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LETTER DATED 22 JULY 1949 FROM THE DIRECTOR-GENERAL,
FOREIGN AFFAIRS, KATHMANDU, NEPAL TO THE CHAIRMAN
OF THE COMMITTEE ON THE ADMISSION
OF NEW MEMBERS

Kathmandu, 22 July 1949

I have the honour to inform you that Major Padma Bahadur Khatri, the representative of the Kingdom of Nepal in New York, has forwarded to me your letter to him dated 26 May 1949, containing the text of the resolution adopted at the 32nd meeting of the Committee on the Admission of New Members, together with the copy of the Working Paper prepared by the Secretariat for the reference of the Committee, and the summary records of the 31st and 32nd meetings of the Committee at which the application of Nepal was discussed.

I have the honour to enclose herewith a Note prepared by us which sets forth some further information and certain emendations proposed to be incorporated into the Working Paper; and also the additional information concerning Nepal and particularly concerning its sovereignty and independence, which, it is hoped, will satisfy the Committee, and will enable it to forward the application of Nepal to the Security Council together with the Committee's recommendation for its acceptance by the Council.

(Signed) Bijaya Shamsheer
(Major-General Bijaya Shamsheer)
Director-General, Foreign Affairs, Kathmandu.

/REPLY TO

REPLY TO INQUIRY OF UNITED NATIONS COMMITTEE
ON THE ADMISSION OF NEW MEMBERS

The Government of Nepal forwards this reply to the letter of the Chairman of the Committee of 26 May 1949. In that letter the Government of Nepal was informed of the resolution adopted by the Committee on 24 May 1949 requesting additional information concerning Nepal and particularly concerning its sovereignty and its independence. The Government of Nepal expresses its appreciation of the fact that this resolution was passed in the form of a request for information rather than in a form which might appear to cast doubts upon its sovereignty and independence. The Government of Nepal welcomes the opportunity to set forth all the facts in relation to its governmental status which it is hoped will satisfy the Committee. These facts are contained in Annex I to this letter which also contains the texts of the relevant treaties entered into by Nepal which are not already before the Committee.

The Government of Nepal wishes to congratulate the Secretariat on the excellent abstract it has prepared on Nepal which gives in general outline a fair picture of the Country and its institutions. The Government of Nepal attaches as Annex II to this letter some amendments and additions which in the interest of greater completion and accuracy should be made to this abstract.

The Government of Nepal notes with satisfaction that in the discussions of the Committee no question was raised regarding the peace-loving character of the State nor regarding her ability or willingness to fulfil the obligations of the Charter. The record of Nepal both before and during the two world wars in fact most clearly establishes the value of the contribution which Nepal has made to the cause of international peace.

The Government of Nepal trusts that on the basis of this material, which can if required be supplemented by the Nepalese representative before the Committee, the Committee will be able to make a favourable recommendation regarding Nepal's admission to membership.

ANNEX I

Information supplied by the Government of Nepal regarding the sovereignty and independence of the Kingdom of Nepal.

General

1. Nepal has for centuries been an independent sovereign State. It has never been conquered, no foreign Power has ever occupied the country nor intervened in its internal and external affairs. No foreign flag has ever flown over Nepal. Nepal has its own Sovereign and its own system of government. Nepal is responsible for its own foreign relations and no power exercises, or for centuries has exercised, any control or authority over it except its own Government; Nepal has declared war and concluded peace (with Britain in 1815, China in 1792, and Tibet in 1855) without reference to any third party. Nepal made application for membership of the United Nations entirely on its own initiative and without reference to any foreign State.

Treaties

2. The Government of Nepal wishes first to make clear that it is the present governmental status of the country that has to be considered for the purposes of admission to membership of the United Nations. The Government of Nepal will show that the country has at no time and by no treaty surrendered its sovereignty or independence. Admittedly the Treaty of 1792 with China and the Segowlie Treaty of 1815 were entered into after defeats in war; but many States have suffered defeat in war, and have thereby lost territory, without thereby forfeiting their independence and their full sovereignty over the territory they retain. Moreover it was to negate any implications which might have been drawn from the Segowlie Treaty and to make the independence and sovereignty of Nepal clear in an unmistakable manner that Nepal, after 100 years of friendly relations with the British Government and of peaceful development in the world, entered into the new Treaty of 1923, which explicitly restated the fact of the country's independence and sovereignty.

3. The Treaty of 21 December 1923

The text of this Treaty is attached (Annex I) to the Secretariat Working Paper No. 15 of 4 April 1949. The Government of Nepal wishes to make the following observations upon certain of its provisions:

(a) By Article I the Governments of Great Britain and Nepal agree mutually to acknowledge and respect each other's independence both internal and external. This article restates and reaffirms an

existing situation; it does not confer or profess to confer independence on Nepal for the first time. It is, however, an explicit statement which governs the rest of the Treaty.

(b) Article II confirms the Treaty of Segowlie of 1815 and other treaties, agreements and engagements except so far as they may be altered by the present Treaty. The Government of Nepal has never considered that either the Treaty of Segowlie or any other treaties, agreements or engagements impaired its independence and sovereignty and will deal with the relevant provision from this aspect below; but even if there were any provisions which had this effect that would be cancelled by the explicit statement contained in article I which reaffirmed the independence of both States.

(c) Article V deals with the import of arms, ammunition and warlike stores. The purpose of this article was to regulate in an orderly and peaceful manner the import of arms, etc., through British Indian territory and ports. It is a misapprehension to suppose that this article made, or was intended to make, Nepal dependent upon the United Kingdom for arms and equipment. Neither this article nor article VI interfered in any way with the right of Nepal to import arms or equipment from China or Russia or from any other country through its northern neighbours. Admittedly certain restrictions were imposed on the import of these articles through British India, but these restrictions were imposed in the interest of Indian security and not as a limitation of the independence in the matter of Nepal. In fact, Nepal manufactures its own weapons, equipment, and ammunition in its own arsenals. Its Army is a national army, officered entirely by Nepalese nationals. It is incorrect to suppose that the Nepalese Army is dependent on foreign supplies.

It may be added that since the British withdrawal from India, no question can arise of control by the British Government under this article.

