which began with Charlemagne’s conquests.

The feudal politico-military practice of governing, which was discussed in Part 1, was spread by conquest and dynastic marriage from the Frankish core of Europe to the peripheries of the continent and to the British Isles. The *Normans* conquered and colonized England, Wales, Scotland, Ireland, and southern Italy as well as the island of Sicily. *Burgundian knights* were a major force in the reconquest of the Iberian Peninsula.

Teutonic Knights colonized Prussia after which they conquered and converted the Livonians. These conquests resulted in the political homogenization of Europe around feudal institutions and were not the creation of patterns of regional subordination and dependence associated with modern imperialism. In other words, Frankish culture and politico-military governing practices were spread by individual knights who replicated feudal institutions as they conquered new parts of Europe. Thus, internal European expansion took place by a process of individualized “cellular multiplication” rather than according to an overall imperial plan organized and carried out by a centralized state.

The primary reason for the internal expansion of Frankish politico-military practices was land. The knights who conquered the peripheries of Europe were usually second and third sons who were forced to find their own land in distant regions because the eldest son had, according to the law of primogeniture, inherited the family fief. A general scarcity of fiefs and overpopulation of warrior-knights developed in the core of Europe during the eleventh century and sparked a scramble for new hereditary fiefs in areas of Europe not yet touched by feudalism. Thus, the rise of a class of fiefless

knights created expansionary pressures in the original Frankish core, which resulted in the spread of feudal institutions to the peripheries of Europe.

Europe's Second Overseas Expansion

Europe's second overseas expansion succeeded because of political and technological developments as well as the religious zeal, economic greed, and adventurism with which it was pursued. Advances in maritime technology, especially the magnetic *compass*, the *astrolabe* (an instrument for observing the position of celestial bodies), and *portolans* (navigation charts), enabled sea captains to find their positions in the open ocean and encouraged voyages out of the sight of land. The oared galleys of Roman design, which had evolved in the relatively placid waters of the Mediterranean, were replaced by the more maneuverable lateen-rigged caravels, which had greater cargo capacity and could sail efficiently across expanses of rough, open ocean, with or against the wind.

These new maritime technologies shifted the geographical locus of power and economic accumulation from the Mediterranean Sea to the Indian and Atlantic Oceans, and to the general exploitation of the wealth of Asia and the Americas. They opened vast new opportunities for the accumulation of wealth and expansion of the European state's power in both its domestic and international spaces. Increasingly, European religious, political, and cultural practices and institutions, such as Christianity, private property, and the territorial state, appeared as hallmarks of *universal* human development, the markers of an advanced civilization. By spreading their institutions and practices throughout the world, Europeans constituted and maintained a sense of their own superiority over peoples outside Europe, whom they considered "primitive" and "savage."

The first thrusts outward from Europe were made by the Genoese, who sailed out of the Mediterranean through the Straits of Gibraltar and into the Atlantic Ocean in order to establish a sea route from Genoa to Flanders. The Genoese were eventually successful in diverting the overland trade between northern Italy and Flanders onto their own ships and thus ruined the economic viability of the Champagne fairs, which went into economic decline and closed.

Evolution of the sovereign identity

The expansion of English sovereignty took a different form. English possessions along the eastern seaboard of North America were of three types: *crown colonies*, which were owned by the king and governed by an appointed governor; *property colonies* owned by individuals such as Lord Baltimore and William Penn, who appointed their own governors and high officials; and *charter colonies* owned by *joint-stock* companies, which elected their own governors and officials.

Eventually, the crown made all the English colonies in North America into crown colonies; their governors and high officials were appointed by the king. These colonies were then grouped together under a *governor-general*. The English colonies were the only colonies in the Americas where locally elected assemblies played a significant part in the governance of the colony. This was a result of Parliament's new power as a governing institution in England.

As per the customary perspective, the State is sovereign. Sway has numerous meanings⁴⁰: nonetheless, initially, it demonstrates the most noteworthy power, the final hotel and the wellspring of every other kind of power. The declaration that the State is sovereign has been for quite some time condemned as false – a "hypocrisy".

In numerous pieces of the world, State developments are made, advanced or encouraged starting from the top – from the United Countries or from different States. It is adequate to think about the mediations made by the UN in 2015 and 2016 to encourage dealings on and the political procedure of framing governments in States that had either "fizzled" or gambled "disappointment", like Libya and Syria. The United Nations made The United Nations Support Strategic Libya (UNSMIL). The President of the United States, in his January 2016 State of the Union discourse, saw that "in the present world, we're compromised less by malice domains and more by bombing States".

