Introducing the Idea of Border Governance for Nepal-India Open Border

Manish Jung Pulami
Nepali Military Academy, Kharipati, Bhaktapur, Nepal

*Corresponding Author: Manish Jung Pulami, Email:*pulamimanishjung@gmail.com

Abstract

The process of globalization, with the flow of people, merchandise, and capital, has invited different challenges, threats, and insecurities. Thus, the idea of border governance has emerged among the states, calling for a collaborative approach to border management systems between the neighboring states. As a qualitative study adhering to the "practice turn" in International Relations (IR) and considering human actions responsible for constructing social realities, the study has focused on the Nepal-India open border. As a unique border, the study has pointed out different threats and challenges faced by Nepal and India because of their openness. The article has briefly elucidated the emerging concept of border governance. Likewise, it has introduced the idea of border governance for Nepal-India open borders, outlining its principles and strategies. Overall, the study emphasized the importance of border governance for Nepal-India borders, recognizing border disputes and enormous challenges.

Keywords: Nepal-India, open borders, border governance, transnational threats, border governance strategy

Introduction

The transnational movement of people, goods, and capital from one state to another is a common phenomenon in this globalized world. Although some liberals support the idea of a

borderless world, borders, which have existed in different forms in human history, have been used for "bordering," "ordering," and "othering" (van Toum & van Naerssen, 2002). For a significant part of history, borders have been a space of power imposition and depiction (Brambilla, 2015). Thus, the control of those transnational movements is primarily focused at the borders (Brambilla, 2015). Border conflicts, illegal migration and trade, non-traditional security threats, and technological advancements have reoriented security discourses and highlighted the importance of border governance (Leibenath et al., 2008). This essentiality for border governance might reflect border control and management, but it refers to the accountability of the border control system (Marenin, 2010).

The call for border governance has increased because of growing interdependence and interconnectedness among nations and societies, asking for the devaluation of traditional notions of power and sovereignty or the de-territorialization of borders (McLinden et al., 2011). Additionally, it is essential to realize that, with globalization, remote societies have integrated into the global system but also increased illegitimate activities (Cheema et al., 2011). The cases of human and drug trafficking, small arms proliferation, money laundering, uncontrolled migration, and others have crumbled the ramparts of sovereignty (Caparini & Marinin, 2006). Security practitioners must seek to reduce these outcomes of globalization. Also, the broader trend of economic and political integration through regionalism, rumoured with the decline of the Westphalian system of states, has augmented the salience of border governance (Leibenath et al., 2008). Lastly, the localized system among the people in the borderlands, who have a different understanding of borders, has called for accountability and good governance (Caparini & Marenin, 2006).

With rising voices for border governance worldwide, the contested South Asian borders remain silent. One of the unique borders in South Asia, the type that people had not imagined in this region, is the Nepal-India open border. The political role in making the Nepal-India open border is overshadowed by sociocultural or socioeconomic processes (Shrestha, 2020). The homogeneity among the people in the borderlands of both countries has played a vital role in forming this type of border (Kansakar, 2002). The economic, cultural, religious, social, educational, recreational, and many other factors incite people from Nepal and India to travel to and fro across this international boundary (Hausner & Sharma, 2013). Unlike the other international borders, political power and sovereignty can be felt less at the Nepal-India borders (Hausner & Sharma, 2013). The sociocultural and socioeconomic aspects have always been dominant in devaluating political power at this international border (Hausner & Sharma, 2013).

However, the Nepal-India open border is not free from challenges. A myriad of challenges has arisen due to open borders between the two countries. Human and drug trafficking, smuggling of small arms, gold, and artifacts, counterfeiting of Indian currencies, illegal trade, the influx of refugees, and others are among the common problems faced by security personnel (Baral & Pyakurel, 2016). The movement of terrorists and easy passage provided by the open border to criminals in both countries have tensed the situation (Kansakar, 2002). The border conflicts, missing boundary pillars, allegations of shifting pillars to Indian

authorities, and natural disasters caused by rivers have not only caught political attention but also created turbulence among the people (Baral & Pyakurel, 2016). These issues have enlarged the political status of borders and raised concerns about constructing a more political international border for bordering and ordering (Upreti, 2020). The increasing nationalism for political reasons has created apprehensions towards the open border system (Baral & Pykurel, 2016). The weakened state of institutions established to deal with border conflicts has increased public dissatisfaction (Kansakar, 2002).

Hence, many have called for the renewal of the cross-border system between Nepal and India. The study regarding rekindling a proper border governance system is missing among Nepalese and Indian scholars. Many previous studies have highlighted the various challenges that both countries face as a result of open borders, but few have provided a comprehensive alternative system or policy to compensate for the necessities. The border studies on Nepal-India open borders are primarily concentrated on border disputes and focus little on socioeconomic or sociocultural dimensions. There are fewer discussions about how to mitigate the challenges of keeping the everyday lives of people at the border intact.

Thus, realizing the literature gap in this domain, the study attempts to introduce the idea of border governance for the Nepal-India open border. To accomplish this aim, the study is guided by the questions: "What is border governance?" "How essential is border governance for Nepal-India open borders?" and "What are the border governance strategies for Indo-Nepal open borders?" To facilitate the flow of study and create an epistemic reality for the research, the study hypothesizes that there is an urgent need for border governance along the Nepal-India open borders, considering the increasing transnational challenges.

The aforementioned research questions make the study significant for bridging the knowledge gap regarding the alternatives to governing Nepal and India with open borders. The study's rationale is to introduce a novel idea of border governance to the Nepal-India international boundaries and the whole of South Asia through regional cooperation and integration. The additional purpose of the study is to update and make people aware of the increasing transnational threat to both countries, calling for urgency among the policymakers to focus on border governance, which would not only enhance security along the borders but also consider people as an integral part of the border studies.

Literature Review

The dominant research's engagements with borders have always been political (Anne-Laure & Szary, 2015). They have been primarily regarded as the site of protests (Brambilla, 2015). However, many scholars have also considered border spaces as possibilities and opportunities (Casas-Cortes et al., 2016; Paasi, 1999). Mostly, everything related to borders is primarily politicized (Scott, 2020). Longo (2018) describes the border's power in reducing individuals to subjects who provide proof of belonging to a specific community or state. The idea of "Bordering, Ordering, and Othering" as functions of borders have shifted the exploration of different agendas considering borders (van Houtum & van Naerssen, 2002).

