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Transit Relations between Nepal and India

Dr. Dirgha Man Gurung,
 Associate Professor, Department of History,
 T. U., Prithvi Narayan Campus, Pokhara, Nepal
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Abstract

Nepal is a landlocked between India and China. Therefore, Nepal depends on India and China for transit. Needless to say, Chinese ports are farther away and highways also are not appropriate for daily transportation. Therefore, Nepal depends on India in terms of transit. In these circumstances, India has been providing transit facility to Nepal. Calcutta port is the main transit point for Nepal to import and export goods with the other countries in of the world. Therefore, Nepal has friendly relations with India and it does not allow any activities that could be a threat to the peace and security of India. At the same time, Nepal does not expect border closure (embargo) when we have minor issues in Nepal India relations. It is wise to settle disputes between two countries through dialogue.

Keywords: transit, treaty, landlocked, renew, impasse, depend

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Scene Setting

Nepal is a small country that lies to the south of Himalayas and to the north of India. It has the area of 147,181 sq. Kilometres. It has 885 kilometres of east to west average length and 93 kilometres of north to south average breadth. (Ministry of communication, 2031:325). In terms of area Nepal falls 90th in the world and it covers the area of 0.03 of the world. India is 22 times and China is 75 times bigger than Nepal (Bajracharya, ND: 4). Terai, Hills, and Himalayas cover the area of 17 %, 68%, 15% respectively of the whole area of Nepal. Nepal is bordered by China from the north and at the same time, the huge Himalayan area lies to the north. Similarly, Indian states border Nepal from the east, west, and south. That is to say, the Indian states of Sikkim, West Bengal, Uttar Pradesh, and Bihar border Nepal from the east, west and south.

There is 1700 kilometres open border between India and Nepal (Rajbahak, 1992:3). People of both countries can easily cross the border because there is open border mostly in the plain areas and there is no requirement of passport. Contrary to this, there are tall mountains, hills, narrow passes, and rivers towards China that make people's movement troublesome. Moreover, we have the provision of passport to enter China.

Since Nepal is a landlocked country we have a very special relationship with Tibet-China and India traditionally. So to speak, the geography of Nepal has directly influenced our foreign relations. In fact, the geography of any country plays vital role shaping the foreign policy of particular country. Due to complex geography with China and easy access to India, we have more friendly relations with the bordering states of India. The people of Nepal in the Terai area have social, religious, cultural, and economic relations with the people of bordering states of India. They don't have such relations with the people of China. In a similar fashion, hill states of Nepal have special relations with China alone. They have economic, social, cultural, and religious relations with the People of China. So to speak, they don't have any direct relations with India. Though, we have special relations with China and India due to geographical proximity, modern means of communication have allowed us to establish friendly relations with any countries in the world.

It is already stated that due to geography, we have special relations with India in comparison to China. Though we have equally friendly relations with China, due to geography we are not able to utilize the transit facilities from China. Therefore, India is the only country to provide us transit facilities in practice. Since Indian ports are much nearer and there is plain area to reach there transportation facilities are more reliable and cheaper with India. In fact, India is the only country to provide us transit facilities.

Background of the study

Nepal has different type of geography in comparison to the geography of other countries. Other landlocked countries have many neighboring countries with their own ports. Austria, Czechoslovakia, Hungary, Afghanistan, and Luxembourg have many neighboring countries with ports (Dash, 1986:86). For example, Afghanistan has four neighboring countries with ports. They are China, Iran, Pakistan and Russia. Even if one neighboring country cuts off transit facilities due to any disputes, it does not make any difference as the other countries are there to provide it transit facilities. But our case is different because if India obstructs transit facilities, Nepal can't get such facilities from other countries as India is the only country to provide us transit facilities. Since India obstructs the transit facilities time and again Nepal has to face several problems at home.

Objectives of the study

Though Nepal lies in between two giant countries India and China, India alone has been providing the transit facilities to Nepal. We had transit treaties between India and Nepal several

times in the history. The main objective of this study is to enlighten people about the transit facilities provided by India to Nepal.

Importance of the Study

Transit facility is extremely important for a landlocked country. According to the international law, there is a provision that neighboring country should provide transit facilities to the landlocked country. But over disputes the neighboring countries often obstruct transit facilities to the landlocked country. Due to such practices of neighboring countries, the landlocked countries have to face several problems.

Delimitation of the Study

Through different treaties between India and Nepal, India has been providing transit facilities to Nepal for exporting and importing goods. For this purpose India has been providing both Indian land and ports to Nepal. This research article will limit the studies of transit facilities provided by India to Nepal until 1999.

