

# Red Star over Nepal : A Crucial Time for Indo-Nepalese Relations

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## Overview

The imposition of an emergency on 1 February 2005, by King Gyanendra after the dissolution of the Government headed by Sher Bahadur Deuba, was to most of the 'Nepal watchers', a very likely event.<sup>1</sup> It could have been avoided only if the squabbling politicians of Nepal had learnt to cooperate with each other in tackling the then regarded hydra-head of the Maoist movement. It has been clearly attempting to devour the Himalayan Kingdom of its peaceful environment and honourable way of life. Everyone from the King to the commoner was praying for something miraculous to happen. It happened but only after over 13,000 people had been killed in a decade long conflict and instability.

## Aim and Scope

This paper examines major developments leading to the rise of the Maoists and the raising of euphemistic 'Red Star' over the Kingdom of Nepal. The Maoists now in their euphoria of success, target at settling score with India – by dismantling our traditional and special relationship since time immemorial, but more specifically after Independence. The issues involved, in two important documents of that relationship, have been discussed at some length.

## Paving the Way for the Red Star

The Maoists took to arms since February 1996, after overthrow of the Communist Party of Nepal's brief stint in politics. It created its organisation principally in the undeveloped western region of Rolpa extending to the Kali, on the Kumaon region of the Uttarakhand Province of India. It built a capital at THABANG near Girigam, which became impenetrable to the Royal Nepalese Army (RNA). Built on the lines of the Chinese communist system of Mao Zedong's days, it had military commanders, political commissars and party functionaries-in the reverse order. A non-descript school teacher Pushpa Kamal Dahal, under the name of 'Prachanda', called it a 'party hierarchy' that would live even after his death. It 'graduated' in its equipment from home made rifles and 12 bore guns, to 'captured' 7.62 SLR and INSAS rifles with LMGs, and low calibre mortars. The same is the story of ammunition.

The RNA was put to severe test in combating the guerillas fight tactically or seize any strategic initiative. Operationally it needed a well-trained army, almost 20 times large, to control and 'contain' the Maoist guerillas and bring them to negotiating table that the King had hoped for. The result was that by September-October, Prachanda and not the King was dictating terms! And he announced a unilateral ceasefire for three months, stipulating that he would break it in the event the RNA resumed fighting. The Maoist canard spread their propaganda that they, the Maoists, had 'broken the 250 year old feudalism' in Nepal, as according to them, 'they controlled two third of rural Nepal'.

With their unexpected military success, the Maoist were aiming higher as evident from Prachanda's oft repeated 'Concept of revolution in Nepal that envisaged, the formation of a constituent assembly which allows people to draw their future'.

Simultaneously, the Maoist leaders were also asking India, the UK and the USA (carefully excluding China) 'to cease their military and other support to the King and the RNA' and instead extend moral and political support to the democratic (implying the Maoist) stir in Nepal. They were insisting on limiting the role of the monarchy to a 'constitutional' figurehead and nothing more.

The author was witness to the developments, as during his visit to Nepal in February 2007, it was Krishna Bahadur Mahara, the 'Number Three' in the Maoist hierarchy who told at meetings of Ex-Servicemen (ESM) at Butwal, Tansen Palpa, Dailekh, Pokhara, Gorkha, 4000 Parbat that the Maoists sought mukti or salvation from the monarchy. This very stand was taken by others including Prachanda.

The World was also watching developments in Nepal with alacrity. For, about this time a flurry of activities took place in Kathmandu overtly from the UN, EU and covertly by others including India. By 25 November 2005, a '12 POINT COMMON AGENDA' between major political parties and the Maoist rebels, endorsed by UN Secretary General Kofi Annan, was announced that emphasised the proviso that the 'Maoists would abjure violence' if they are to be taken seriously. The Agenda also did not seek abolition of monarchy but it wanted it to be 'constitutional and well defined'.

By the end of year 2005, it became clear that :-

- (a) The King was sticking obdurately to his stand of administering Nepal himself. However, the King was under full pressure to negotiate, pave the way for democracy and cancel his Emergency. So while the King was being confronted by the united front of the politicians including Maoists, he could emerge winner if he destabilised his opponents by better alliances.