Introducing the Idea of Border Governance for Nepal-India Open Border

Recognizing the changing and fluid nature of borders in contemporary studies has opened up the possibilities for investigating socio-political border-making and bordering practices (Longo, 2018). Paasi (2012) views the border as a socio-spatial entity, an invisible, emotional, and technical site. The borders can be seen as the point of economic interaction and community affiliations (Albert et al., 2001).

Likewise, the borders are considered vulnerable points with strategic concerns (Carrol & Gorawantschy, 2017). Previous research has identified various phenomena that impact border security (Brady, 2014; Carroll & Gorawantschy, 2017; Harlon & Herbert, 2019). The problems of smuggling, trafficking, terrorism, illicit migration, illegal trade, and refugee influx are among the common problems stated by the researchers (Brady, 2014; Carroll & Gorawantschy, 2017; Harlon & Herbert, 2019). Border security has been part of national security to protect the sovereignty, territorial integrity, and independence of a nation (Harlon & Herbert, 2019). National security policies currently include aspects of border security, but they are more concerned with non-traditional security threats (Harlon & Herbert, 2019). The issues of terrorism have been highly pointed out in the study of border security, along with illegal migration and refugee problems (Coyne, 2015; Grotenhuis, 2016; Harlon & Herbert, 2019).

Similar to other border studies predominantly concerned with politics, the study of the Nepal-India border is highly engaged with state narratives. Despite being unique, the Nepal-India border is the least studied. Like all other border disputes, it can also be characterized by conflicts (Martin Chautari, 2018). The profound homogeneity and historical relationship between the two countries make this open border an exciting study site. The contemporary border dispute between Nepal and India has been a catalyst for increasing political discussions about the border (Bhattarai, 2021). Hausner and Sharma (2013) have written the book chapter from the vantage point of the individuals who cross the Nepal-India borders and experience the state's authority directly. They refer to the crossing of the open border as a ritual (Hausner & Sharma, 2013). The lives of the people at the Nepal-India borders are largely unknown. The migration of people from Nepal to India and vice versa for survival is a common everyday phenomenon at the borders (Goodhand et al., 2021). The border should be considered to include the variety of technology, sociocultural tools, and individuals that define and police it in addition to the physical line separating two states, in this example, India and Nepal (Shrestha, 2020).

Nevertheless, the open or porous characteristics of the Nepal-India borders pose internal and external security threats to both countries (Upreti, 2020). The borders have been unguarded for years with no initiatives to develop infrastructure for securing borders (Upreti, 2020). Both countries have deployed security forces along their borders to reduce threats, but coordination between them is either invisible or in writing (Kharel, 2021). The significant threats the security forces have identified because of the openness are drugs and human trafficking, small arms and artifact smuggling, the movement of terrorists and refugees, illegal trade and criminal activities, and the transaction of fake currencies (Baral & Pyakurel, 2016; Kansakar, 2002; Upreti, 2020). Regardless of the deployment of the

security forces, the challenges do not seem to decrease at all (Baral & Pakhurel, 2016). This is because there is a lack of a proper and accountable border management system. The concept of border governance has emerged as a solution to problems in the resurgent discipline of border studies.

Recently, the idea of governance has gained relevance among policymakers worldwide. Due to changing global conditions, a shift has been observed from "governments to governance" (Villanueva et al., 2020). With increasing cross-border issues around the globe, the borders have received attention and call for an accountable governing system (Villanueva et al., 2020). Border governance is different from border management, where cross-border governance cannot be taken as a political decision-making process but as a call for cross-border cooperation concerning functional interdependencies (Zumbusch & Scherer, 2015). It also encompasses the larger domain of policy and legislation coordination between the countries, strengthening their administrative, human, and infrastructural resources and capacities (Buckley et al., 2017). Moreover, it is an 'operational system' requiring huge commitments among the states for cooperation to respond effectively to significant border challenges (Buckley et al., 2017).

Thus, after reviewing a significant amount of literature, it can be concluded that border governance is an emerging concept in border studies that is gaining relevance in regions like Europe, Africa, and Latin America. Nevertheless, the South Asian borders remain immersed in conflicts, with no hope of governing the borders through cooperation. There is no doubt that there are challenges at the borders, and the Nepal-India border is not free from issues. However, the previous studies on Nepal-India borders have primarily concentrated on border conflicts and political discussions. Few researchers have provided the idea of human engagement at the borderlands, and hardly any have focused on the need for border governance in the Nepal-India open border system. Thus, realizing the research gap, the study attempted to introduce the essentiality of border governance at the Nepal-India open border.

Methodology and conceptual framework

The happenings on the borders, which present challenges to Nepal and India, to whom the study elucidates the need to govern with accountability, are problematic 'practices'. The study primarily focuses on these practices as the social realities constituted by human actions. As a result, the article followed the "practice turn" in International Relations (IR) to investigate the importance or urgency of border governance in Nepal-India open borders. The challenges at the border are taken as a practice that has endorsed and constructed meanings for the states. These practices have always been an integral part of the analysis in IR (Cornut, 2017). The practices add material dimension to the doings by focusing on the meaningfulness of the actions (Adler-Nissen & Poulliot, 2011). Illicit trade, smuggling, trafficking, and others are considered the practices that produce security and securitisation. Also, the study has not viewed the borders through the traditional lens of power and sovereignty but as porous structures facilitating border crossings.

Introducing the Idea of Border Governance for Nepal-India Open Border

As a qualitative study, the article based its argument on primary and secondary sources of data. The field visits by the researcher to three entry points at the Nepal-India open borders, namely Belahiya (Rupendehi), Pashupatinagar (Illam), and Gaddachauki (Kanchanpur), have provided primary experiential data for the study. The researcher has also collected information through unstructured interviews with a few officials of the Armed Police Force (APF), Nepal, and Sashastra Seema Bal (SSB), India, at the entry points to find out about the challenges of the open border system between the two countries. Also, the people (both Nepalese and Indians) of different professions who were crossing the Nepal-India borders were interviewed by the researcher. The secondary data were procured from government reports, reliable academic journals and books, and research institutions. The article also relied on online platforms for information on challenges at the Nepal-India border. The data was systematically analyzed by separating them into different themes. The article adhered to the inductive approach, empirically analyzing the challenges at the borders and relating them to the urgency of border governance. The study has based the recommended border governance strategies on border governance principles. The facts and information were clarified and updated by linking two or more ideas or themes, adding further data to the text, or ignoring and omitting some ideas after realizing their redundancy.