Research Methodology

This study includes both primary and secondary sources as per the requirement. The transit treaties between India and Nepal are the main primary sources whereas secondary sources comprise of books and articles based on India Nepal transit relations. The write up has been presented in an analytical style.

Introduction

The geography of the world is very much unique. It is made up of water, desert, mountains, and hills. Some countries have both land and water routes whereas others have only land routes to reach the outside worlds. Those countries, which have only land routes are called the landlocked countries. The landlocked countries for the purpose of export and import require the ocean routes of other countries. Therefore, landlocked countries depend on their neighboring countries for transit. The provision that the neighboring countries with ports provide transportation facilities to import and export goods to the landlocked countries is called transit. Therefore, this provision allows the landlocked country to get connected to the sea without any obstruction.

There are many landlocked countries in the world; that is to say one-fifth of the whole world is landlocked countries (Glasnar, 1970:2). Nepal, Bhutan, Laos, Afghanistan, Mongolia, Hungary, Austria, Luxembourg, Czechoslovakia, Andorra, Switzerland, San merino, Liechtenstein, Vatican City, Armenia, Belarus, Kazakhstan, Macedonia, Moldova, Serbia, Chad, Mali, Niger, Rwanda, Swaziland, Uganda, Ethiopia, South Sudan, Botswana, Malawi, Zambia,

Zimbabwe, Paraguay, Bolivia etc. are landlocked countries (Pradhan, 1990:19). These landlocked countries always depend on the neighboring countries for transit facilities.

Transit Situation of Nepal

Since Nepal is a landlocked country between India and China, in terms of transit, it depends on these two countries. Gongjiang and Shanghai ports in China are 4400 kilometers and 4800 kilometers away from Kathmandu respectively (Beth, 1988:50). Despite the fact that Kodari Highway connects Kathmandu and Khasa, heavy cargo trucks can't ply along this route. Therefore, heavy Chinese cargo trucks also arrive Nepal via Calcutta port. Calcutta port is 890 kilometers away from Kathmandu and 710 kilometers away from the nearest Nepali border (Shrestha, 1974:135). The distance between their border and the ocean of many other landlocked countries is much shorter. The distance between Mbabane, the capital city of Swaziland, and the ocean is only 220 kilometers (Panta, 1974:144). Whatever may be the distance, Nepal has been using the Calcutta port for transit. To export and import goods with any third countries, Nepal has been using the Calcutta port for transit. The railway distance between Calcutta to Raxaul and Calcutta to Biratnagar is 717 kilometres and 771 kilometres respectively. Similarly, the road distance between Calcutta to Raxaul and Calcutta to Biratnagar is 872 kilometres and 575 kilometres respectively (Brethe, 1988:38). Apart from India and China, Bangladesh is the third neighboring country of Nepal. The nearest land of Bangladesh is only 21 kilometres away from Nepal (Chaturbhedi, 1990:12). Even if Bangladesh provides transit facilities to Nepal, we need to take permission of India for transportation purpose. Owing to such type of geography, Nepal has to solely depend on India for transit.

Transit Treaties between Nepal and India

Nepal had trade relations with India since the ancient age. At that time Indian goods would reach China through Nepal and so was the case with Chinese goods, which would reach India through Nepal. Nepal would get benefits from this trade. After India became the colony of British Empire, East India Company wanted to expand its trade relations with China through Nepali land.

China helped Tibet during the Nepal Tibet China war between 1791-1792. Therefore, Nepal sought military assistance from Britain. But Britain wanted to have a treaty before providing such assistance; which Nepal accepted thinking that it would get assistance and two parties signed on the trade treaty on 1st March, 1792. Unexpectedly, Britain didn't provide any assistance as it didn't want to spoil the friendly relations with China-Tibet. This treaty never came into practice (Aachison, 1963:103).

Since Nepali authorities had negative perception about Great Britain their purpose was not fulfilled in the beginning. But their desire to promote trade activities via Nepal was fulfilled during the Rana regime. There took place the peace and friendly treaty between Nepal and Great Britain

on 21st December, 1923 during the reign of Prime Minister Chandra Shamsheer. There were 7 articles in this treaty and according to articles 5 and 6 Nepal could export and imports goods via Indian ports. This is the first treaty between Nepal and India that stated transit facilities. This treaty gave continuity to the transit relations between Nepal and India until the year 1950.