States are adapted by measures and foundations that they themselves have made and to which they have been oppressed. After the Second World War, the United States stipulated around 700 arrangements, of which they are a party. In 2012- 2013, 8,000 worldwide associations were surveyed. There are 2,000 "worldwide administrative systems" and 60,000 universal private or on the other hand non-administrative associations. There are in excess of 200 supranational courts or semi-legal bodies. In this manner, in the worldwide space there is a rising number of benchmarks, regulatory methods, administrations and decisions, directed and founded in request to set down basic

standards for worldwide markets, advance and secure widespread rights, shield open property of around the world esteem and to guarantee the viability of supranational lawful orders.

Supranational activity reaches out into differing fields including guardianship of woods, examination of fisheries, the guideline of water use, security of the earth, sanitation and principles, monetary and bookkeeping benchmarks, the administration of the Web, the guideline of drug stores, the insurance of scholarly property, the insurance of evacuees, general criteria on work issues, the guideline of rivalry, the financing of open works, the guideline of trade, money, protection, banks and remote ventures, insurance from psychological warfare, checking war also, the arms exchange, sea and air travel, the postal help and media communications, the observing of atomic vitality use, cash washing, movement, sports, wellbeing, and numerous other fields.

These, what's more, numerous different issues can't just be directed by the State since the component of the issues to be settled is supranational. Consider, for instance, the subject of movement; it tends to be tended to exclusively with the guide of supranational associations such as the International Organization for Migration (founded in 1951, with 157 part States), because of local collaboration (for instance, of the European Union) just as that of Nation States.

As indicated by Bluntschli, "Each Nation is legitimized to develop a State." Equally, as humankind is partitioned into a specific number of Nations, so the world will be isolated into numerous States. For each Nation, one State. For each State, a national entity. The speculations of dissemination and vanishing of the State are hurried, starting with that communicated by Sapieha in Schiller's incomplete dramatization.

We are at last left with a significant and affected undertaking for the investigation of law: to reevaluate and reconceptualize the State inside the setting of the new inclinations and changes depicted here: inside changes getting from moving outskirts and from the redefinition of the individual premise of the State (made up of the individuals), and outer changes, getting from the joining of the State into higher useful solidarities which exercise a mutual power.

Open Border: A challenge to autonomy?

The historical ties between both the countries explain the necessity of the Treaty of Peace and Friendship of 1950 between India and Nepal to provide an impetus to the historical socio-cultural relations. Two clauses of the 1950 Treaty are significant and have aroused much debate and misunderstanding. Article VI of the Treaty states that 'each government undertakes, in token of good neighbor friendship between India and Nepal, to give to the nationals of the other, in its territory, national treatment with regard to participation in industrial and economic development of such territory and the grant of concessions and contract relating to such development'. Article VII further states that 'the government of India and Nepal agree to grant, on reciprocal basis, to the nationals of one country in the territories of the other the same privilege in the matters of residence, ownership of property, participation in trade and commerce, movement and other privileges of a similar nature.

Although both the countries are bound by the 1950 Treaty of Peace and Friendship, it is pertinent to point out that though the treaty has given legality to the movement of the people across the international boundary, their socio-cultural links were deeply imbibed into the socio-cultural history of both the countries. As an analyst has put it: (India being a) "Hindu majority state where the life of its people is governed by the ethos of Hindu religion largely, in which it finds itself so close to Nepal.... ..Nepal's Hindu identity makes its cultural boundary contiguous with India."

The Terai region of Nepal bordering India is an extension of the Indo-Gangetic plain. The "geographical factors have been reinforced by religious, cultural and ethnic affinities between the inhabitants of the Terai region and their counterparts across the border. The Terai region has, therefore, remained practically an expansion of the Indian society and economy through the centuries." The border was not regulated because as a British protectorate its southern border was secure. Moreover "the arrangement of the open border was preferable to the restricted border because it saved the rulers from incurring the administrative expenditure necessary to check and regulate the border and the task involved in the control of the movement of people through the border to and from India."

The concentration of Indian born population in the Terai region explains the present relations. The number of India born population in Terai according to the 1991 census is 97.21 percent of the total foreign-born population residing in this region. Out of the total foreign citizens in Terai, the Indians

constitute 77.6 percent. These people cannot be prevented from maintaining familial relations by a restricted or regulated border.

The open border has given rise to a blurred national identity and has further complicated the issue of citizenship. From time to time, Nepal has imposed various restrictions on citizenship. In the process of distinguishing migrants from genuine citizens, the people of Indian origin have suffered the most. Whereas the people of the hill are accepted as citizens matter of choice, the Terai people must go through a rigorous process to prove their citizenship.