(d) Article VI. This was a commercial concession to Nepal in respect of goods imported through British India. The Nepalese Government draws attention to the language of this article under which the British Government agreed to accept as conclusive a certificate from the Nepalese Government that the goods are the property of the Nepalese Government, and are required for the public services of the Nepalese Government, etc. This procedure is only consistent with recognition of the complete and equal sovereignty of the Nepalese Government.

(c) Re Afghan Treaty. With regard to both Article V and Article VI of this Treaty, the Nepalese Government has observed that articles in a similar form are contained in the Treaty, signed on 22 November 1921, between the Governments of the United Kingdom and of Afghanistan - two indisputably sovereign States, admitted as such to the United Nations. The text of the relevant portions of Articles VI and VII of this Treaty are attached. The presence of such provisions in the Treaty of 21 December 1923 between the Governments of the United Kingdom and of Nepal cannot therefore be taken to reflect any inferiority in the status of Nepal, but, on the contrary, underlines the full independence and sovereignty of that country.

4. The Treaty of 2 December 1815 (Segowlie Treaty)

The text of this Treaty is attached for the information of the Committee.

(a) The preamble shows that the Treaty was entered into after a war between the East India Company and the Rajah of Nepal. The power to make war is an attribute of sovereignty and the Rajah of Nepal, in entering into the war, was acting as a sovereign ruler. The preamble states that the parties are mutually disposed to restore the relations of peace and amity which had subsisted previously to the occurrence of the differences. This shows that nothing in the Treaty was intended to interfere with the independence of the Rajah. As to the general effect and intention of the Treaty reference may be made to one of the authorities listed by the Secretariat, namely "Nepal" by Perceval Landon, London (Constable) 1928, p. 101:

"At the Treaty of Sagauli in 1816 there was no pretence whatever that the agreement then made was other than a contract between two independent parties."

(b) Article III. Under this article certain territories were ceded by the Rajah. The Nepalese Government remarks with regard to these cessions:

(i) That cession of territory by agreement under a peace treaty has never involved or indicated a loss of sovereignty or independence otherwise than in relation to the ceded territories. If the contrary were the case, there would be few States which could be held independent and sovereign at the present time.

/(ii) That

- (ii) That the cession of a portion of these territories (namely the greater part of those secondly and thirdly mentioned in the article) was renounced by the British Government on 8 December 1816 (see the letter of that date attached together with the reply of the Government of Nepal dated 11 December 1816).
- (iii) That a further part of the territories (namely the greater part of those firstly mentioned in the article) were ceded by the British Government to the Nepalese Government by treaty on 1 November 1860. The terms of this Treaty (the text of which is attached) show that it was entered into as between two fully sovereign States. The Government of Nepal particularly refers to Article II by which the territory is expressed to be bestowed on the Maharajah of Nepal "in full sovereignty". If the Maharajah of Nepal was recognized as fully sovereign over these territories, formerly ceded by him, there can be no doubt as to his full and unimpaired sovereignty over the territory (forming by far the greater part of Nepal) in the possession of which he had never been disturbed.
- (iv) That, as regards the territories ceded by Article III, the British Government (by Article IV) agreed to pay a substantial sum for pensions to dispossessed chiefs of Nepal.
- (c) Article VI. This is a provision for arbitration by the British Government in the event of a difference arising between the State of Nepal and the neighbouring State of Sikkim. The Government of Nepal supposes that it was the absence of the complete text which led some members of the committee to suppose that this article provided for the settlement by the British Government of disputes between Nepal and the British Government, which of course is not and never has been the case. Disputes between the latter two Governments have always been disposed of diplomatically in the usual manner.

This article has, in fact, never been invoked owing to the peaceful relations which have prevailed between Nepal and Sikkim and must now be considered obsolete by disuse.

- (d) Article VII. This article was evidently inserted against foreign adventurers disturbing the peace in India and its frontiers rather than against the right of Nepal to grant asylum. Instances of asylum granted can be cited as far back as the middle of the 19th century, e.g., Nana Saheb and his family, the Queen of Lahore and the Princes of Oudh, etc. Even under the terms of the article,

Nepal could employ any Asiatic and African nationals it chose. This article has never been operative, a fact which was officially recognized by the British Government in September 1923. In fact, the Government of Nepal had for many years previously employed British Indian subjects without even reference to the Government of India or the British Government.

(e) Article VIII. This article provided for the exchange of accredited Ministers. These representatives were established and maintained until 1923. With regard to the status of this representative it may be of interest to quote again from the book "Nepal" by Perceval Landon, London (Constable), 1928, p. 80:

"This representative has a position which has been mistakenly compared to that of a Resident in one of our Native States of India. The functions of the office in Katmandu are entirely different from those of a Resident in India. In the latter place the Resident is ultimately responsible for representing to the Indian Government any condition of affairs within the State which, in his opinion, calls for the intervention of the Indian Government, and he is the instrument used by the Indian Government in the event of their deciding to take action."

In Nepal, neither the Indian Government nor any other Government has any right of interference or intervention or even of offering advice. Nepal is an independent State, and the functions of the Envoy are simply those of a friendly observer whose duties are confined to reporting the chief events and tendencies in Nepal so far as they affect Indian interests, to acting as the official intermediary between the two Governments.

After the Treaty of 1923 the status of the British representative at Katmandu was changed to that of Envoy. In 1934 Nepal established a Legation in London and the two countries exchanged Ministers Plenipotentiary and Envoys Extraordinary. In 1947, these representatives were raised to the rank of Ambassador Extraordinary and Plenipotentiary.

The diplomatic relations between the Governments of Great Britain and of Nepal have, therefore, evolved in a normal manner as between sovereign States.

5. Treaty of 24 March 1856 with Tibet

The text of this Treaty is attached. This Treaty was entered into upon the conclusion of hostilities with Tibet. The British Government was not concerned in any way either with the hostilities or with the Treaty.

The Treaty is referred to in order to show that the power of Nepal to make war and peace, in the period between the Treaties of 1815 and 1923, was in no way controlled by the British Government nor fettered by the Treaties made with the British Government.