- (b)** And although the RNA has had very little of success in controlling the insurgency in the Maoist dominated Western Nepal, it had, nonetheless, continued to contain their expansion
- (c)** January 2006 saw more trouble for Nepal as the Maoists ‘upgraded’ their attacks on targets in virtual concert with the agitation by the politicians and students.

Situation drifted from bad to worse, and by February-March 2006, things were turning into a revolution. The public, supported by politicians and students, took to the street. it was the King who had to bow down to their wishes for suspension of the Emergency. Alongwith came the release of some of the politicians held in detention; and a cease-fire offer from the Maoists was accepted. It turned into a mea culpa for King Gyanendra! By 30 April 2006, the new interim Government was announced under the 84 year old GP Koirala.

In a move that resembled the British Magna Carta,<sup>2</sup> that forced King John to give assent to chartering, in 1215, of the document of the fundamental guarantee of rights and privileges of the people on the one hand and ending the absolute monarchical powers of the King on the other, the Nepalese politicians led by Koirala enforced the following by mid-May 2006 :-

- (a)** His Majesty’s Government would turn into the Government of Republic of Nepal after elections;
- (b)** The ‘Republic’ will replace ‘Royal’ and the Royal Nepal Army RNA, would delete the ‘Royal’ from its designation and while the King would no more be the sole supreme commander of the present RNA or future NA, its Chief of Staff would be selected by the Council of Ministers.
- (c)** The NA would be asked to accept some cadres of the Maoists in its rank and file. The King shall no more summon and prorogue the parliament; besides the royal family will be subject to rules and obligations of citizens of the country.

### **The Maoists’ Bargain with India**

Immediately after the April 2008 elections, that unexpectedly ‘tossed’ the Maoist to the top, Prachanda began to air his pent-up feelings, especially against India. Among some of the other issues he emphasised were firstly, to abrogate the 1950 India Nepal Treaty of Peace & Friendship and review other agreements and secondly, to suspend recruitment of Nepalese into the Gorkha Regiments of India and UK.

These and the connected issues are examined in subsequent paragraphs, high-lighting the rationale of arrangements so agreed, and the implications of abrogating them in the special light of long-term strategic Indo-Nepal relations. But it must also be said here that India shares several other vital issues with Nepal. These include: the water resources, trade and transit, open borders, enclaves of disputes, citizenship of the Indians settled in Nepal, technical and academic cooperation et al. These show a total mosaic of our past mutual relationship and will, therefore, require to be examined separately.

### **The 1950 Treaty of Peace and Friendship**

The Treaty embodied the quintessential spirit of the Indo-Nepal relations, that existed between the British Raj and Nepal from the time they signed a similar-in fact ditto- treaty in 1923. It signified a pragmatic and generous spirit on part of India and the then Ranas ruling Nepal to give a fresh lease of life to the old Treaty. Ironically however, it became a cause celebre for what was often called by the Kings and the politicians as an ‘unjust and unequal arrangement’ thrust by India on Nepal. It was said that the Treaty having been signed by the last Rana Prime Minister before the ‘Ranacracy’ disappeared, had no or little consideration for the welfare, equality and sovereignty of Nepal. It was branded as ‘highly objectionable’ by the India-baiters in Nepal.<sup>3</sup> The Treaty, sometimes called the root of our Special relationship, signed on 31 July 1950, has ten articles with letters that amplify the contents. Of these, Articles II, V, VI and VII are of larger significance and warrant further elaboration.

**Article II** appeals to “both the Governments to inform each other of any friction or misunderstanding with any neighbouring state likely to cause any breach in the friendly relations.” It highlights the importance of keeping each other informed of developments, as, for example, India did in the worsening climate of Sino-Indian relations preceding the 1962 War. Similar gestures, it is believed were made during the other conflicts that India faced in 1971 and subsequent years. It epitomised the spirit of give and take between two close neighbours with age-old relationship, truly called ‘Special Relationship’.