The Emerging Idea of Border Governance

There has been an increase in cultural globalization and economic interdependence, along with the formation of communication networks that have resulted in the formation of a global community (McLinden et al., 2011). However, the utopian idea of the decline of the Westphalia system and a borderless world has been invaded by the threat of transnational organized crime and terrorism (Leresche & Saez, 2002). Technological advancement in contemporary times has made it possible for unwanted intruders to leap into a state through cyberspace (Terlouw, 2012). Problems at and across borders have prompted calls for democratic oversight of border management. The issue of accountability in border management has been prioritized.

The idea of border governance among the regions has evolved with increased challenges and threats. "Border governance" simply means the collaborative administration of borders (Caparini & Marin, 2006). The precise meaning of this concept varies according to the national and regional context (McLinden et al., 2011). Usually, it involves not a unilateral but a collaborative approach by the concerned bordering states. It concerns rules, techniques, and procedures regulating activities across defined borders (Leibenath et al., 2008). Border governance includes comprehensive legislative and bureaucratic aspects in addition to security personnel involvement (Leresche & Saez, 2002). The assumption that focuses on border security management is dubious. Border governance incorporates the features of national security policies, criminal law, international obligations, communications and logistics, risk calculation, traffic management, and monitoring (Caparini & Marinin, 2006).

Moreover, the idea of border governance incorporates legal and empirical considerations. It

integrates political and professional consensus among the bordering states (McLinden et al., 2011). A joint legislative and policy approach among the bordering countries is required (McLinden et al., 2011). Nevertheless, border governance calls among the nations for a more comprehensive balance between 'political imperatives, social realities, and functional legacies' (Leibenath et al., 2008, p. 15). It is also about developing the required infrastructure at the borders and a relatively tolerant system for the movement of people, merchandise, and resources (Leresche & Saez, 2002). It is imperative to note that the concept of border governance should not be military in structure or philosophy (McLinden et al., 2011). Although violent border conflicts characterise some areas of the world, border governance is not a militarily-oriented system (Leibenath et al., 2008). Empirically and theoretically, border governance is impacted by political developments, but the sociocultural and socioeconomic aspects play a considerable role (Leresche & Saez, 2002). Border governance has begun in response to the growing technological and cyber security threats, including the integration of information technology among countries (Terlouw, 2012). The European Union (EU) has been a pioneer in collaboratively setting an example for countering cyber security challenges (Terlouw, 2012).

Hence, border governance is a cooperative approach to a pacific, secure, affluent, and integrated border, enabling practical peace, security, stability, and economic and social development among the bordering nation-states. It is about constructing a shared and inclusive border governance strategy that supports the achievement of enhanced cooperation between the countries. It focuses on integrating various aspects of the border for sustainable peace and cooperation among the states. Border governance comprises the international community, regions, states, security personnel, bureaucracy, and people (McLinden et al., 2011). Border governance is about the coordination, coherence, and orientation of border policies at different scales for broader cooperation and integration. This concept sees borders as a point of interaction and connection rather than a line of separation, control, or protection. In large part, recognizing the interdependence among the border communities, it focuses on integration and prosperity.

Essentiality of Border Governance: How Open is the Nepal-India Open Border?

The openness at the Nepal-India border has brought many opportunities, not only for the border communities but for the countries at large (Baral & Pykhurel, 2016; Kansakar, 2002). The prospects of an open border between the two states are significant. The economic, commercial, social, and cultural aspects have immensely benefited. However, the "openness" of the Nepal-India border also has repercussions. The increasing mobility of people, goods, capital, and technological advancement has increased challenges for Nepal and India (Upreti, 2020). Drug and human trafficking, small arms proliferation, criminal activities, illegal migration, refugees, and informal trade are among the common problems (Upreti, 2020). Also, the terrorists find safe passage to Nepal through India, and the criminals have found hiding places on the other side of the borders (Kumar et al., 2013). Thus, it is essential to answer the question, "How open is the Nepal-India open border?" The question seeks answers about how much the openness at the borders has let the problems

enter both countries. Relatively, Nepal has been a victim of the challenge of open borders.

Nepal is considered one of the hubs for drug trafficking (Hannan, 2018). The information from the Narcotics Control Bureau (NCB), Nepal, points out that the number of drugs coming illegally into the country is increasing year over year (Nepal Police, 2014). Several foreigners have been arrested by Nepal Police for drug smuggling (Nepal Police, 2014). Drug smuggling through air transport is done but is difficult due to several security checks in different countries along the routes (Baral & Pyakurel, 2016). So, from where do all those drugs come to Nepal? In the recent investigation by the Ministry of Home Affairs, the Government of Nepal led by Joint Secretary Bhisma Kumar Bhusal has concluded that Nepal-India cross-border drug trafficking is a common occurrence (Dhungana, 2022). The report also concludes that this happens because of a lack of coordination between the concerned authorities (Dhungana, 2022). The cases of the Armed Police Force (APF), Nepal and Sashastra Seema Bal (SSB), India seizing drugs at the borders are frequent. The APF and SSB have increased vigilance and are persistent in controlling drug smuggling through the open border, but have not been effective due to the openness. Every year, millions of dollars in drugs are seized (Upreti, 2020). However, there is no official data about drug trafficking through the Nepal-India open border, and the unknown trafficking of drugs is significantly higher. The youths in both countries, particularly in the southern plains of Nepal, Uttar Pradesh (UP) and Bihar in India, have been the victims of drug smuggling (Upreti, 2020).