6. Treaty of 1792 between Nepal and China

In 1792, after an unsuccessful war with China, Nepal agreed to send once every five years a Mission to Peking bearing to the Emperor of China the good wishes and gifts of the King of Nepal. This Treaty is long since obsolete. The five-yearly Missions continued until 1912: they were, in fact, regarded not as an onerous service but as a privilege of some value, both on account of the gifts in return made by the Emperor of China and on account of the opportunities for trade thereby made available to the Mission. Since 1912, they have been discontinued and Nepal has not in any way recognized that China has any claim on her under the Treaty of 1792 nor has China asserted any such claim.

7. (a) The Government of Nepal received an invitation, at the request of the signatories to the Procés Verbal, to accede to the Rules of Submarine Warfare set forth in Part IV of the Treaty of London of 22 April 1930. This Procés Verbal was signed, among others, by the following sovereign States: United States of America, France, Italy, Australia, Canada, and South Africa. The Government of Nepal decided to accede on 27 January 1937.

(b) The Secretary-General of the League of Nations communicated directly with the Government of Nepal and not through the medium of any other Government. The Government of Nepal refers in this connexion to the letter of the Secretary-General No. 17/45459/45459 dated Geneva, 7 August 1925, addressed to His Highness The Prime Minister of the Kingdom of Nepal.

8. Conclusion

It is clear from the provisions of the Treaties entered into by Nepal during the last 150 years that Nepal has at no time renounced her independence. On the contrary, these Treaties demonstrate the complete sovereign equality of Nepal in all her foreign relations.

Diplomatic and Foreign Relations

9. Diplomatic Relations

The Diplomatic Relations of Nepal with the United Kingdom have already been described in paragraph 4 (e) above. In addition, Nepal has established diplomatic relations with the following countries:

(a) Tibet. In 1856 Nepal established a Legation at Lhasa, maintained representatives at Gyantse, Kuti and Kerung.

(b) France. A Nepalese Ambassador was received by the Emperor Napoleon III in 1850. In May 1949 Nepal established diplomatic relations with France at ambassadorial level.

(c) United States of America. On 21 April 1947 President Truman, through his personal representative, delivered to the King of Nepal a letter recognizing the independence of Nepal: this recognition was followed on 25 April 1947 by an agreement of friendship and commerce between the two countries providing (inter alia) for the establishment of diplomatic and consular relations. This Treaty has been registered with the United Nations, as No. 251 of 21 June 1948. In 1949 Nepal established diplomatic relations with the United States of America at ministerial level.

(d) India. Nepal maintains an Ambassador at New Delhi and there is an Indian Ambassador at Katmandu..

(e) Burma. Nepal has a Consular Officer at Rangoon.

Moreover, H. H. the Maharajah, Prime Minister of Nepal, stated on 27 May 1948 that Nepal is willing to enter into friendly relations with all States which desire to seek friendship with it.

10. Foreign Relations

Nepal has always encouraged the establishment of close and friendly relations with her neighbours and with foreigners of all nations.

(a) There have been travellers to Nepal from all parts of the world, and the accounts they have published in various languages (French, German, English, Hindi, and Bengali) give a fairly exhaustive description of the country and its peoples and institutions in modern times.

(b) There have been travellers from Nepal to foreign countries also. In 1850 Maharajah Jang Bahadur travelled through France, Italy and England. Incidentally, he was the first oriental ruler to go overseas. Maharajah Jang Bahadur went as an Ambassador from Nepal to the United Kingdom on a State Mission. In 1908, Maharajah Chandra Shamsheer also travelled through Italy, Switzerland, France, and the

United Kingdom. Since the establishment of the Nepalese Legation in London in 1934, many Nepalese have travelled extensively in Europe and America. Nepal sent delegates to the ECAFE meeting in Lapstone, Australia, in 1948-49, and there is now scarcely any part of the world that the Nepalese have not visited.

Quinquennial Missions were sent regularly from Nepal to Peking from 1792 to 1912. When the Republic was established in China, these Missions were suspended but informal relations continued and in 1947 Nepal sent a good-will mission to China, in the course of which the Chinese Government discussed the possibility of establishing diplomatic relations.

(c) Good-Will Missions were sent by the Government of Nepal to the following countries in the years noted against each:

United Kingdom	...	Various visits by the reigning King, the Prince of Wales, and Commanders-in-chief of India.
France	...	(1850, 1939)
Italy	...	(1934)
Belgium	...	(1938)
The Netherlands	...	(1946)
United States of America	...	(1945- unofficial and 1946- official)
India (to the Asian Relations Conference, 1947)		
China	...	(May, 1947)

(d) Among the missions received by Nepal from abroad may be mentioned the following:

United Kingdom	...	(1876, 1892, 1906, 1911, 1921, 1930)
France	...	(1925, 1929, 1934, 1949)
Germany	...	(1937)
China	...	(1877, 1889, 1902, 1930, 1934)
Japan	...	(1933)
The Netherlands	...	(1939)
Italy	...	(1933)
Belgium	...	(1935)
Ceylon	...	(1948)
India	...	(1949)
United States of America	...	(1946, 1947, 1949)

Additional Considerations

11. No country has demanded nor obtained any special position or any privileges in Nepal which have not been conceded to nationals of any foreign State. No country exercises any right of control over the affairs of Nepal. The policy of Nepal has always been twofold, first to maintain the independence and sovereignty of Nepal clearly before the world, and secondly to collaborate with all nations on an equal basis in the sacred cause of peace and international good-will.

12. It may not be out of place here to mention the testimony of India on Nepal's status in the comity of nations. Pandit Jawaharlal Nehru, the Prime Minister of India, says in his book "The Discovery of India" (The Signet Press, Calcutta, 1946, p. 366): "The only truly independent kingdom in India is Nepal on the north-eastern frontier, which occupies a position analogous to that of Afghanistan, though it is rather isolated."

An additional quotation can be made from the book "Nepal" by Perceval Landon - London (Constable) 1928 - Preface p. v: "Nepal remains, at the beginning of the second quarter of the 20th century, an independent Kingdom full of antiquities and relics of the past ... remains too the last survivor of those Indian communities who stood for civilization, learning and culture when Europe was still in the darkest period of its history."