**Article V** raises ‘taller hackles’ especially the stipulations, the accompanying letter contains. The Article states: “The Government of Nepal shall be free to import from or through the Territory of India, arms ammunition or war-like material and equipment necessary for the security of Nepal...” In clarification, the letter-and the Nepalese consider it as a bone of contention- says, “ Neither Government shall tolerate any threat to the security of the other by foreign aggressor...arms or warlike material for security of Nepal shall be imported with the assistance of and agreement of the Government of India...”

The Treaty was much welcome as an instrument of our ‘Special relationship’ as seen in correct perspective by the earlier leadership. For example, commenting on Pandit Nehru’s statement on the significance of the Treaty which he gave out in the Indian Parliament on 27 November 1959, BP Koirala, the first Prime Minister of Nepal had said: “Nepal is a fully sovereign independent nation; it decides on its external policy and home policy according to its own judgment and its own liking without even referring to any outside authority. Our treaty of Peace & Friendship with India affirms this.”

There has, nonetheless, been a keen desire of the Indian Government to control the transit, through its territory,

of any war like material to Nepal. Seen from the Indian standpoint, it has been a legitimate requirement for India, which has equipped and armed the RNA continuously. But viewed from the Nepalese perspective, it tends to ignore two aspects: the extra-sensitiveness of some of the Nepalese to such a restriction which is called as 'India's big-brotherly attitude' to small neighbours; and the China factor- a factor that has been demanding ever increasing attention over the years. While the former is unequivocally clear and needs to be appreciated well, the latter has assumed larger proportions and significance.

With the Chinese occupation of Tibet and associated developments, the perspective of some of the Nepalese governments and politicians, as seen by New Delhi, has apparently been changing to 'pro-Chinese'. Undoubtedly, it is indicative of the confirmed influence of the Chinese that keeps agitating the Nepalese mind. They, therefore, keep saying that the proviso of the Indo-Nepal 1950 Treaty of Peace and Friendship should apply only to transactions with India and not to others including China. Others see the Treaty as imposing unilateral restriction on other neighbours and friends of Nepal as 'irreverent', if not 'illogical'.

From the Indian point of view, the issue assumes larger strategic significance as the Chinese continue to add mind boggling strategic dimensions to improving their communications in Tibet Autonomous Region (TAR). It includes extension of railway line to Lhasa (that is being expanded to the Nepalese border at Khasa by 2013-14). It has, in addition to Road Kathmandu-Kodari-Lhasa and another stretch from Trishuli to Dhunche-Rasuwagarhi-Langtang, a link road on the Chinese side at Kerang (Keyrang) leading to Lhasa through Kyakaru. Similar roads open up at north of Bhutias inhabited Mustang at Phungphung La. While earlier traditional trade routes through Tatopani, Yari, Lanchugo La, Kimanthanka, and Lizi already exist. All these have road-outlets across the TAR border.

Seeing the development of Chinese border roads in Tibet opposite India and Nepal, it can easily be surmised that they would lay more railway lines to the border posts (including opposite Ladakh, Sikkim, Bhutan and Arunachal) besides upgrading them as 'military communications'. With their industry and strategic vision that goes beyond the ordinary, TAR would soon serve the Chinese not only as a fortress of their defences and a spring-board for their operations but a trading centre of the fabled 'Silk Route' by 2050. Whether or not Nepal sees the increased threat to its own security, is often concealed; it certainly has strategic challenges for India-through Nepal.

The problem is not only India's but also of Nepal. Sandwiched between the two large countries, namely China and India, it seeks to 'equidistant' itself professing to be 'friendly' with both.<sup>4</sup> It is also reflective of the general Nepalese attitude of drawing best benefits from its neighbours who, they feel, could be tempted by the 'one-up-man-ship' in their relations with their country. It is, after all, what military leader and statesman, Prithvi Narayan Shah, the maker of modern Nepal (1750-1774) used to chuckle, "Nepal is like a tarul (root) between two solid rocks." The tarul could not grow liberally but had to modulate its own growth in the space available between China and India. Today with Tibet 'dragonised' it is really in a very tight position which calls for adroit management of two neighbours often termed as 'giants'.

