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THE HIMALAYAN FRONTIER POLICY OF BRITISH-INDIA AND THE SIGNIFICANCE OF THE 1923 TREATY OF FRIENDSHIP BETWEEN GREAT BRITAIN AND NEPAL

Introduction

The term 'Himalayan Frontier of British India' is a hated term in present-day Nepal because of India's attempt to keep Nepal within the broader Indian security framework. However, a survey of the events leading up to the conclusion of the 1923 Treaty reveals that this policy was supported by Nepal at the time of its conception and that both the venerable Bhim Sen Thapa and Chandra Shumsher, once of the most shrewd Rana Prime Ministers, were indirect contributors to the making of this policy of British India. The policy worked well in the interest of both Britain and Nepal and the 1923 Treaty continued in the same vein. The spirit that governed the 1816 Treaty of Segauli governed the 1923 Treaty and in turn this treaty governs the present 1950 Treaty with India—a controversial document in Nepal and a continuing irritant in present-day Indo-Nepali relations. Therefore, to understand the 1950 Treaty one has to understand the background to the 1923 Treaty and its provisions. It is in this context that this short paper aims to analyse the significance of the events leading up to its conclusion in 1923, and its relevance to today's situation.

Nature of relations between Britain and Nepal

Britain has traditionally supported the status quo in Nepal. Britain supported the Ranas and the Panchayat system until the situation became untenable. After granting independence to India, British interests in Nepal diminished dramatically. The Ranas

were no longer in power in Nepal and Britain as a 'State in retreat' no longer had a strategic interest in Nepal. The nature of relations with Nepal changed and the focus was on helping Nepal to develop her economy. Britain has been helping Nepal to reduce poverty, to empower women and those belonging to disadvantaged ethnic groups, to promote good governance and to preserve and promote democracy and human rights. At present Britain is at the forefront of the campaign to help Nepal deal with the current Maoist problem.

Relations between the peoples of the two countries at the unofficial level continue to grow as increasing numbers of tourists from Britain continued to visit Nepal every year. There is a sizeable number of missionaries in Nepal, even in the remotest parts of the country, followed by researchers and charity or aid workers. Thus, Britain's relations with Nepal are very different today from what they were at the height of British Imperial power. The 1923 Treaty was a treaty concluded with Nepal at the height of this power. Before looking at the provisions of the treaty it is necessary to provide a brief survey of major events in the history of relations between these two countries leading up to the Treaty's conclusion.

Major events in the Britain-Nepal relations prior to the 1923 Treaty

The first real encounter between the forces of Nepal and Britain took place when King Prithvi

Narayan Shah halted the advance of Captain Kinloch in 1767. This was the time when the King was in the process of uniting Nepal. He laid down the foundations of Nepalese foreign policy stating that Nepal was a small country sandwiched between the giants of Asia and has this to maintain a policy of neutrality and equilibrium between the two. However, when a war broke out between China and Nepal and the Chinese came all the way to within striking distance of Kathmandu, a treaty was concluded between the two countries in 1792, designed to prevent China from invading Nepal. However the treaty gave China the opportunity to make a suzerain claim over Nepal.

Indeed for a while, the Nepalese used the Chinese connection to prevent any possible advances by the British from the south. Nevertheless, the bitter experience of the war with the Chinese, coming so close to Kathmandu, caused the rulers of Nepal to develop closer relations with Britain. They were seeking to cultivate better relations with their southern neighbour should they need assistance in the event of any further Chinese aggression. AS a result of Nepal's attempts to develop these closer relations with Britain, a Treaty of Commerce, which included a provision for a British Resident in Nepal, was concluded between the two countries in 1801. However, when both Nepal and Britain were in the process of expansion, their interests clashed which led to the outbreak of hostilities between them in 1814. In spite of having a 'suzerain' claim over Nepal, China did not come to Nepal's aid. Article 5 of the 1792 Treaty stated that "if Nepal be ever invaded by a foreign power, China would not fail to help her." Any Chinese claim over Nepal should have effectively ended after this failure, but the Chinese official position vis-a-vis Nepal did not change. Nepal had lost the war with the British and Treaty of Peace and Friendship was concluded at Segauli in 1816 under which Nepal ceded some territory, mainly part of the Terai region of the southern plain, to British India.