13. As regards self-sufficiency, Nepal is more self-dependent in many respects than many other States. No country can, economically, be entirely independent of others and the same is true of Nepal. But it is not correct to say that Nepal is economically dominated by India. Nepal has, in fact, a favourable balance of trade with India, and is building up its overseas trade, making deliveries of its second most important product jute direct to overseas markets. Nepal has an independent currency based on the metric system, does not belong to any currency block, and has not imposed trade discrimination against any country. Nepal has its own customs organization.

14. The population of the country is over 6 millions. The people are hardy, peace-loving, patriotic and industrious. They are quite competent to guard their independence. The Army is well equipped and efficient. There is no foreigner serving in any capacity in the country's armed forces. Nepal is competent to declare war and conclude peace.

15. Nepal has taken full part in various international conferences on terms of equality with the other participants, e.g. Asian Relations Conference (1947), ECAFE (1948, 1948-49), Asian Conference on Indonesia (1949), IFO (1949), ILO, and WHO, etc.

ANNEX II

Notes and emendations on the Working Paper No. 15, Department of Security Council Affairs, dated 4 April 1949, concerning the Kingdom of Nepal and its application for admission to the United Nations.

1. Section 5. In the list of the chief agricultural products should be added: maize (corn) and raghi, and the following commercial products also: jute, linseed, mustard seed and ground nuts.
2. Section 6. Add "and Tibet" at the end of the first paragraph: "a surplus for export to India and Tibet".
3. Section 6. Add after "marble deposits" - "Mica and cobalt deposits, have also been found, and attempts are being made to develop and exploit them". The last sentence of this paragraph should read "Lignite and high-quality coal deposits exist in the Terai region".
4. Section 6. In the list of the principal articles of export add: jute, oilseeds, ghee (clarified butter), fruit (oranges), vegetables (potatoes), sabai grass, lac, musk, medicinal herbs and yak-tails. In the list of chief imports add: machinery, petroleum and cotton textiles.
5. Section 6. Add the following:

"Nepal's imports and exports in order of importance.

<u>Imports</u> (country of origin)	<u>Exports</u> (destination)
1. Textiles - India, U.K., and Japan.	1. Rice - India and Tibet.
2. Manufactured Tobacco - India, U.K., and U.S.A.	2. Jute - U.K., France, Switzerland, Italy and Hong Kong
3. Salt - India.	3. Timber - India.
4. Sugar - India.	4. Oilseeds - India.
5. Machinery - U.S.A., U.K., Switzerland.	5. Ghee - India.
6. Cotton - India.	6. Oranges - India.
7. Metals - India, U.K., Belgium and USSR	7. Potatoes - India.
8. Petroleum - Burma, U.S.A., and USSR	8. Hides and Skins - India.
	9. Cattle - India.
	10. Sabai grass - India.
	11. Lac - India.

Jute, rice and timber constitute nearly 60 per cent of Nepal's visible exports, and the value amount approximately to Rs. 35,000,000/- (equivalent to U.S. \$11,600,000.00) of overseas markets. In all the total visible exports of Nepal amounts to Rs. 50,000,000/-. Nepal imports nearly Rs. 40,000,000/- worth of goods, of which the most important are textiles, machinery and manufactured tobacco. The country has a favourable balance of trade.

/Industry.

Industry. Nepal is fast developing her industries. In the course of a decade, jute, textiles, sugar, rice, oil, saw mills, match, chemical, soap and ceramics factories have been set up. Coal, mica and graphite mines are being worked. Cottage industries are also popular, and are being expanded."

6. Section 7. Omit "telephone with India and" as there is as yet no link between the telephone systems of Nepal and India. Also omit "carriage of goods in mainly dependent Nepal and Tibet". Add "There is an aerial ropeway 16 miles long for the carriage of goods with the exception of very heavy machinery between Dhursing on the terminus of the motor to Katmandu, and Matatirtha, 6 miles from the city. Plans have been taken in hand to extend the system to the city itself. Heavy machinery continues to be carried by human labour. Goods traffic between Nepal and Tibet is mainly dependent on mule trains, caravans of yaks, human labour and animal-drawn vehicles.

Water transportation facilities are available in some parts of Terai. The Government have recently sanctioned a scheme to connect all important towns and districts with the capital and with one another by wireless telegraphy.

The Eastern and Western Terais are connected with the capital and with one another by means of the telephone."

7. Section 8. Add "not" between "literacy in Nepal is" and "much less than elsewhere in the Indian sub-continent". Also rewrite the last sentence thus: "a number of primary, secondary and high schools. A number of students have been sent for higher technical education to foreign countries since 1902".
8. Section 16 and 17. It is correct to say that Nepal's foreign relations had been mainly with Great Britain from 1815 until the withdrawal of the British Government from India in August 1947, or that Great Britain was dominant in the external affairs of Nepal - See Annex I, paragraph 10.
9. Section 17. (Note). The assumption that the validity of the December 1923 Treaty between Nepal and the British Government or some parts of it, has ended following the withdrawal of the British Government from India, is generally correct. - See Annex I, paragraph 3.
10. Add the following to form a new paragraph:
"The treaty of 1923 changed the status of the British Representative at Katmandu to an Envoy while the Representative of Nepal in New Delhi continued to be so called till 1934. In this year, Nepal

/established

established a Legation in London, and the two countries exchanged Ministers Plenipotentiary and Envoys Extraordinary from one to the other. The Nepalese Representative in New Delhi now became a Consul-General with the whole of India as his Consular District. In 1947 the two Governments decided to raise their diplomatic representatives to be Ambassadors Extraordinary and Plenipotentiary. The Nepalese Consulate-General in New Delhi was shifted to Calcutta the same year, after an exchange of Ambassadors had been made between India and Nepal.

At the successful conclusion of her campaign in Tibet in 1856, Nepal established a Legation at Lhasa, in addition to representatives at Gyantse, Kuti and Kerung. There is no corresponding Tibetan representative in Katmandu.

With France Nepal established diplomatic relations at Ambassadorial level in May 1949.

With Burma Nepal has taken steps to open a Consulate in Rangoon which it is expected will be established this year - 1949.

As His Highness The Maharajah remarked in the course of his Sindocr Yatra Speech in May 1948, "It shall be our policy to enter into friendly diplomatic relations with all countries who seek our friendship".