But the 'giant India', if at all the cliché could be used for it, has its personal 'interests' that are guided by own strategic reasons - of defence and security, trade and economics, and the need for peace and security on its own border. The geo-strategic asymmetry and economic disparity do cause misunderstanding - a fact the Chinese conceal but democratic India sometimes indicates.

**Article VI** asks both the Governments to "Give the nationals of each other in its territory rational treatment with regard to participation in industrial and economic developments of such territory and to the grant of concessions and contracts relating to such development." But India recognised that it may be necessary 'for sometime' protection from 'unrestricted competition', extended it to the Nepalese only. Unfortunately, it was a one-sided provision.

**Article VII** "Grants, on reciprocal basis to the nationals of one country in territories of the other, the privileges in matter of residence, ownership of property, participation in trade, and commerce" This ipso facto became a one sided privilege to the Nepalese, as successive governments in Kathmandu refused to reciprocate while Nepalese in India were never denied it.

In the context of the above arguments the Nepalese have often equated Indian concerns manifesting in 'imagined fears, and the clauses in Article V tantamount to 'infringement of Nepalese sovereignty by the Indian Government'. Time and again it is said, both at the governmental level and public fora and private discussions that Nepal being an independent country shall not tolerate such a 'humiliating binding' even though the original drafters might have included them with fine and noble spirits. It does call on the Indian Government to respect such Nepalese sensitivity-a sensitivity arisen from its pride in, what BP Koirala, told the UN General Assembly in 1959, "We have, through our long and chequered history, always been independent and it is our birth right."

Overall, the Treaty needs revision to not only cater for the Nepalese sensitivities, promotion of our unencumbered diplomacy but also safeguard the rights and privileges of the Indians settled in Nepal who are constantly denied citizenship. The Nepalese 'clamour' to both the Governments, as Rishikesh Shah called, "to transform their bilateral relationship from dependence to inter-dependence with projects for power, industries, irrigation and transport" becomes valid.<sup>5</sup> That, the subject has drawn some attention even earlier is no surprise. There have been discussions, on retention and abrogation of this Treaty from almost the beginning especially so whenever, for various reasons, tensions arose between the two countries. According to the MEA, New Delhi, the exercise was attempted even as late as 2001 when a Secretary level meeting examined its contents and relevance.<sup>6</sup>

## **The Gorkhas of the Indian Army**

The Gorkhas of the Indian Army have a long history of valour and soldierly virtues. Suffice to say that they have continued their service with and as part of the Indian Army as a result of the Tripartite Treaty signed in 1947 between and among the Government of Nepal, India and Great Britain. Immediately after World War II when the British were handing over power to the Indians, negotiations for the retention of the Gorkhas in the new Indian Army in April 1947 were carried out by Sir Girija Shankar Bajpai, the Secretary General, Foreign Ministry along with Lieutenant Colonel AA Rudra with the Nepalese Prime Minister, Maharaja Padam Bahadur Shamsheer Jang Bahadur Rana at Kathmandu. It was then agreed that India would retain maximum number of the twenty Gurkha Battalions available. In addition, the Nepalese PM announced, "If the terms and conditions at the final stage do not prove detrimental to the dignity and interests of the Nepalese people my Government will be happy in maintaining connection with both (including British) armies-provided men of the Gurkha Regiments are willing to serve and if they will not be regarded as mercenaries."

Added to it was another proviso that 'India would consider granting regular Commission to eligible Gorkhas'- and more importantly still - 'there would be no discrimination whatsoever, between the Indian soldier and a Gorkha soldier'.<sup>7</sup> So a Referendum was held to ascertain the individual wish of the Gorkha Officers (the JCOs) and men to join either of the two armies or even proceed on discharge. Interestingly, of then available 70,000 Gorkhas less than 5,000 opted to serve the British Army and the rest readily opted for the new Indian Army. The end result of the Referendum was that the British managed to take with them four Gorkha regiments - the 2nd, 6th, 7th and the 10th whereas six regiments joined the Indian Army comprising not only the 1st, 3rd, 4th, 5th, 8th and the 9th Gorkha Regiments but also raised another Regiment, the 11th Gorkhas.

