

The Sugauli treaty says that the west of Kali belongs to India, however the treaty does not mention the source of the river Kali. India believes the tip of Kalapani to be a source of Kali, while Nepal claims Limpiadhora to be the source of river Kali. Nepal claims that the river to the west of Kalapani is the main river, Kali and hence this triangular region belongs to Nepal.

Significance of Kalapani

- a) The high mountain pass Lipulekh is of strategic interest to India. It helps India track the Chinese movements in the region, and India has had a military post in the region since 1962, which is guarded by ITBP.
- b) This region's significance is centuries-old, for it is on trade and pilgrimage route to Lake Kailash Mansarovar, the ancient pilgrimage site in Tibet which is provided land access via the Kalapani region.

Why in the news recently?

- a) In 2015, there was an agreement between India and China to allow trade at Lipulekh pass on which it claims sovereignty.
- b) India released its new political map showing the re-organization of J & K, and the map showed Kalapani as a part of India. Kathmandu protested and suggested talks on this.
- c) Tensions were further heightened in May when the Indian defence minister inaugurated an 80 km long high altitude road from Dharchula in Uttarakhand to Lipulekh pass, to serve as a faster route for Kailash Mansarovar yatra pilgrims. Nepal claims this road to pass through its territory.

b. Susta Dispute

The change in the course of the Gandak river, referred to as the Narayani river in Nepal, is the main reason for the dispute over the Susta region.

The treaty of Sugauli demarcated the Gandak river as the international boundary between India and Nepal. When the treaty was signed, Susta was located on the right bank of river Gandak, which falls in the territorial area of Nepal. However, over time, the river has changed its course, and Susta now falls on the left bank of Gandak river, which falls in the territorial area of India.

The legality of the issue

According to international laws, the principles of avulsion and accretion are applicable in determining the borders when the boundary river changes its course.

Avulsion: sudden change of river course.

Accretion: It is natural for rivers to slowly and gradually change course.

According to international law, if the change of river course is rapid, the boundary does not change, but if the river changes gradually, the boundary changes accordingly. Since Gandak's course change has been gradual, India claimed as part of their territory as per international law.

Way Forward

The border dispute has become a tool for arousing strong public sentiment against India & Nepal. India, recognizes the disputed territory to be part of Nepal. However, given the strategic importance of the Kalapani region, India should negotiate the region on a permanent lease to India.

4. China in Nepal

- a) China's engagement in Nepal has grown following the blockade on the India-Nepal border due to constitutional crises in Nepal.

Following the four-month blockade of the India-Nepal border, Nepal and China finalized a protocol of trade and transit agreement to end Nepal's dependency on India with the objective to allow Nepal access to four Chinese seaports and to Chinese dry ports and road facilities.