11. Section 19. Correct the name of His Majesty: "Shamsher Jang Deva". Correct the name of His Highness The Maharajah: "Mohun Shamsher Jang Bahadur Rana".
12. Section 20. 1st of Baisakh "1949" should read "2006". Correct "second week of May" to "second week of April, 1949".
13. Section 34. Recast in the light of Article 9, sub-sections (c) and (d) above.
14. Section 38. There is no Tibetan representative in Katmandu - see Article 10 above.

TREATY OF PEACE between the HONOURABLE EAST INDIA COMPANY and MAHA RAJAH BIKRAM SAH, Rajah of Nipal, settled between LIEUTENANT-COLONEL BRADSHAW on the part of the HONOURABLE COMPANY, in virtue of the full powers vested in him by HIS EXCELLANCY the RIGHT HONOURABLE FRANCIS, EARL OF MOIRA, KNIGHT of the MOST NOBLE ORDER of the GARTER, one of HIS MAJESTY'S MOST HONOURABLE PRIVY COUNCIL, appointed by the Court of Directors of the said Honourable Company to direct and control all the affairs in the East Indies, and by SREE GOOROO GUJRAJ MISSLER and CHUNDER SEEKUR OPEDEEA on the part of MAHA RAJAH GIRMAUN JODE BIKRAM SAH BAHAUDER, SHUMSHEER JUNG, in virtue of the powers to that effect vested in them by the said Rajah of Nipal, -- 2nd December 1815.

Whereas war has arisen between the Honourable East India Company and the Rajah of Nipal, and whereas the parties are mutually disposed to restore the relations of peace and amity which, previously to the occurrence of the late differences, had long subsisted between the two States; the following terms of peace have been agreed upon:

Article 1st

There shall be perpetual peace and friendship between the Honourable East India Company and the Rajah of Nipal.

Article 2nd

The Rajah of Nipal renounces all claim to the lands which were the subject of discussion between the two States before the war; and acknowledges the right of the Honourable Company to the sovereignty of those lands.

Article 3rd

The Rajah of Nipal hereby cedes to the Honourable the East India Company in perpetuity all the undermentioned territories, viz.--

- First.- The whole of the low lands between the Rivers Kali and Rapti.
- Secondly.- The whole of the low lands (with the exception of Bootwal Khass) lying between the Rapti and the Gunduck.
- Thirdly.- The whole of the low lands between the Gunduck and Coosah, in which the authority of the British Government has been introduced, or is in actual course of introduction.
- Fourthly.- All the low lands between the Rivers Mitchee and the Teestah.
- Fifthly.- All the territories within the hills eastward of the River Mitchee including the fort and lands of Nagree and the Pass of Nagarcote leading from Morung into the hills, together with the territory lying between that Pass and Nagree. The aforesaid territory shall be evacuated by the Gurkha troops within forty days from this date.

/Article 4th

Article 4th

With a view to indemnify the Chiefs and Barahdars of the State of Nipal, whose interests will suffer by the alienation of the lands ceded by the foregoing Article, the British Government agrees to settle pensions to the aggregate amount of two lakhs of rupees per annum on such Chiefs as may be selected by the Rajah of Nipal, and in the proportions which the Rajah may fix. As soon as the selection is made, Sunnuds shall be granted under the seal and signature of the Governor-General for the pensions respectively.

Article 5th

The Rajah of Nipal renounces for himself, his heirs, and successors, all claim to or connexion with the countries lying to the west of the River Kali and engages never to have any concern with those countries or the inhabitants thereof.

Article 6th

The Rajah of Nipal engages never to molest or disturb the Rajah of Sikkim in the possession of his territories; but agrees, if any differences shall arise between the State of Nipal and the Rajah of Sikkim, or the subjects of either, that such differences shall be referred to the arbitration of the British Government by whose award the Rajah of Nipal engages to abide.

Article 7th

The Rajah of Nipal hereby engages never to take or retain in his service any British subject, nor the subject of any European and American State, without the consent of the British Government.

Article 8th

In order to secure and improve the relations of amity and peace hereby established between the two States, it is agreed that accredited Ministers from each shall reside at the Court of the other.

Article 9th

This treaty, consisting of nine Articles, shall be ratified by the Rajah of Nipal within fifteen days from this date, and the ratification shall be delivered to Lieut.-Colonel Bradshaw, who engages to obtain and deliver to the Rajah the ratification of the Governor-General within twenty days, or sooner, if practicable.

Done at Segowlee, on the 2nd day of December 1815.

PARIS BRADSHAW, Lt.-Col., P.A.

/Received

Received this treaty from Chunder Seekur Opedeea, Agent on the part of the Rajah of Nipal, in the valley of Muckwaunpoor, at half-past two o'clock p.m. on the 4th of March 1816, and delivered to him the Counterpart Treaty on behalf of the British Government.

Dd. OCHTERLONY,

Agent, Governor-General.

MEMORANDUM for the approval and acceptance of the RAJAH of NIPAL, presented on 8 December 1816.

Adverting to the amity and confidence subsisting with the Rajah of Nipal, the British Government proposes to suppress as much as possible, the execution of certain Articles in the Treaty of Segowlee, which bear hard upon the Rajah as follows:

2. With a view to gratify the Rajah in a point which he has much at heart, the British Government is willing to restore the Terai ceded to it by the Rajah in the Treaty, to wit, the whole Terai lands lying between the Rivers Coosah and Gunduck, such as appertained to the Rajah before the late disagreement; excepting the disputed lands in the Zillahs of Tirhoot and Sarun, and excepting such portions of territory as may occur on both sides for the purpose of settling a frontier, upon investigation by the respective Commissioners; and excepting such lands as may have been given in possession to any one by the British Government upon ascertainment of his rights subsequent to the cession of Terai to that Government. In case the Rajah is desirous of retaining the lands of such ascertained proprietors, they may be exchanged for others, and let it be clearly understood that, notwithstanding the considerable extent of the lands in the Zillah of Tirhoot, which have for a long time been a subject of dispute, the settlement made in the year 1812 of Christ, corresponding with year 1869 of Bikramajeet, shall be taken, and everything else relinquished, that is to say, that the settlement and negotiations, such as occurred at that period, shall in the present case hold good and be established.