Similarly, human trafficking is a serious problem along the open Nepal-India border (Kunwar, 2018). Women and children from Nepal are primarily trafficked to India and other countries for exploitation (K.C., 2019). There are only estimates of how many women and children work at different establishments in India (Bhattarai, 2007). Human trafficking and drug smuggling are interrelated (Kunwar, 2018). The report by Trafficking in Persons 2020 cites that the traffickers use children to smuggle drugs across India-Nepal borders (Betteridge-Moes, 2020). The SSB report, "Human Trafficking: A Vision Document," (2014) estimates that 10,000 to 15,000 Nepalese women and girls are sold annually in India, and 7,000–10,000 girls of ages 9–16 are trafficked each month from Nepal to India (Sashastra Seema Bal [SSB], 2014). Furthermore, SSB's report, "Human Trafficking on the Indo-Nepal Border" (2018), suggests that the estimated number of women trafficked into India from Nepal has increased by 500% since 2013 (Chauhan, 2018). SSB has also mentioned that the number of girls and women trafficked from Nepal to India for sexual exploitation increased from 72 in 2012 to 607 in 2017 (Chauhan, 2018). They have been subjected to forced prostitution, domestic help, or exploitative labour (Kunwar, 2018). Males, though fewer in number, are victims of human trafficking as well as females. Table 1 depicts the total number of victims of human trafficking in Nepal, with Nepal Police identifying the greatest number of trafficking cases crossing the Nepal-India border.

Introducing the Idea of Border Governance for Nepal-India Open Border

Table 1

Total number of human trafficking victims in Nepal

F/Y	Cases Registered	Victims	
		Male	Female
2075/76 BS	258	71	316
2076/77 BS	136	14	119
2077/78 BS	134	4	183
Total	528	89	618

Note. Adapted from https://old.nepalpolice.gov.np/index.php/anti-human-trafficking-bureau-1?start=6. Copyright 2022 by Nepal Police.

Moreover, the proliferation of small arms through the Nepal-India open border is a huge security challenge (Upreti, 2020). As in any post-conflict society, the small arms circulation in Nepal was significant (Paudel, 2014). Several reports by Nepal Police, APF and SSB point out that the trafficking of small and light weapons through the open border has increased cross-border criminality (Bogati, 2019). Many criminal activities, along with the confiscation of small arms by police in different places in Nepal, have raised questions about how and from where these weapons get into the country. Assessments by government and non-government organizations point out that most firearms get smuggled across open borders. These are done by individuals or loosely organized groups (Paudel, 2014). The criminals prefer to rent small arms rather than own them, as it reduces their chances of getting arrested (Paudel, 2014). The bordering Indian states of Uttar Pradesh and Bihar are the hubs for counterfeiting and crafting small arms (Hindustan Times, 2018). The small arms trade also contributes a small percentage to the illegal trade through the open border. Table 2 shows the number of individuals arrested by the Nepal Police with illegal weapons:

Table 2

Number of people arrested for smuggling arms by Nepal Police

F/Y	2017/18	2018/2019	2019/2020	2020/2021
No. of People Arrested	377	361	360	426

Note. Adapted from https://old.nepalpolice.gov.np/index.php/illegal-arms-1?start=6. Copyright 2022 by Nepal Police.

Introducing the Idea of Border Governance for Nepal-India Open Border

Among the data shown above, a high number of individuals were arrested with small arms in the southern districts of Nepal bordering India (Paudel, 2014). Every year, an average of 300 people gets arrested for smuggling arms into Nepal through the open border (Himalayan News Service, 2016). These are only official statistics; however, the informal trade in arms is significant in comparison. Although the security organizations from both countries have pledged to control this illicit trade in small arms, they have not been successful because of a lack of coordination and the legal constraints for prosecuting such individuals. As a result of the border's openness, a challenge of this magnitude occurs.

Furthermore, the flow of criminals and terrorists through open borders between Nepal and India has severely threatened the national security of both countries. In Nepal, there have been incidents in the previous years of small bombings by some violent political groups (US Department of State, 2019). The answer to the question of how much explosives arrive in Nepal is significant. The explosives have been transferred to the country because of the open border with Nepal and insufficient security at the international airport in Kathmandu. The Indian authorities accused the Madrasas in Nepal of carrying out anti-Indian terrorist activities and claiming to be supported by Pakistani intelligence groups at the 12th meeting of the Joint Working Group (JWG) on Nepal-India Joint Secretary Level border management in 2022 (Karki, 2022). India alleges that many Pakistani and Afghani terrorists reside in Nepal, but Nepal has denied such accusations. However, the previous incidents of wanted terrorists like Abdul Karim Tunda (Lashkar-e-Taiba) and Yasin Bhatkal (Indian Mujahedeen) being arrested on the Indo-Nepal border show the movement of terrorists (Kumar et al., 2013). Although the countries realise this grave threat to national security, they have not been able to control these activities.

Likewise, the flow of refugees to Nepal through India and vice-versa is a severe challenge. Although the history of migration or the movement of people through this open Nepal-India border is a common phenomenon, the flow of refugees poses different threats. The flow of Bhutanese refugees to Nepal through India in the 1990s has shown the vulnerabilities of this open border for Nepal (United Nations High Commission for Refugees [UNHCR], 2020). More than 120,000 Bhutanese refugees travelled to Nepal (UNHCR, 2020). Among them, 113,500 refugees have been resettled in a third country, but 6,365 individuals are still living in Nepal (Giri, 2022). The flow of Bhutanese refugees threatened human security in the country.

Similarly, the Rohingya refugees have infiltrated Nepal from Myanmar to Nepal via Bangladesh and India (Sanjeewani, 2019). There are around 300 Rohingya refugees in Kathmandu, estimated to be around 600 to 3000 (Sanjeewani, 2019). The Rohingya refugees are involved in illegal activities, according to the Nepal Police (Sanjeewani, 2019). So, through which channel do these refugees travel to Nepal? The answer is the open border between Nepal and India.

Similarly, for India, the counterfeiting of Indian currency (IC) along the open borders of Nepal and India is another severe challenge (Baral & Pyakurel, 2016). The Nepalese and

Indian authorities are both concerned about using fake Indian currency notes at the borderlands (Baral & Pyakurel, 2016). This primarily impacts the economic and security aspects of Nepal and India. Notably, a severe problem Nepal and India face because of their open characteristics is informal trade. Informal trade is a common phenomenon at the Nepal-India borders. The informal trade between Nepal and India takes place for several reasons. First, it takes place because of domestic policy distortions (Hannan, 2018). Second, the historical, economic, social, cultural, and ethnic ties also encourage informal trade (Baral & Pykurel, 2016). Third, higher transaction costs for formal trade induce informal trade through informal channels (Hannan, 2018). Fourth, the inadequate transit and transport infrastructure between the two causes informal trade (Hannan, 2018). The informal trade between Nepal and India is ten times more than the formal trade (Baral & Pyagurel, 2016). According to the Armed Police Force (APF), security personnel at transit points intercept between NPR 800,000 and NPR 1,000,000 worth of goods each year (Hannan, 2018). Lastly, the open borders themselves are the cause of this informal trade. The informally traded items between the countries are presented in Table 3.