After India became independent, it attempted to improve friendly relations with the neighboring countries. India started to continue transit relations with Nepal with new strategies. Nepal and India signed on the peace and friendship treaty on 31st July, 1950. There are 10 articles in this trade and transit treaty. There is the provision of transit facilities in the articles 1,2,3, and 4. According to article 1, Nepal is allowed to export and import goods through Indian land and ports without any interruption. Article 2 states that cargo trucks ready for Nepal in Indian ports shall ply to Nepal with safety and without customs. Similarly, article 3 has the provision that Nepali products transported to another part of Nepal through Indian land are not imposed any type of tax. According to article 4, India shall allow to use Indian land and ports to transport Nepali products without any interruption.

This treaty has allowed Nepal transit facilities freely. But during transportation Indian government has arranged security management within Indian territory. Likewise, this treaty has allowed Nepal to trade goods with the other countries using transit facilities from India. Ever since India has provided transit facilities Nepal's export and import with the other countries have increased remarkably.

Since this treaty had the tenure of ten years only it expired in the year 1960 and, therefore, the government of Nepal and India signed on the new trade and transit treaty on 11 September 1960. This treaty comprises of 14 articles and articles 7,8,9,10, and 11 are about transit facilities. Article 7 states that goods intended for import into or export from the territories of either Contracting country from or to a third country shall be accorded freedom of transit through the territories of the other country. It further states no distinction shall be made which is based on the flag of vessels, the place of origin, departure, entry, exit, destination or ownership of goods. Article 8- Goods (including baggage) shall be deemed to be in transit across the territory of a Contracting Party when the passage across such territory, with or without transshipment, warehousing, breaking bulk or change in the mode of transport, is only a portion of a complete journey beginning and terminating beyond the frontier of the Contracting Party across whose territory the traffic passes. Traffic of this nature is termed "traffic in transit." Article 9- Traffic in transit shall be exempt from custom duty and from all transit duties or other charges imposed in respect of transit, except reasonable charges for transportation and such other charges as are commensurate with the costs of services rendered for the supervision of such transit. Article 10- The procedure to be followed for traffic in transit to or from third countries is laid down in the Protocol. Except in case of failure to comply with the procedure prescribed, such traffic in transit shall not be subjected to unnecessary delays or restrictions. Article 11-Traffic in transit through the territories of one Contracting country from one place to another in the territories of the other country shall be subject to such arrangements as may be mutually agreed upon.

The treaty has the provision of exempting the traffic in transit from customs duty and from all transit duties or other charges imposed in respect of transit. There is the further provision of getting the traffic in transit to their destination as soon as possible. It has expanded the space for goods in Calcutta port. There was growth of foreign trade of Nepal due to the provision of transit facility mentioned in the treaty. This treaty had the tenure of five years and therefore it was renewed in the year 1965 and remained in force until 1970.

After that there arose several issues between India and Nepal and therefore the treaty could not be renewed formally. Despite being landlocked country, Nepal always wanted to expand its trade in the world. With this objective the governments of Nepal and Pakistan signed on the transit treaty in the year 1963. The provision allowed Nepal to export and import goods so as to promote foreign trade using the area of ocean that belongs to Pakistan. It was very difficult to use the transit facilities provided by Pakistan practically because there lies Indian land Radhikapur between Nepal and Pakistan. As Nepal requested India to provide Radhikapur Highway for exporting and importing goods, India permitted Nepal to use that route. As a result Nepal started to expand its trade through this route. The Anglo-Pakistan war of 1965 obstructed the use of this route for Nepal. In a similar fashion, Pakistan also obstructed the transit facilities provided to India to transport Indian goods to Afghanistan via Pakistani land. As a response of this incident India also obstructed the Radhikapur route. In spite of the fact that Nepal requested India several times, India turned its deaf ear to open the Radhikapur route.

Having or not having business relations with another country depends on the interest of that particular country, but transit is the very much essential facility for any landlocked country. Therefore, Nepal wanted to have separate trade and transit treaties. Unlike this, India wanted to have a single trade and transit treaty arguing that trade and transit are highly interrelated to each other. Because of such divergent opinions and stands of India and Nepal, the renewal of trade and transit treaty could not take place. This resulted into the shortage of daily essentials like salt, petrol, diesel, kerosene, and food items in Nepal. India did not supply these requirements for eight months.