3. The British Government is willing likewise to restore the Terai lying between the Rivers Gunduk and Rapti, that is to say, from the River Gunduk to the western limits of the Zillah of Goruckpore, together with Bootwul and Sheeraj, such as appertained to Nipal previous to the disagreements, complete, with the exception of the disputed places in the Terai, and such quantity of ground as may be considered mutually to be requisite for the new boundary.

4. As it is impossible to establish desirable limits between the two States without survey, it will be expedient that Commissioners be appointed on both sides for the purpose of arranging in concert a well-defined boundary on the basis of the preceding terms, and of establishing a straight line of frontier, with a view to the distinct separation of the respective territories of the British Government to the south and of Nipal to the north; and in case any indentations occur to destroy the even tenor of the line, the Commissioners should effect an exchange of lands so interfering on

/principles

principles of clear reciprocity.

5. And should it occur that the proprietors of lands situated on the mutual frontier, as it may be rectified, whether holding of the British Government or of the Rajah of Nipal, should be placed in the condition of subjects to both Governments, with a view to prevent continual dispute and discussion between the two Governments, the respective Commissioners should effect in mutual concurrence and co-operation the exchange of such lands, so as to render them subject to one dominion alone.

6. Whenssoever the Terai should be restored, the Rajah of Nipal will cease to require the sum of two lakhs of Rupees per annum, which the British Government agreed to advance for the maintenance of certain Barahdars of his Government.

7. Moreover, the Rajah of Nipal agrees to refrain from prosecuting any inhabitants of the Terai, after its revertance to his rule, on account of having favoured the cause of the British Government during the war, and should any of those persons, excepting the cultivators of the soil, be desirous of quitting their estates, and of retiring within the Company's territories, he shall not be liable to hindrance.

8. In the event of the Rajah's approving the foregoing terms, the proposed arrangement for the survey and establishment of boundary marks shall be carried into execution, and after the determination in concert, of the boundary line, Sunnuds conformable to the foregoing stipulations, drawn out and sealed by the two States, shall be delivered and accepted on both sides.

EDWARD GARDNER,
Resident.

SUBSTANCE OF A LETTER under the Seal of the RAJAH of NIPAL, received on 11 December 1816.

After compliments;

I have comprehended the document under date the 8th of December 1816, or 4th of Poos 1873 Sumbat, which you transmitted relative to the restoration, with a view to my friendship and satisfaction, of the Terai between the Rivers Coosa and Rapti to the southern boundary complete, such as appertained to my estate previous to the war. It mentioned that in the event of my accepting the terms contained in that document, the southern boundary of the Terai should be established as it was held by this Government. I have accordingly agreed to the terms laid down by you, and herewith enclose an instrument of agreement, which may be satisfactory to you.

/Moreover,

Moreover, it was written in the document transmitted by you, that it should be restored, with the exception of the disputed lands and such portion of land as should, in the opinion of the Commissioners on both sides, occur for the purpose of settling a boundary; and excepting the lands which, after the cessions of the Terai to the Honourable Company, may have been transferred by it to the ascertained proprietors. My friend, all these matters rest with you, and since it was also written that a view was had to my friendship and satisfaction with respect to certain Articles of the Treaty of Segowlee, which bore hard upon me, and which could be remitted, I am well assured that you have at heart the removal of whatever may tend to my distress, and that you will act in a manner corresponding to the advantage of this State and the increase of the friendly relations subsisting between the two Governments.

Moreover I have to acknowledge the receipt of the orders under the red seal of this State, addressed to the officers of Terai between the Rivers Gunduk and Rapti, for the surrender of that Terai, and their retiring from thence, which was given to you at Thankote, according to your request, and which you have now returned for my satisfaction.

SUBSTANCE of a DOCUMENT under the Red Seal, received from the DURBAR, on 11 December 1816.

With a regard to friendship and amity, the Government of Nipal agrees to the tenor of the document under date the 8th of December 1816 or 4th Pooos 1873 Sumbat which was received by the Durbar from the Honourable Edward Gardner on the part of the Honourable Company, respecting the revertance of the Terai between the Rivers Coosa and Rapti to the former southern boundary, such as appertained to Nipal previous to the war, with exception of the disputed lands.

Dated the 7th of Pooos 1873 Sumbat.

TREATY OF PEACE BETWEEN NEPAL AND TIBET, 1856

A.

The following is a translation of the Nepalese text. There are three other translations, one from the Tibetan text, one by Sir Charles Bell, and the third by C. U. Aitchison, which differ slightly from the Nepalese in some particulars.

We, the undermentioned Nobles, Bharadars, and Lamas representing the Gorkha Government and the Tibetan Government have mutually settled a Treaty of the following ten Articles, and with Supreme Being as witness we have affixed our seals unto it of our own free will and choice. The Emperor of China shall continue to be regarded with respect as heretofore. So long as the two Governments continue to abide by the terms set forth herein, they shall live in amity like two brothers. May the Supreme Being not allow that side to prosper which may make war upon the other; and may the side be exempt from all sin in making war upon the other side which violates the terms contained in this agreement (Treaty).

(Here follow the names and seals of the signatories.)

Schedule of the Articles of the TreatyArticle 1

Tibet shall pay a sum of Rupees ten thousand annually to the Gorkha Government.

Article 2

Gorkha and Tibet have both been regarding the Emperor of China with respect. Tibet being merely a country of Monasteries of Lamas and a place for recitation of prayers and practice of religious austerities, should troops of any other Raja invade Tibet in future, Gorkha will afford such assistance and protection as it can.

Article 3

Tibet shall not levy any taxes (on routes), duties (on merchandise), and rates (of any other kind) leviabale by Tibet on the merchants and subjects of the country of Gorkha.

Article 4

Tibet shall return to the Gorkha Government all Sikh soldiers held as prisoners and also all officers, soldiers, women, and guns of Gorkha that were captured and taken during the war; and the Gorkha Government shall return to Tibet all the soldiers of Tibet captured in the war, as also the arms, the yaks whatever there may be belonging to the Rayets of Kirong, Kuti, Jhunga, Taklakhar, and Chhewar-Gumbha, and on the completion of this Treaty all the Gorkha troops that are in Taklakhar, Chhewar-Gumbha, Kerong, Jhunga, Kuti, Dhyaklang, and up to Bhairab Lanbur range shall be withdrawn and the places evacuated.