Table 3

Informally traded commodities between Nepal and India

	India to Nepal	**Nepal to India**
Informally Traded Commodities	Petroleum, Drugs, Small Quantities of Food and Cloth Items, Gold, Electronic Devices, etc.	Electronic Devices, Footwear, Blankets, Livestock, Scrap, Betel Nut, etc.

Note. Adapted from "Geography of Informal Trade, Commodity Flows and Livelihood in Indo-Nepal Border" In A. Hannan, 2018, Business Management and Compliance, 1(2), p. 17. Copyright 2019 by A. Hannan.
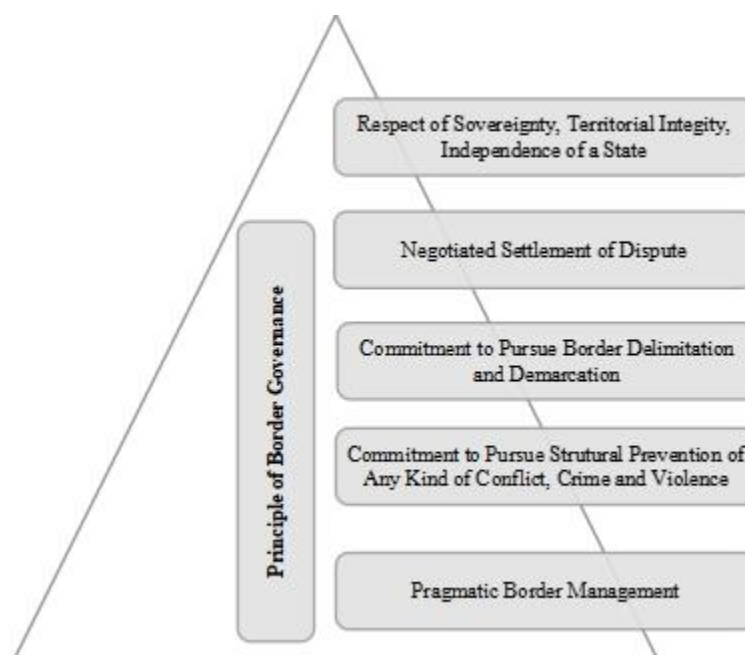
Introducing border governance for Nepal-India open border

Recognizing the difficulties of the open Nepal-India international border, it proposes the concept of border governance. Both countries are aware of the disputes at the borders and the threats concerning openness, but they have not been able to bring forward a cooperative approach to deal with them (Baral & Pyakurel, 2016; Shrestha, 2020). As discussed in the above section, border governance incorporates collaborative border administration with parallel legislation, enabling practical peace, security, stability, and economic and social development among the bordering nation-states. Thus, Nepal and India, as neighbours, need to gradually and practically implement the idea of border governance to counter the problems. There are specific principles regarding border governance that could lead to a more collaborative approach to borders.

Introducing the Idea of Border Governance for Nepal-India Open Border

Figure 1

Principles of border governance

Respect of Sovereignty, Territorial Integrity, Independence of a State

Negotiated Settlement of Dispute

Commitment to Pursue Border Delimitation and Demarcation

Commitment to Pursue Strutural Prevention of Any Kind of Conflict, Crime and Violence

Pragmatic Border Management

Principle of Border Governance

Source: (McLinden et al., 2011)

To resolve the border disputes between Nepal and India, and counter and reduce the challenges of human and drug trafficking, smuggling of small arms and gold, illegal migration and refugee flows, counterfeiting of Indian currencies, and informal trade, both countries should adhere to the principles shown in Figure 1. The bilateral relationship between the two countries, as well as the treaties that underpin it, are founded on mutual respect for the other's sovereignty, territorial integrity, and independence (Karki & KC, 2020). The same principle guides the foreign policy of both countries, and importantly, the idea of Panchasheel has always remained vital regarding the relationship between the two (Bhattarai, 2021). Similarly, there are border disputes between the two countries at several places, which frequently sour the relationship, and should follow the diplomatic path of negotiations (Bhattarai, 2021). Also, it has been a long time since there has been delimitation and demarcation of borders between Nepal and India (Shrestha, 2022). The incidents of encroachment on the borders often surface in the media, creating tensions among the people (Shrestha, 2022). The mechanisms created by joint consultations between both countries are stalemated for various reasons (Shrestha, 2022). Therefore, the two countries should focus on the demarcation and delimitation of borders through consensus and consultations.

Furthermore, the states should envisage policies for structural prevention of the crimes that are being committed across their borders. The governments, security mechanisms, civil society, the international community, and borderland communities should work together to

counter the criminal activities that are happening through the open borders of Nepal and India. A comprehensive plan with a parallel legislation process and joint actions can help Nepal and India deal with criminal threats. Likewise, pragmatic border management at the Nepal-India border is essential. Because of the homogeneity in the sociocultural and socioeconomic aspects of Nepal and India, pragmatic policies are required for their implications. This pragmatic border management should differentiate the border governance at the Nepal-India borders from the border control system. The open border is an everyday part of the border communities (Hausner & Sharma, 2013). Thus, a practical border management system is essential for the Nepal-India borderlands.

Furthermore, both countries require border governance strategies with particular objectives to implement this collaborative and accountable approach. Figure 2 portrays the pillars of border governance strategies along the Nepal-India open border.