In 1988, at the peak of Indo-Nepal irritations due to the trade and transit problem, the then Minister of State for Home, Prakash Bahadur Singh stated in Kanchanpur district of Nepal that "since the pressure of external population can skew the country's economic balance, citizenship from now be available only on the basis of descent." Nepal not only started registering its citizens but stated that it would grant citizenship only to the descendants of Nepalese citizens. This was done in a move to exclude people of Indian origin. To avoid any settlers from India getting citizenship, it was decided that a genuine Nepali who possesses documents of landholding would be registered as a citizen. People not possessing such documents would require getting a recommendation from ward chairman, Pradhan Pancha, Upa Pradhan Pancha, Village Development Committee, President of Class organization, area member of district Panchayat and district level office bearer of the class organization in this regard. A certificate proving one's continuous service in the government or semi-government office was taken as a proof for providing citizenship certificates. Many Indian landless laborers staying in Nepal for generations were harassed through such rigid procedures.

However, several citizens of Indian origin who have acquired citizenship faced the prospect of disenfranchisement. Fear regarding this surfaced when the then Home Minister, Narayan Thapa made a statement on April 9, 1989, saying that Nepal would have a fresh look at the status of the 6.48 million people of Indian origin, including even those holding citizenship certificate.

The Indo-Nepal open border has been a factor of inter-state tensions, particularly, the issue of cross border support to various internal conflicts inside the country. The open border has contributed to the exacerbation of such conflict. During the 1980s, the movement for a separate Gorkhland by the Gorkha National Liberation Front (GNLF) had caused a serious strain in relations between both the countries. Many Indian Nepalis in Darjeeling fled to Nepal in order to avoid arrest or hardship

caused by the government action against the GNLFF militants. As many of them lived in Nepal, the Indian authority alleged that they were being trained in camps within Nepal, so much so that some reports also mentioned few names of districts in Nepal where the GNLFF militants received training. The press reported brisk collection of funds. It was also reported that the movement got support from Nepali businessmen. Though the charges were later refuted by Nepal, the cross border inter-ethnic affinity makes such hypothesis quite credible. The implications of such linkages, as an analyst has pointed out, "For the imperatives of real politic compiled with that of cross boundary ethnic links have at times created situations in which the externality of such movements induces a pressure of sorts leading to an interventionist role of the neighbor through mediation or confrontation." Open border strengthens such assumptions.

The protagonists of the Gorkhaland movement are critical about the Indo-Nepal open border. The leader Subash Ghising also demanded the abrogation of the Treaty of Peace and Friendship of 1950 to give the Indian Gorkhas a distinct identity and separate them from the Nepalis who have migrated recently to India. He categorically stated that the Treaty, particularly the clauses VI and VII relating to open entry and settlement of Nepalese for an unlimited period have overshadowed the genuine status of the Gorkhas and has rendered all of them to be treated as domicile citizens. They claimed that they were the people who were ceded to British India at the time of the Sugauli Treaty when the east of Mechi was ceded and thus at par with other Indians. Thus, they were entitled to the status of genuine citizens as different from accepted citizens.

Conclusion

Indeed, even while breaking down India-Nepal relations it tends to be seen that the force asymmetry between the two nations directs their connection. At that point, if Nepal has eagerly undermined its sovereign status by giving its southern neighbor a stake in its central leadership, India, being a more dominant nation, has not avoided utilizing its muscles when required. The 2015 blockade is a valid example. This demonstrates more grounded countries can be driven by the rationale of result instead of propriety since they can stand to do as such. Review sway from this light uncovers the chains of importance in worldwide legislative issues and the subaltern status of more fragile states. Be that as

it may, recognizing these real factors may compel amazing states from seeking after 'majestic' endeavors.

In any case, not the slightest bit has the guideline of power become old. The idea of Westphalian power is yet speaking to nations, paying little heed to their remaining in world legislative issues. Various separation points of contention around the globe exist in national outskirts - regardless of whether it is Israel and Palestine or India and Pakistan, India-China, among others. Individuals having a place with more grounded countries, like the United Conditions of America or the United Kingdom, have additionally been seen needing to take control of their influence during each developing interconnectedness and reliance on the planet request.

The ordinary authority is even more basic for more fragile states like Nepal as it engages them to determine their privileges right now a worldwide framework, like proclaiming a popularity-based constitution with more than the two-third dominant part. In any case, almost all states in the 21st century face more prominent or lesser limitations on their power liable upon their abilities to declare autonomy.

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