/Article 5

Article 5

Henceforth not a Naikya (Headman) but a Bharadar shall be posted by the Gorkha Government at Lhasa.

Article 6

The Gorkha Government will establish its own trade factory at Lhasa which will be allowed to trade freely in all kinds of merchandise from gems and ornaments to articles of clothing and food.

Article 7

The Gorkha Bharadar at Lhasa shall not try and determine suits and cases amongst Gorkha subjects, merchants, the Kasmeries of Nepal, residing within the jurisdiction of Lhasa. In the event of dispute between the subjects and merchants of Gorkha and those of Tibet, the Bharadars of both Gorkha and Tibet shall sit together and jointly adjudicate the cases. All incomes (fines, etc.) from such adjudications realized from the subjects and merchants of Tibet shall be taken by Tibet, and those realized from the Gorkha subjects and merchants and Kasmeries shall be taken by Gorkha.

Article 8

A Gorkha subject who goes to the country of Tibet after committing murder of any person of Gorkha shall be surrendered by Tibet to Gorkha; and a Tibetan subject who goes to the country of Gorkha after committing murder of any person of Tibet shall be surrendered by Gorkha to Tibet.

Article 9

If the property of Gorkha subjects and merchants be plundered by any person of Tibet, the Bharadars of Tibet shall compel the restoration of such property to the Gorkha subjects and merchants; should the property be not forthcoming from the plunderer, Tibet shall compel him to enter into arrangement for restitution (of such property). If the property of Tibetan subjects and merchants be plundered by any person of Gorkha, Gorkha shall compel the restoration of such property to the Tibetan subjects and merchants. Should the property be not forthcoming from the plunderer, Gorkha shall compel him to enter into an agreement for the restitution (of such property).

Article 10

After the completion of the Treaty neither side shall act vindictively against the person or property of the subjects of Tibet who may have joined the Gorkha Durbar during the war, or of the subjects of Gorkha who may have so joined the Tibetan Durbar.

This the third day of Light fortnight of Chaitra in the year of Sumbat 1912.

N.B. - Bharadars are the high Civil or Military officers under the Government of Nepal or of Tibet.

In this translation "Tibet" is used for "Bhote".

/B.

B.

Perceval Landon in his Book "Nepal" adds another translation from the Tibetan text given to him by the Maharaja of Nepal in order that any discrepancies may be recognized, as follows:

SVASTI

Document setting forth the alliance and agreement under ten heads between Gurkha and Tibet, agreed to at the meeting of Nobles, Priests, and Laymen, duly signed severally and jointly by the Shri Gurkha Court and the Shri Tibetan Court.

Taking the Precious Rarity as Witness we have jointly and severally affixed our seals in sign of faithful promise.

Whilst conforming to what has been written concerning the continued respect as before towards Shri the Great Emperor, the Courts jointly and severally continue in mutual agreement like brother-children.

My from whatever individual of each Court who, not observing this, makes war-trouble, Shri Rarity withhold its Blessing.

If any one of both does not abide by what is stipulated in this document and violates it, he who makes war against him is without sin.

The authorized bearer of Shri the Gurkha Maharaja's intention, His Honour Shri Madhara Jang Kumar Kumar Tamaja Shri Tayim Minitar Yen Kamanda Incib Janarala Janka Bhadur Kuwar Radna (seal).

His Honour Shri Madar Jang Kumara Kumarangta Maja Shri Minitar Janarala Bam Bhadur Kuwarra Rana (seal).

Seal of His Honour the Shri Gururaja Pandita Dharmadikara Shri Bijai Oandita.

His Honour Shri Madhara Jang Kumara Kumarangta Maja Shri Kamengdhar Incib Janarala Kisina Bhadur Kuwar Rana (seal).

His Honour Shri Madhar Jang Kumara Kumarangta Maja Shri Kamendhar Incib Janarala Rana Utip Shingha Kuwar Rana (seal).

His honour Shri Madhar Ja Kumara Kumarangta Maja Shri Janarala Jagta Samsher Jang Kuwar Rana (seal).

Shri Madhar Ja Kumara Kumarangta Maja Shri Janarala Dhir Samsher Jang Kuwar Rana (seal).

His Honour Shri Madhar Ja Kumara Kumarangta Maja Shri Janarala Bhagtabir Kuwar Rana (seal).

His Honour Madhara Jang Kumara Kumarangta Maja Shri Leptenta Janarala Bhakhata Jang Kuwar Rana (seal).

Seal of Shri Metsau Hariya Rana Sher Saha.

Seal of Shri Kernal Tilipi Karma Shingha Tharpa.

Seal of Shri Kernal Dili Shingha Bhasa Nyeta.

Seal of Shri Kernal Kulman Shingha Bhasa Myeta.

The Tibetan Lamas and Nobles who have come to Nepal.

Seal of Private Secretary Ngagwang Gyal Tshan, representative of the Shri Potola Lama.

Seal of Ngagwang Samdub, Abbot of Shri Depung Monastery.

Seal of Lozang Rabgyang, Chairman of the collected houses of Shri Depung Monastery.

/Seal of

Seal of Lozang Thuchen, Abbot of Shri Sera Monastery.

Seal of Lozang Jamyang, Chairman of the collected houses of Sera Monastery.

Seal of Ngagwang Nyima, Abbot of Shri Gaden Monastery.

Seal of Rabgyay Nyima, Chairman of the collected houses of Shri Gaden Monastery.

Seal of Lozang Gyaltshan, Abbot of Shri Tashilhumpo Monastery.

Seal of Gile tagsa, Chairman of the collected houses of Shri Tashilhumpo Monastery.

Seal of Jamyang Monlam, representative of the Precious Great Chair Lama of Shri Sakya Monastery.

Seal of Gyaltshan Tondub, representative of the Incarnation-Lama of Shri Tshecholing.

Seal of Duke She-tag, executive Minister of the Shri Lhasa Palace.

Seal of Shri Minister Pallhun.

Seal of Shri Minister Taiji of the Samdub Podang.

Seal of Shri Minister Taiji of the Tashikhansar.

Seal of Nyima Tondub, Treasurer of Shri Tashilhumpo.

Seal of Chief Secretary Dumpa-se, the nephew of Minister Shri Duke Shetag.