The Origin of the Himalayan Frontier Policy

The origin of the Himalayan Frontier Policy was the Treaty of Segauli itself. The defeat at the hands of British and the cloud of the Chinese claim of suzerainty hanging over Nepal had put Bhim Sen Thapa in a very difficult situation. This was a turning point for Nepal in the conduct of her foreign relations. Bhim Sen Thapa saw one Indian state after another come within the net if the British India, and his policy was steadily directed to save Nepal from a similar fate. Both Jung Bahadur and Chandra Shumsher, the Rana Prime Ministers, saw the world through the same binoculars. Hence, the policy they pursued was a policy of appeasement towards the British, whether it was assisting them in the suppression of mutiny within India or inviting the members of the British ruling class to lavish big game hunts in Nepal, rather than seek shelter as a suzerain under the Chinese umbrella. China could not rely upon since they had failed to assist Nepal during the war with the British. The attempts to cultivate good relations with the then expanding mighty British Empire led to the conclusion of a Treaty in 1860 restoring to Nepal by Britain the whole of the lowlands between the river Kali and the district of Gorakhpur.

When much of South Asia came under the British colonial rule and Nepal was under the imperial influence, the British were pursuing a policy which regarded the Himalayas as the ultimate frontier with the Chinese empire. Consequently, Tibet, rather than Nepal, was regarded as a buffer zone between the two empires. The 1906 convention between Great Britain and China with regard to the inviolability of the status of Tibet provided that Great Britain would not invade or interfere with the territory of Tibet or permit any other foreign state to do so. A similar provision was included in the Convention concluded between Great Britain and Russia in 1907, which recognised the suzerain rights, of China in Tibet. In spite of the letters written by the German Imperial Chancellor and other during the Great War inciting Nepal against the British, Nepal remained true to her friendship with the British. However the

continuing presence of a British Resident in Kathmandu remained the main irritant in Nepal's relations with the British.

Conclusion of the 1923 Treaty

It was the first peacetime treaty concluded by Nepal with any foreign power and it was done in style. A grand ceremony took place in the Grand Council Hall of the Palace to mark the conclusion of the treaty. The British Resident, Lieutenant Colonel O'Connor, was received with full military honours, including a 31 gun salute fired from the Tudhikhel. A two day national holiday was announced in Nepal, Prisoners had a three month remission of their sentence and Kathmandu was illuminated that night. The Rana Prime Minister, Chandra Shumsher, described the Treaty as "a magnificent dome crowning the whole" in the relations between the two countries.

Main provisions of the Treaty

The main provision of the treaty was the recognition of Nepal's independence by Britain. Article 1 of the treaty stated that "There shall be perpetual peace and friendship between the Governments of Great Britain and Nepal and the two Governments agree mutually to acknowledge and respect each other's independence, both internal and external." The Treaty also allowed for the importation of ammunition through India and stated that no levy would be imposed on the goods being imported into Nepal through India. A collateral understanding attached to the treaty of 1923 ratified and confirmed permission to recruit Gurkhas from within Nepal for the British Indian Army, and the status of the British Resident in Nepal became that of an 'envoy'.

Significance of the Treaty

From Nepal's point of view, the most significant provision of the treaty was that it secured Britain's formal recognition of Nepal as a sovereign and independent State. It was more of a symbolic treaty as it did not make much visible change. It was psychologically important however for Nepal to secure this recognition. Unlike many peace treaties, this

treaty did not bring to an end to any state of hostility. It was part of the package designed to reward Nepal for her help during the Great War and was negotiated over a period of about three years. Territorial compensation was considered by Britain but was ruled out. This was the first such treaty concluded by the British Empire, at the height of its imperial power, with any minor State which could so easily have been governed directly by them.