Data presentation

A comprehensive border governance strategy is essential for Nepal and India. The strategy should have a political scope and include other domains along the borders and borderlands. The objectives of the five pillars of the border governance strategies for the Indo-Nepal open border are described below:

Development of Border Governance Capabilities

The insecurity at the borders is caused mainly by disputes over the territory and the existence of threats and crimes that transcend borders (Bhattarai, 2021). The open borders of Nepal and India are characterized by vacuums of law enforcement and the growth of criminal activities, which could cause more significant problems of a violent nature (Baral & Pyakurel, 2016). Thus, it is crucial in building the capabilities of all the stakeholders for comprehensive border governance. The principles of subsidiarity and partnership can play an essential role in promoting capabilities at national and local levels (Cheema et al., 2011). This includes joint training of security personnel and information exchange (Marenin, 2010). Decision-makers, border practitioners, and border populations should all improve their capabilities (Marenin, 2010). To develop border capabilities, timely, inclusive research is also required.

Mobility, migration and trade facilitation

Recognizing the interdependency and interconnectedness between the two countries, mobility, migration, and trade should be practically facilitated. This could also increase the formal trade between Nepal and India and decrease the smuggling and trafficking of goods and money. The Nepal-India border should not be considered a barrier; it always has been a bridge. Thus, legal mobility and migration should be facilitated. Political, legislative, and institutional arrangements and programs in various sectors should be made between Nepal and India to facilitate the free and legal movement of goods, capital, and people. The informal trade should be regularized by reducing transaction costs for small-scale traders by

establishing simplified trade regimes at the borders. Nepal and India should work on formulating a migration policy framework and protocol to facilitate legal migration and cross-border mobility.

Cooperative border management

The Nepal-India open border lacks coherence, harmonization, and an institutional and legal framework that demonstrates a low level of accountability (Kharel, 2021). This has compromised national security and sovereignty, revenue collection, and economic growth (K.C., 2019). This can be done through joint arrangements between countries. This can be accomplished through intra-service cooperation by defining the responsibilities of all agencies concerned with border management and security (Kramsch, 2002). The cooperation between intra-services can be successful by incorporating the private sector and border communities (Kramsch, 2002).

Amicable conflict resolution

The open borders of Nepal and India are characterized by disputes and conflicts. The countries need to settle their disputes diplomatically and amicably. To resolve the dispute between Nepal and India through diplomacy, both countries should keep aside geopolitical implications and look forward to a peaceful and amicable neighbourhood. Nepal and India should delimitate, demarcate, and reaffirm their boundaries (Shrestha, 2022). Additionally, border security should be improved, and community involvement in the borderlands should be increased.

Borderland development and community engagement

In many parts of the border areas, they have received less political and economic attention from the government (Hausner & Sharma, 2013). It has compromised the human security domain of borders. The border communities are still marginalized. Thus, the governments should strengthen governance in the border areas through political decentralization (Kunwar, 2018). The socioeconomic development of various sectors, including transportation, communications, trade, health, education, environmental protection, and others, should be promoted. In this process, the borderland communities play an essential role; thus, they should also be engaged to ensure sustainability (Cheema et al., 2011).

Hence, the five pillars mentioned above could help develop a strategy for border governance along the Nepal-India border. These strategies could resolve the disputes between the states, counter threats and insecurities, and create sustainable good governance at the borders. However, the present scenario of political impasse to discuss border management because of increasing conflict, growing nationalism and inwardness, and power politics has put forward challenges for the strategies to get accomplished. Nonetheless, Nepal and India's positive, collaborative, and cooperative attitude toward resolving border issues through border governance can accelerate more significant integration in South Asia as a region.

Figure 2

Border governance strategy for Nepal-India open border

Conclusion

The process of globalization has induced the transnational flow of people, goods, and capital (Caparini & Marenin, 2006). However, attention has been focused on the repercussions that this flow has prompted (Cheema et al., 2011). Along with growing attention to the borderless world, the states have been focused on the challenges it has brought. The illegal migration and refugee flow, smuggling of drugs, animals, and artifacts, human trafficking, arms proliferation, informal trade, and others have caused repercussions in many states (Caparini & Marinin, 2006; Kramsch, 2002). Thus, there has been a call for accountable management of the borders without hindering the process of globalization. So, to reap the benefits of globalization and control the challenges, the idea of border governance has been put forward. It incorporates the idea of both border security and the legal flow of people, goods, and money (Marenin, 2010). The concept is an emerging topic. Its emergence is in response to the threats posed by the process of globalization. This is not a border control system using security forces (Caparini & Marin, 2006). It is a collaborative and cooperative method used by neighboring countries for integrated and enhanced trade, legal migration, and mobility (Leibenath et al., 2008). It is a secure and peaceful method of promoting stability and development in the bordering areas.

One of the unique borders in the world is the Nepal-India open border. It can be characterized by border disputes, interconnectedness, and interdependence (Bhattarai, 2021). With the flow of people, goods, and capital, there is an infiltration of threats and

insecurities (Upreti, 2020). Drug and gold smuggling, small arms proliferation, human trafficking, informal trade, illegal migrations and refugees, criminal and terrorist flow, and counterfeiting currencies are the common threats caused by the openness of the Nepal-India international borders (K.C., 2019). As a result, the study advocated for the implementation of border governance in the Nepal-India open borders. Accordingly, the study has provided five principles for overriding border governance: respect for the state's sovereignty, territorial integrity, and independence; negotiated settlement of disputes; commitment to pursue border delimitation and demarcation; commitment to pursue structural prevention of any conflict, crime, or violence; and pragmatic border management.

Similarly, the study outlined border governance strategies along Nepal's open border with India. The strategies included developing governance capabilities; mobility, migration, and trade facilitation; cooperative border management; amicable conflict resolution; and borderland development and community engagement. Overall, the study emphasizes the importance of border governance along Nepal-India's open borders.

Nevertheless, the study is limited to the researcher's field visit to three entry points at the Nepal-India open border and the excess of literature available. In the interview process, understanding the transnational challenges at the open border was subject to change with people of different nationalities and professions. The research has relied chiefly on the transferability of information and the synthesis of literary works through the sparse literary productions of scholars and specialists. However, the study has provided a foundation for discussions on the alternative approaches to mitigating the transnational challenges in the Nepal-India open border system by introducing the idea of border governance.

References

Adler-Nissen, R., & Pouliot, V. (2014). Symbolic power in European diplomacy: The struggle between national foreign services and the EU's external action service. *Review of International Studies, 40*(4), pp.657–681. https://doi.org/10.1017/S0260210513000326

Albert, M., Jacobson, D., & Lapid, Y. (Eds.). (2001). Identities, borders, orders: Rethinking international relations theory. The University of Minnesota Press.