At this time, India was facing internal problems as it had some burning issues to settle related to both Pakistan and Bangladesh. At this point India decided to establish friendly relations with Nepal and the governments of both India and Nepal signed on the trade and transit treaty on 13 August, 1971. This treaty comprises of 19 articles and articles 8,9,10,11,12,13,14, and 15 are associated to transit facilities. Following are the provisions of these articles: Article-8 Both Nepal and India shall accord to provide transit freedom across their respective territories through routes mutually agreed upon. Article-9 The term traffic in transit means the passage of goods including unaccompanied baggage across the territory of a Contracting Party when the passage is a portion of a complete journey which begins or terminates within the territory of the other Contracting Party. The transshipment, warehousing, breaking bulk and change in the mode of transport of such goods as well as the assemble, disassemble or re-assemble of machinery and bulky goods shall not render the passage of goods outside the definition of traffic in transit provided any such operation

is undertaken solely for the convenience of transportation. Nothing in this article shall be construed as imposing an obligation either Contracting Party to establish or permit the establishment of permanent facilities on its territory for such assembly, disassembly or re-assembly. Article 10- Traffic in transit shall be exempted from customs duty and from all transit duties or other charges except reasonable charges for transportation and such other charges as are commensurate with the costs of services rendered in respect of such transit. Article-11 For convenience of traffic in transit, the Government of India agrees to provide a point or points of entry or exit, ware-houses or sheds for the storage of transit cargo awaiting customs clearance before onwards transmission. Article-12

The procedure to be followed for traffic in transit to or from third countries is laid down in the Protocol. Article-13 Passage of goods from one place to another in the territories of one country through the territory of the other country shall be subject to such arrangements as may be mutually agreed upon. Article-14 The freedom of transit shall apply to goods required by each Contracting Party and to goods available for export from the other Party, but shall not extend to the products of the another Contracting Party. Article-15 In order to enjoy the freedom of the high seas, merchant ships sailing under the flag of Nepal shall be accorded entry into and departure from the ports subject to Indian laws and regulation.

This treaty has the provision of additional transit facilities. The provision allows transportation of Nepali products through Indian land without any hindrances. It allows transit facilities to the ships with Nepali flags in the Indian ports. The numbers of warehouses for storage increased in the Calcutta port. At the same time the numbers of transit passes have been increased. This treaty stated the provision that Nepal could use Haldiya port instead of Calcutta port. There was the arrangement of warehouses in Haldiya port. That is to say, there was the provision of more transit facilities in the treaty of 1971 in comparison to the treaty of 1960. Since this treaty had the tenure of five years it got terminated in the year 1976.

As a result of election in the year 1977, Janata party formed the government in India. Janata Party wanted to have a conducive relationship with Nepal. Therefore, the governments of India and Nepal signed on the separate trade and transit treaties on March 17, 1978. According to the provisions, trade treaty would expire in 5 years and transit treaty would expire in 7 years. In this way, the desire of Nepali side to have separate trade and transit treaties got materialized in the year 1978. There are 11 articles in this transit treaty and there are following provisions in those articles. Article-1 Both countries shall accord to "traffic in transit" freedom of transit across their respective territories through routes mutually agreed upon. Article-2 Each Contracting Party shall have the right to take all indispensable measures to ensure that such freedom, accorded by it on its territory does not in any way infringe its legitimate interests of any kind. Article-3 The term "traffic in transit" means the passage of goods including unaccompanied baggage across the territory of a Contracting Party when the passage is a portion of a complete journey which begins or terminates within the territory of the other Contracting Party. Nothing in this Article shall be construed as imposing an

obligation on either Contracting Party to establish or permit the establishment of permanent facilities on its territory for such assembly dis-assembly, or re-assembly. Article-4 Traffic in transit shall be exempted from customs duties and from all transit duties or other charges except reasonable charges for transportation. Article-5 The government of India agrees to provide warehouses or sheds, for the storage of traffic in transit awaiting customs clearance before onward transmission. Article-6 Traffic in transit shall be subject to the procedure laid down in the Protocol and as modified by mutual agreement. Article-7 In order to enjoy the freedom of the high seas, merchant ships sailing under the flag of Nepal shall be accorded, subject to Indian laws and regulations. Article-8 Notwithstanding the foregoing provisions, either Contracting Party may maintain or introduce such measures or restrictions as are necessary for the purpose of:

- (a) protecting public morals;
- (b) protecting human, animal and plant life;
- (c) safeguarding national treasures;
- (d) safeguarding such other interests as may be mutually agreed upon.

Article-9: India and Nepal both Parties agree band transit, export or import of particular kinds of articles such as opium or other dangerous drugs according to international law.