It was, as Pandit Nehru called, "a floodgate of spontaneous show of trust by our friends for the country and its famous Army". It also showed the ground swell in respect, the Gorkhas in uniform showed to the common bonds of our history, culture and religion on the one hand and pragmatism to the changing atlas and perspective of Asia, on the other. For, most chose to serve in an army whose leadership - both military and political - had built their confidence in the future. In addition they knew India, a close and trusted neighbour, would cater for their future concerns.

Future events also vindicated their instinct and trust. Having moved with eight Gorkha battalions as part of their four regiments the British Gorkhas (which grew up to 20 in number during the Malayan insurgency), have been compelled to reduce them to three including one at Brunei. The Indian Army on the other hand, have, as of now in 2008, 40 Gorkha battalions - with a large number of them spread into the Rashtriya Rifles, Assam Rifles, the two other Services besides the other Para Military and Central Police Forces. They stand at a staggering figure of some 85,000 Gorkhas Servicemen along with over 2,00,000 ESM.

India can thus proudly assert that it has honoured each and every commitment it gave to Nepal in 1950 most punctiliously and religiously. To add to them, large sets of infrastructures exist for their recruitment, training, rehabilitation, and welfare of the ESM in Nepal and in India.<sup>8</sup> It must be noted with pride that if the Indian Government has placed the Gorkhas in its desired gloire et honneur - the place of honour - the Gorkhas have also paid back with their services and sacrifices, blood and bravery since 1947 and continue to do so. They have played unique role in defending the country's borders, maintaining internal security through upheavals the country has continued to suffer with the devastations of partition, wars, natural calamities besides fighting for and preserving the international peace in areas of conflict in foreign lands. Their role and place in the Indian combat arms should be clear from the fact that among ten Infantry combatants there is one Gorkha soldier.

The Gorkha soldier is not only adding to India's honour but, in more than one way, cementing our relationship; he is a symbol of our unique relationship. On our part the Gorkhas of Nepal are treated as own citizens and some of them are officers in our Armed forces. They can - and do - buy property in India as Indian citizens. By virtue of our 'Open Border', they walk into India to work, treating it as their euphemistic 'second home'.

It is this unique relationship that the newly elected Maoist former guerilla leadership needs to view in larger strategic perspective. And if the Nepalese are refrained from joining the Indian Army, or Armed Forces, the loss would be Nepal's in forfeiting the prodigious amount of money they carry home, the unparalleled other advantages they enjoy both as a serving and retired gentry. Adequate consideration need also to be attached to the fact that India with teeming employable and willing youth will fill the vacancies that Gorkhas of Nepal hold now - in record time.

## Conclusion

Nepal in its long history has seldom seen such instability thrust on its people and their debilitating effect on the administration. This epoch has also been marked with unimaginable general inertia and resignation within its leadership. Yet, the common Nepalese endured his sufferings with characteristic fortitude and élan. So also has remained the love and loyalty of the Nepalese ESM for the Indian Army. In the din of these developments the common people of Nepal have exhibited an enduring friendship with India. It has been the test of our relationship.

People now have large expectations from the government (Maoists included) despite instability, bad economy, lack of resources, rising prices of food- stuff, oil and gas in the open market. It is only right, therefore, to visualise the manifold difficulties any Nepalese government would face in translating the aspirations of the people into reality. The Maoists, if they, by some miracle succeed, in this venture, would emerge victorious. And, if India through its adroit diplomacy and generous help re-establishes a state of status quo ante, we would have paved the way for still better relationship. It is imperative, therefore, that India should allay the fears of the new leadership even by introducing new models of agreements, treaties, MOUs and so on. But it must not sacrifice its strategic interests in Nepal nor, forsake our long-term commitment to the Nepalese people and the 'Gorkhas of the Indian Army'.

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