Anne-Laure, & Szary, A. (2015). Boundaries and borders: Handbook of political geography. Wiley-Blackwell Publication.

Baral, L.R., & Pyakurel, U.P. (2016). *Nepal-India open borders: Problems and prospects*. Vij Books India Pvt. Ltd.

Betteridge-Moes, M. (2020, November 26). *Human trafficking persists during Covid at Indo-Nepal border*. SOAS, University of London: https://study.soas.ac.uk/indo-nepal-border-human-trafficking-persists-amid-pandemic/

Introducing the Idea of Border Governance for Nepal-India Open Border

Bhattarai, G. (2021). Does China have a role in the Nepal-India border problems? A Study of Nepal's new map against India's mansarovar route. *Pakistan Horizon, 74*(2-3), pp.61-80. https://pakistan-horizon.piia.org.pk/index.php/pakistan-horizon/article/view/148

Bhattarai, R. (2007, August 30-31). *Open borders, closed citizenships: Nepali labour migrants in Delhi* [Conference Session]. International Migration, Multi-Local Livelihoods and Human Security: Perspectives from Europe, Asia, and Africa, Netherlands. https://lib.icimod.org/record/12980

Bogati, S. (2018). Challenges in controlling proliferation of small arms in Nepal. *Journal of APF Command and Staff College*, *1*(1), pp. 44–49. https://doi.org/10.3126/japfcsc.v1i1.26722

Brady, M. (2014). Border. In B. Burgett & G. Hendler (Eds.), Keywords for American-cultural Studies, pp. 47-68. New York University Press.

Brambilla, C. (2015). Exploring the critical potential of the borderscapes concept. *Geopolitics, 20*(1), 14-34. https://doi.org/10.1080/14650045.2014.884561

Buckley, P.H., Belec, J., & Anderson, A.D. (2017). Modelling cross-border regions, place-making, and resource management: A Delphi analysis. *Resources, 6*(3), 32. https://doi.org/10.3390/resources6030032

Caparini, M., & Marenin, O. (2006). Borders and security governance: Managing borders in a globalised world. Geneva Centre for Security Sector Governance. https://gsdrc.org/document-library/borders-and-security-governance-managing-borders-in-a-globalised-world/

Carrol, J., & Gorawantschy, B. (2017). *2nd Australia-Europe counter-terrorism dialogue.* The Australia Strategic Policy Institute Limited. https://ad-aspi.s3.ap-southeast-2.amazonaws.com/import/SR104_ASPI_KAS.pdf?VersionId=Jl7mZVoPV0SAHtrNtXKoyL_BA9XkZjQr

Casas-Cortes, M., Cobarrubias, S., & Pickles, J. (2016). "Good neighbours make good fences": seahorse operations, Border externalisation and extra-territoriality. *European Urban and Regional Studies, 23*(3), pp.231-251. https://doi.org/10.1177/0969776414541

Chauhan, N. (2018, March 31). *Human trafficking on the Rise at Indo-Nepal Border, 500% more girls brought in last 5 years*. India Times. https://www.indiatimes.com/news/india/human-trafficking-on-the-rise-at-indo-nepal-border-500-more-girls-brought-in-last-5-years-342531.html

Cheema, G. S., McNally, C. A., & Popovski, V. (Eds.). (2011). *Cross-border governance in Asia: Regional issues and mechanisms.* UN University Press.

Cornut, J. (2017). The Practice Turn in International Relations Theory. *International Studies, 16*(1), 50-66. https://doi.org/10.1093/acrefore/9780190846626.013.113

Coyne, J. (2015). S*ecuring the Australian Frontier: An Agenda for Border Security Policy*. Australian Strategic Policy Institute. https://www.files.ethz.ch/isn/194857/SR83_ ASPI_Border_security_agenda.pdf

Dhungana, N. (2022, November 10). *Home Ministry: India-Nepal cross-border smuggling rife in cahoots with bureaucrats, politicians*. Online Khabar. https://english.onlinekhabar. com/cross-border-smuggling-cahoots.html

Giri, A. (2022, March 6). *Government decides to allow Bhutanese refugees to do business*. The Kathmandu Post: https://kathmandupost.com/national/2022/03/06/government-decides-to-allow-bhutanese-refugees-to-do-business

Goodhand, J., Walton, O., Rai, J., & Karn, S. (2021). Marginal gains: Borderland dynamics, political settlements, and shifting centre-periphery relations in Post-War Nepal. *Contemporary South Asia, 29*(3), pp.311-329. https://doi.org/10.1080/09584935. 2021.1937060

Grotenhuis, R. (2016). Nation-building as necessary effort in fragile states. Amsterdam University Press. https://library.oapen.org/handle/20.500.12657/32038.

Hannan, A. (2018). Geography of informal trade, commodity flows and livelihoods in Indo-Nepal border. *Business Management & Compliance,1*(2), 7-29. https://osderpublications. com/uploads/1568726955.pdf

Harlon, Q., & Herbert, M. (2019). Border security challenges in grand maghreb. Centre for Security Studies. https://www.files.ethz.ch/isn/191018/PW109-Border-Security-Challengesin-the-Grand-Maghreb.pdf

Hausner, S. L., & Sharma, J. R. (2013). On the way to India: Nepali rituals of border crossing. In D. N. Gellner (Ed.), *Borderland lives in northern South Asia: Non-State Perspective* (pp. 94-116). Duke University Press. https://doi.org/10.1215/9780822377306-005

Himalayan News Service. (2016, May 1). *Small arms posing grave threat to security*. The Himalayan Times. https://thehimalayantimes.com/kathmandu/small-arms-posing-grave-threat-security

Hindustan Times. (2018, November 13). *From small arms to AK-47s, this Munger village is India's 'biggest illegal firearms hub'*. Hindustan Times. https://www.hindustantimes.com/india-news/this-bihar-village-deals-in-death/story-wUfiBZExcLJr3zvKS9SLBO.html

K.C., D.K. (2019). Cross-border crime and its security concerns in Nepal. *Journal of APF Command and Staff College, 2*(1), pp. 21-31. https://doi.org/10.3126/japfcsc.v2i1.26729

Kansakar, V.B.S. (2002). *Nepal-India open border: Prospects, problems and challenges*. Institute of Foreign Affairs.