The other most significant achievement for Nepal was that through the conclusion of this treaty Britain officially denied China and claim to suzerainty over Nepal by virtue of the 1792 Treaty which had stated in Article 1 that "China should henceforth be considered as father to both Nepal and Tibet, who should regard each other as brothers." Article 6 of the 1792 Treaty had required Nepal to send tributary missions to Nepal every five years. It depends on how one translates and interprets the letters sent by the Kings of Nepal the Chinese Emperor with gifts. Some observers may argue that even as late as in 1894 Nepal implicitly accepted its status as a vassal state of China. The Chinese had habit of never surrendering any inch of territory over which they had even a transitory influence, and Nepal had reasons to be concerned about it. When Nepal strengthened her relations with Britain, she was less worried about China. The last tributary mission to China was dispatched in 1907. When China demanded another mission in 1912 Nepal declined. Britain came to the defence of Nepal and stated that it would also defend Sikkim and Bhutan against any Chinese claims over these kingdoms. This was termed as the "Himalayan frontier policy" and was adopted to insulate Nepal from any Chinese claim of vassalage.

The famous visit of the Rana Prime Minister, Chandra Shumsher, to England in 1908 was crucial in cementing Nepal's relations with Britain and the assurance that Nepal received from Britain resulted from this visit. A consignment of ammunition was received in Nepal in 1912 to help defend Nepal against any possible Chinese threat. It should also be noted that treaty was concluded after the

Barcelona Convention which had been adopted in 1921 providing for freedom of transit for land-locked countries. The British were perhaps also honouring that Convention and the tradition of her relations with Nepal, a land-locked country. After the conclusion of the 1923 Treaty, Nepal began to come more in to contact with other states and the treaty made such processes easier.

Conclusion

The discussion in the preceding paragraphs shows that it was the 1923 Treaty that implicitly endorsed the 'Himalayan frontier policy' of Britain and British India. It was not a treaty imposed by Britain more a treaty favoured by Nepal. This was a watershed in terms of Nepal's alliance with her southern neighbour and a deliberate attempt to detach herself from her neighbour in the north. It was a happy occasion for Nepal and the pomp and pageantry that was displayed in Kathmandu confirmed it. The 1923 Treaty is an instrument which kept Nepal free when the whole of South Asia went through a period of redrawing of boundaries and creating new states when the British were leaving India. It is this treaty which sent a clear message to China that its claim over Nepal was at an end. It also signified that the then mighty British Empire was more civilised than many other imperial powers and was willing to deal even with small powers on equal footing, provided that they were friendly to the British. It was perhaps the existence of this treaty that prevented Indian hawks like Ballav Bhai Patel from annexing Nepal in the aftermath of Indian independence. Therefore, although now it is merely a document of historical interest, it is this treaty which helped Nepal preserve its independence, from both the British and the Chinese, which the people of this country enjoy today.

References:

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2. The full text of the 1923 Treaty can be found in C.U. Aitchison, A Collection of Treaties, Engagements, and Sanads Relating to India and Neighbouring Countries, Vol.11, (Calcutta, 1892), pp.173-175.
3. For an interesting and informative account of the war in the Himalayas of 1792-1793, see see Mayura Jung Kunwar, "China and War in the Himalayas, 1792-1793", *The English Historical Review*, Vol.LXXVII, No. CCC111, April 1962, pp.283-297.
4. After India gained independence from Britain Nepal and India concluded a treaty of peace and friendship in 1950 which was based, by and large, on the 1923 Treaty. For an analysis of the 1950 Treaty, see Surya P. Subedi, "India-Nepal Security Relations and the 1950 Peace and Friendship Treaty: Time for new Perspectives". *Asian Survey* (University of California Press), Vol. 34, No. (3) (1994), pp.273-284.

(This paper is based on a lecture given to the Society on 14th January 2003 by Dr. Surya P Subedi, OBE. He is Professor of International Law at the University of Leeds, UK. He is also the United Nations Special Rapporteur for Cambodia and Vice President of the Asian Society of International Law).

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Author's Note:

I wish to record my thanks to Mr. Peter Leggatt, Chairman of the Society & Mrs Pat Mellor, Secretary, for their invitation to speak to the Society and to the Editor for his encouragement and provision of additional material for this article and to Dr. R Dhital for his initial suggestions to me to speak on this

topic. (An interesting treatise on Nepal's foreign relations for the period 1770 to 1970 can be found in 'Nepal-Strategy for Survival' by Leo Rose, published by the University of California Press, 1971. Ed.)