Article-10: In order to facilitate effective and harmonious implementation of this Treaty high level official of both countries shall consult each other regularly.

Article- 11: This Treaty shall come into force on 25th March, 1978 and shall remain in force for a period of seven years. It may be renewed for a further period of seven years by mutual consent, subject to such modifications as may be agreed upon.

This treaty has increased the number of transit passes between India and Nepal. The treaty of 1971 had arranged only 10 passes, whereas the treaty of 1978 arranged additional 5 passes. Following are those 15 passes:

- (a) Calcutta Galgalia
- (b) Calcutta Jogbani
- (C) Calcutta Bhimnagar
- (d) Calcutta Jayanagar
- (e) Calcutta Raxaul
- (D) Calcutta Nautanwa
- (g) Calcutta Barhni
- (h) Calcutta Nepalganj
- (i) Calcutta Gauri-Phanta
- (i) Calcutta Banbasa
- (k) Calcutta Tikonia
- (l) Calcutta Jarwa
- (m) Calcutta Bhitamore (Sitamarhi)

- (n) Calcutta Naxalbari
- (o) Calcutta Sukhiyapokhari (Basin,1994: 1062).

As a part of foreign trade Nepal has been exporting and importing goods through these passes via Calcutta port. That is to say, Nepal has been promoting its business with the outside world through Calcutta port.

Since this treaty had the expiry time of 7 years it expired in the year 1985 and it was not renewed. Rather it was extended until 1989 on the basis of mutual consent. On the other hand trade treaty was renewed and brought into force until 1983 and another renewal brought this treaty in force until 1988. Secretary level meeting extended the trade treaty until 1989. In this way, the trade treaty remained in force until the year 1989. This treaty could not be renewed any further, which brought disputes between India and Nepal.

At this juncture, there were several disputes between India and Nepal. India wanted to have a single trade and transit treaty whereas Nepal wanted to have separate trade and transit treaties. Nepal had this position because it had deficit trade with India. During when there were disputes with India, Nepal bought some weapons and ammunitions from China. The soldiers of Nepali Army are bound to use new weapons while in UN peace keeping mission. Therefore, Nepali Army needed them for training. But India took it otherwise, and hinted that those weapons could be used against a neighbor. Due to these disputes, trade and transit treaties between India and Nepal could not be renewed and India hindered the supplies of essentials to Nepal. As a result, Nepal had to face the shortage of diesel, petrol, kerosene, and food items, which are required daily. Since Nepal had to face economic problems the economy of Nepal went down.

Instead of blaming the government of India, Nepali people blamed their own government and started revolting against it with the purpose of establishment of democracy. Not only this but also, the rebellions advised the government of India not to sign on the treaty until there would be the establishment of democracy in Nepal. At this juncture, the government formed under the Panchayat System had to face both internal and external pressure. Finally, despotic Panchayat government was terminated and multiparty democracy was established. Prime Minister Krishna Prasad Bhattraï representing the interim government of Nepal, along with the delegates, visited India (Bhattraï and Khatiwada, 1993:1570). This delegation had a dialogue with the government of India and convinced the government of India to sign on the treaty. Consequently, the governments of India and Nepal signed on the trade and transit treaty on 10 July, 1990 and this treaty ended the impasse between India and Nepal. Elected Prime Minister of Nepal Girija Prasad Koirala took the ownership of this treaty signing on it during his visit to India on 6 December, 1991 (Basin, 1994:1062). Trade treaty would expire in 5 years, whereas transit treaty would expire in 7 years. There were 11 articles in the transit treaty. Article-1 India and Nepal shall agree to provide freedom of transit across their respective territories through routes mutually agreed upon. Article-2 Both countries shall have the right to take all measures to ensure that such freedom,

accorded by it on its territory does not in any way infringe its legitimate interests of any kind. Article-3 The term "traffic in transit" means the passage of goods including unaccompanied baggage across the territory of a Contracting Party when the passage is a portion of a complete journey which begins or terminates within the territory of the other Contracting Party. There won't be any obligation on either Contracting Party to establish or permit the establishment of permanent facilities on its territory for such assembly, dis-assembly, or re-assembly. Article-4 Traffic in transit shall be exempted from customs duties and from all transit duties or other charges except reasonable charges for transportation. Article-5 The government of India shall provide Nepal warehouses and sheds for the storage of traffic in transit. Article-6 Traffic in transit shall be subject to the procedure laid down in Protocol and as modified by mutual agreement. Article-7 In order to enjoy the freedom of the high seas, merchant ships sailing under the flag of Nepal shall be accorded, subject to Indian laws and regulations. Article-8

Notwithstanding the fore going provisions, either Contracting Party may maintain or introduce such measures or restrictions as are necessary for the purpose of:

- i. protecting public morals;
- ii. protecting human, animal and plant life;
- iii. safeguarding national treasures;
- iv. safeguarding such other interests as may be mutually agreed upon.