Karki, K. K., & KC, H. (2020). Nepal-India relations: Beyond realist and liberal theoretical prisms. *Journal of International Affairs, 3*(1), pp.84-102. https://doi.org/10.3126/ joia.v3i1.29085

Karki, T. (2022, June 20). Terrorists are hiding in Madrasas in Nepal: India. MyRepublica. https://myrepublica.nagariknetwork.com/news/terrorists-are-hiding-in-madrasas-in-nepal-india/

Kharel, P. (2021). Pandemic reopens contentious issues in Nepal-India Ties. Observer Research Foundation. https://www.orfonline.org/wp-content/uploads/2021/01/ ORF_Issue Brief_434_Nepal-India.pdf

Kramsch, O.T. (2002). Reimagining the scalar topologies of cross-border governance: Eu(ro)regions in the post-colonial present. *Space and Polity, 6*(2), pp. 169-196. https://doi.org/10.1080/1356257022000003617

Kumar, T., Bhatnagar, A., Moorthy, N. S., Bhattacharjee, J., Bhonsale, M., Misra, S., & Shah, A. (2013, September 06). Nepal: Terrorist arrests and cooperation with India. Observer Research Foundation. https://www.orfonline.org/research/nepal-terrorist-arrests-and-cooperation-with-india/

Kunwar, L. S. (2018). Cross-border migration process of Nepalese people to India *Nepal Population Journal, 18*(17), 81-90. https://doi.org/10.3126/npj.v18i17.26380

Leibenath, M., Korcelli-Olejniczak, E., & Knippschild, R. (eds.). (2008). *Cross-border governance and sustainable spatial development: Mind the gaps. https://link.springer.com/book/10.1007/978-3-540-79244-4.*

Leresche, J. P., & Saez, G. (2002). Political frontier regimes: towards cross-border governance? In M. Perkmann& N-L. Sum (Eds.), *Globalisation, Regionalisation and Cross-Border Regions*, pp. 77-99. Palgrave Macmillan.

Longo, M. (2018). The Politics of borders: Sovereignty, security, and the citizen after 9/11. Cambridge University Press.

Marenin, O. (2010). Challenges for integrated border management in the European Union. Geneva Centre for Security Sector Governance. https://www.dcaf.ch/sites/default/files/ publications/documents/OP17_Marenin.pdf

Martin Chautari. (2018). *Borderlands brokers: War to peace.* Martin Chautari.

McLinden, G., Fanta, E., Widdowson, D., & Doyle, T. (Eds.). (2011). Border management modernization. The World Bank.

Nepal Police. (2014). Narcotics Control Bureau Magazine. Ministry of Home Affairs, Government of Nepal. https://old-ncb.nepalpolice.gov.np/images/images/highlights/NCB-Magazine-2073-Cover.pdf

Nepal Police. (2022). *Anti-Human trafficking bureau- statistical data.* https://old.nepalpolice.gov.np/index.php/anti-human-trafficking-bureau-1?start=6

Nepal Police. (2022). *Number of cases of illegal arms- statistical data.* https://old.nepalpolice.gov.np/index.php/illegal-arms-1?start=6

Paasi, A. (1999). Boundaries as social practice and discourse: The Finnish–Russian border. *Regional Studies, 33*(7), pp. 669-680. https://doi.org/10.1080/00343409950078701

Paudel, L. (2014). *The Highway routes: Small arms smuggling in eastern Nepal.* Small Arms Survey. https://www.smallarmssurvey.org/resource/highway-routes-small-arms-smuggling-eastern-nepal-nava-issue-brief-4

Sashastra Seema Bal. (2014). Human trafficking: A vision document. Ministry of Home Affairs, Government of India. https://ssb.gov.in/WriteReadData/LINKS/Final%20 Vision%20Docs8740ab3e-2462-42ea-9a64-adf9cedca5e8.pdf

Sanjeewani, DGN (2019). Rohingya refugees in Nepal: Going beyond the discourse on integration. General Sir John Kotelawala Defence University, Sri Lanka. http://ir.kdu.ac.lk/handle/345/2069

Scott, J. W. (Ed.). (2020). A research agenda for border studies. Edward Elgar Publishing. https://doi.org/10.4337/9781788972741

Shrestha, B. (2020). The Nepal-India border and borderland communities under COVID-19. *Borders in Globalization Review, 2*(1), pp. 90-93. https://doi.org/10.18357/bigr 21202019963

Shrestha, B. N. (2022). International boundaries of Nepal. Nirala Publication.

Terlouw, K. (2012). Border surfers and Euroregions: Unplanned cross-border behaviour and planned territorial structures of cross-border governance. *Planning Practice and Research, 27*(3), pp.351-366. https://doi.org/10.1080/02697459.2012.670939

United Nations High Commission for Refugees. (2020). *Nepal.* https://reporting.unhcr.org/ sites/default/files/UNHCR%20Nepal%20fact%20sheet%20November%202020_0.pdf

Upreti, Y. (2021). Issues in border security of Nepal. *Journal of APF Command and Staff College*, *4*(1), pp.152-160. https://doi.org/10.3126/japfcsc.v4i1.34145

US Department of States. (2019). Country reports on terrorism *2019: Nepal.* https://www.state.gov/reports/country-reports-on-terrorism-2019/nepal/

vanToum, H., & van Naerssen, T. (2002). Bordering, ordering and othering. *Journal of Economic and Human Geography*, *93*(2), pp.125-136. https://doi.org/10.1111/1467-9663.00189.

Villanueva, J.L.W. & Kidokoro, T., & Seta, F. (2020). Cross-border integration, cooperation and governance: A systems approach for evaluating good governance in cross-border Regions. *Journal of Borderlands*, *37*(5), 1047-1070. https://doi.org/10.1080/08865655.2020.1855227

Zumbusch, K. & Scherer, R. (2015). Cross-border governance: Balancing formalized and less formalized co-operations. *Social Sciences, 4*(3), pp.499-519. https://ideas.repec.org/a/gam/jscscx/v4y2015i3p499-519d52946.html