Setting forth the alliance and agreement:

First. Tibet to pay annually to the Gurkha Court ten thousand silver ales.

Second. Whilst the Gurkha Country and Tibet are both respecters of Shri the Great Emperor, as this Tibet especially has become solely a dwelling place of Lama-monasteries and celibate religious hermits, therefore from now onwards, when a war-maker of another Court arises in Tibetan territory, the Gurkha Court to protect and bind as far as possible.

Third. Declaration that from now onwards Tibet will not take from Gurkha subjects and traders, trading taxes, road taxes, or any kind of tax.

Fourth. The remaining Singpa soldiers who have been taken prisoners by Tibet, and the Gurkha soldiers who have been taken prisoners in the present war, officers and men, with women, of all descriptions, to be sent back by Tibet to the Gurkha Court. All Tibetan soldiers, and all arms and yaks of the people left behind at Kyitong, Nyanang, Dzongka, Puring, and Rongshar to be sent back by the Gurkha Court. After the conclusion of this alliance and agreement, the Gurkha troops to give up the territories of Puring, Rongshar, Kyitong, Dzongka, Nyanang, to withdraw to this side of the Darling pass and to be called back.

Fifth. In Lhasa from now onwards the Gurkha Court not to appoint a Nepali Head but a Nobleman.

Sixth. In Lhasa from now onwards the Gurkha Court to have shops. Trade in jewellery, ornaments, textiles, food of all kinds, to be permitted as much as desired.

/Seventh.

Seventh. If trouble arises amongst Lhasa subjects or traders, the Gurkha Head not to be permitted to judge. When trouble arises amongst Gurkha subjects, traders, or Kaches from Yambu, the Tibetan Court not to be permitted to judge. When trouble arises amongst Gurkha and Tibetan subjects together, this to be judged in a meeting of Gurkhas and Tibetan Noblemen together. At the occasion of the judgment the fine of the Tibetan subjects to be received by the Tibetan Noble. The fine of Gurkha subjects, traders or Kaches, to be received by the Gurkha Noble.

Eighth. If a Gurkha subject having committed murder goes to Tibetan territory, he is to be handed over to Gurkha by Tibet. If a Tibetan subject having committed murder goes to a Gurkha territory, he is to be handed over to Tibet by Gurkha.

Ninth. When property or treasure of a Gurkha subject or trader is robbed by a Tibetan subject the various Tibetan Official Nobles to order search to be made in order to retribute them to the Gurkha subject who is the owner of the property and treasure. When the robber cannot retribute the property or treasure, the Tibetan Noble to fix a date for the later restitution of the items to be received. When property or treasure of a Tibetan subject or trader is robbed by a Gurkha subject the various Gurkha Official Nobles to order search to be made in order to retribute them to the Tibetan subject who is the owner of the property and treasure. When the robber cannot retribute the property or treasure the Gurkha Noble to fix a date for the later restitution of the items to be received.

Tenth. The two Courts, jointly and severally, not to show anger after the conclusion of the treaty and agreement, towards property or life of Tibetan subjects who at the occasion of the present war have come siding with the Gurkha Court, and of Gurkha subjects who have come siding with the Tibetan Court.

Fire-Dragon year, second month, eighteenth day.

TREATY with NIPAL, - 1 November 1860

During the disturbances which followed the mutiny of the Native army of Bengal in 1857, the Maharajah of Nipal not only faithfully maintained the relations of peace and friendship established between the British Government and the State of Nipal by the Treaty of Segowlee, but freely placed troops at the disposal of the British authorities for the preservation of order in the Frontier Districts, and subsequently sent a force to co-operate with the British Army in the recapture of Lucknow and the final defeat of the rebels. On the conclusion of these operations, the Viceroy and Governor-General in recognition of the eminent services rendered to the British Government by the State of Nipal, declared his intention to restore to the Maharajah the whole of the lowlands lying between the River Kali and the District of Goruckpore, which belonged to the State of Nipal in 1815, and were ceded to the British Government in that year by the aforesaid Treaty. These lands have now been identified by Commissioners appointed for the purpose by the British Government, in the presence of Commissioners deputed by the Nipal Darbar; masonry pillars have been erected to mark the future boundary of the two States, and the territory has been formally delivered over to the Nipalese Authorities. In order the more firmly to secure the State of Nipal in the perpetual possession of this territory, and to mark in a solemn way the occasion of its restoration, the following Treaty has been concluded between the two States:

Article 1st

All Treaties and Engagements now in force between the British Government and the Maharajah of Nipal, except in so far as they may be altered by this Treaty, are hereby confirmed.

Article 2nd

The British Government hereby bestows on the Maharajah of Nipal in full sovereignty, the whole of the lowlands between the Rivers Kali and Raptee, and the whole of the lowlands lying between the River Raptee and the District of Goruckpore, which were in the possession of the Nipal State in the year 1815, and were ceded to the British Government by Article III of the Treaty concluded at Segowlee on the 2nd of December in that year.

Article 3rd

The boundary line surveyed by the British Commissioners appointed for the purpose extending eastward from the River Kali or Sardah to the foot of the hills north of Bagowra Tal, and marked by pillars, shall henceforth be the boundary between the British Province of Oudh and the Territories of the Maharajah of Nipal.

/This Treaty,

This Treaty, signed by Lieutenant-Colonel George Ramsay, on the part of His Excellency the Right Honourable Charles John, Earl Canning, G.C.B., Viceroy and Governor-General of India, and by Maharajah Jung Bahadoor Rana, G.C.B., on the part of Maharajah Dheraj Soorinder Vikram Sah Bahadoor Shumshere Jung, shall be ratified, and the ratifications shall be exchanged at Khatmandoo within thirty days of the date of signature.

Signed and sealed at Khatmandoo, this First day of November, A.D., one thousand eight hundred and sixty corresponding to the third day of Kartick Budee, Sumbut nineteen hundred and seventeen.

G. RAMSAY, Lieut.-Col.
Resident at Nipal.

CANNING,
Viceroy and Governor-General.

This Treaty was ratified by His Excellency the Governor-General, at Calcutta, on the 15th of November 1860.

A. R. YOUNG,
Deputy Secretary to the Government of India.