Article-9 India and Nepal both parties, according to prevailing international law, agree to ban on the export and import of opium and any other dangerous drugs. Article-10 In order to facilitate effective and harmonious implementation of this Treaty the high level officials of both Contracting Parties shall consult each other regularly. Article-11 this treaty shall enter into force on 6th December, 1991 with the expiry period of 7 years. It may be extended for the next 7 years with necessary amendments in mutual agreement.

High level meeting comprising of finance ministers of both countries was held in Kathmandu with the purpose of providing more transit facilities to Nepal by incorporating timely amendments to the transit treaty. Finance Minister PurnaBahadurKhadka had led the Nepali delegates whereas Finance Minister RamkrishnaHegde had led the Indian delegates. This dialogue committee amended the transit treaty on 5th January, 1995. Amended transit treaty would come into force on 6th January, 1999 (Karki, KC, Siwakoti, 2066:389-391). The treaty had the expiry period of 7 years. According to the amendment, after the completion of 7 years terms, the treaty would renewed automatically for 7 more years. There were 11 articles in the treaty. Article-1 India and Nepal shall agree to provide freedom of transit across their respective territories through routes mutually agreed upon. Article-2 Both countries shall have the right to take all measures to ensure that such freedom, accorded by it on its territory does not in any way infringe its legitimate interests of any kind. Article-3 The term "traffic in transit" means the passage of goods including unaccompanied baggage across the territory of a Contracting Party when the passage is a portion of a complete journey which begins or terminates within the territory of the other Contracting

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Article-9 India and Nepal both parties, according to prevailing international law, agree to ban on the export and import of opium and any other dangerous drugs. Article-10 In order to facilitate effective and harmonious implementation of this Treaty the high level officials of both Contracting Parties shall consult each other regularly. Article-11 This treaty shall enter into force on 6th January, 1999 and will remain in force until 5th January, 2006. This treaty shall have the expiry period of 7 years in one term. Unless any one party notifies the other its intention of terminating the treaty in writing prior to 6 months, it shall automatically be renewed according to the protocol. Both parties may decide to amend the transit procedures before automatic renewal of the transit treaty. Despite the fact that the articles are similar to the previous transit treaty, transit facilities have been made more systematic by making necessary reforms in the protocol.

India has provided additional transit facilities to Nepal. It has also provided additional facilities on transportation and taxation. It has increased the area of warehouses and sheds in Calcutta Port. There is the provision of arranging meetings of high level officials from both countries for solving any problems related to transit through dialogue. Similarly, if any country wants to terminate the transit treaty, it has to notify its intention to another country in writing prior to 6 months. Likewise, if both countries have the intention of amending on the transit arrangements, the high level officials from both countries shall have a meeting and decide on it through dialogue. This is one of the positive aspects of this treaty. Due to such positive provisions of the treaty, the foreign trade of Nepal has been expanded.

Conclusion

For exporting and importing goods to and from the third country, transit facility is very much essential for a landlocked country. There is an international provision that the neighbouring countries should provide ocean route to the landlocked country. But international organizations

have not been able to implement this rule in practice. The countries with ocean routes prevent the landlocked countries from using ocean routes when they have disputes with them. Because of this situation, landlocked countries are facing several problems. In theory, there is the provision of international regulation to facilitate the landlocked countries. But unfortunately, in practice, the landlocked countries are bound to depend on the behaviors of neighboring countries. Because of this reality, Nepal had impasses with India two times in the past. The first impasse lasted for eight months, whereas the second one lasted for fifteen months.

Transit treaties between India and Nepal have been guiding the transit relations of both countries. Transit treaty had the provision of having 7 years of expiry time. But it got amended in the year 1999 with the provision of automatic renewal for 7 years of another term as soon as it expires. Since this provision has ended the prevailing lengthy process of renewal of treaty it should be taken positively.

Due to the positive transit policy of India towards Nepal, the import and export of Nepal with the third countries have increased. Therefore, Nepal has been able to expand foreign trade.

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