

**INTERNATIONAL BORDER MANAGEMENT: LEARNING
FROM NEPAL, INDIA AND SCHENGEN BORDER**



APF Command and Staff College Sanogaucharan, Kathmandu

A Thesis Submitted to

Department of Humanities and Social Sciences, Tribhuvan University

In Partial Fulfilment of Master's Degree in Security,

Development and Peace Studies

Submitted by

Ram Jung Pandey

February, 2019

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DECLARATION

I hereby declare that this research paper entitled "**International Border Management: Learning From Nepal-India and Schengen Border**", submitted to the Armed Police Force Command and Staff College is entirely my original work prepared under the guidance and supervision of Dr. Naresh Rimal have made due acknowledgement to all ideas and information borrowed from different sources in course of preparing this research paper. The result of this research paper has not been presented or submitted anywhere else for the award of any degree or of any other purposes. I assure that no part of the content of this research paper has been published in any form before. I shall be solely responsible if any evidence is found against my research paper.

Signature:

Name: Ram Jung Pandey

APF Command and Staff College

Date: 05 February 2019

LETTER OF APPROVAL

This thesis entitled "**International Border Management: Learning From Nepal, India and Schengen Border**", submitted by Ram Jung Pandey has been accepted in partial fulfilment of the requirements for Master's Degree in Security, Development and Peace Studies.

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LETTER OF RECOMMENDATION

I certify that this thesis entitled "**International Border Management: Learning From Nepal,India and Schengen Border**" was prepared by Mr. Ram Jung Pandey under my supervision. The researcher has fulfilled the criteria prescribed by the Department of Humanities and Social Science, Tribhuvan University. I hereby recommend this thesis for the final evaluation and approval.

.....

Dr. Naresh Rimal

Supervisor

Date: 05 Feb 2018

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This research paper entitled “**International Border Management: Learning From Nepal, India and Schengen Border**” has been prepared by the consultation with government official, expert and scholars. Secondary data has been collected from various books, research papers, publication and websites. I would like to express my sincere thanks and profound gratitude to all the people who helped me in gaining knowledge and valuable information in due course of writing this research paper.

I have tried my best for giving this research paper a complete shape but still it is very difficult to find perfection in anything because nothing is perfect as room is always there for improvement. Therefore, despite my maximum effort and care some scope of improvement in this research is there. Hence, I would like to welcome all the comments, suggestions and advices for further improvement ahead in my research work.

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ABSTRACT

Border management is very tough, sensitive and complex issue for states. A single border management policy with applicability to every state simply does not exist. Available resources and security concerns shape border policy, and since each state has different needs to address, problems with border security vary greatly. They encompass, for example, issues of trafficking, transnational organized crime, terrorism, waves of illegal migration, political relations, and trade. The aggregate of these activities creates the environment in which affect a border management.

As per the geographical condition, religious, ethnic, economic condition, security threats and relation between neighboring countries they practiced suitable border management system. International we can found mainly two types of border management system restricted (Controlled and Closed Border) borders and open borders. Both borders have same security concern which impact on country's economic and social values. Border Management is a mechanism to ensure the security of national borders and to regulate legitimate movements on borders to meet various needs of nation by cultural, social, economical interactions. There are some new approaches of border management which articulates a new strategic vision for border processing and clearance. Those approaches bring several key concepts together into a holistic new approach. They are collaborative border management, Coordinated Border Management and integrated border management. Nepal and India followed open border system and European Union and Schengen States applied integrated border management system, which is more effective than Nepal and India border.

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LIST OF ABBREVIATIONS/ACRONYMS

AIG	Additional Inspector General
AML	Anti- Money Laundering
APA	American Psychological Association
APF	Armed Police Force
BCP	Border Checking Police
BOP	Border Out Post
BMIS	Border Management Information System
CBM	Coordinated Border Management
CDO	Chief District Officer
DIG	Deputy Inspector General
DM	District Magistrate
EBCGA	European Border and Coast Guard Agency
EC	European Commission
EU	European Union
FRONTEX	Front Gaurd for European Union External Border
GIS	Geographic Information System
HBM	Humanitarian Border Management
IBM	Integrated Border Management
IBMF	Integrated Border Management Force
ICJ	International Court of Justice
ICP	Integrated Check Post
ICT	Information and Communication Technology
ILO	International Labour Organization
IM	Indian Mujahideen
IOM	International Organization for Migration
JHA	Justice and Home Affairs
JTC	Joint Technical Committee
KM	Kilo Meter
NCB	Narcotics Control Bureau
SBC	Schengen Border Code
SSB	Sashastra Seema Bal

TOR	Terms of Reference
TV	Television
UK	United Kingdom
UN	United Nations
VIS	Visa Information System
WCO	World Customs Organization

CHAPTER I

INTRODUCTION

1.1 Background

Nationality, sovereignty, territorial integrity and national security are the primary concerns to each and every nation. As independent nation has its defined and demarcated boundaries, a permanent population, own strong and independent government and is also capable of conducting international relations beyond its borders

Borders are to be found on every geographical map, there are district borders and regional borders inside states and international borders between states. Borders seem to be as natural as the existence of nation states. Borders are not only the end of one state's territory; they are also the start of another state. Because the control of its territory, setting law on its population and dispose of its material resources (Donnan & Wilson, 2001). Border Management is a mechanism to ensure the security of national borders and to regulate legitimate movements on borders to meet various needs of nation by cultural-social-economical interactions which are performed through the borders (Poudel, 2013, p. 1)

Border management is a mechanism to ensure the security of national borders and to regulate legitimate movements on borders to meet various needs of the nation by cultural, social, economical interactions which are performed through the borders. Nepal is situated between India and China. Nepal has very good relationship with both countries. Nepal's security concern is sensitive to both neighbors. Nepal has its own identity, being located between two emerging nations. America and European countries have shown keen interest on Nepal to obtain information especially of China and India in general (Gyawali & Dixit, 1999).

Border management is one of the great challenges of our times. In an increasingly globalised world, it is essential to consider for governments to maintain the security they need, while encouraging the trade they want. Economic prosperity relies on the free movement of goods and people, but if those flows are not monitored and

controlled the result can be smuggling, trafficking and illegal migration; and with these come organized crime and terrorism. So, border management talks about the government mechanism to reconcile these contradictions.

Every border infrastructure investment should follow a comprehensive re-engineering of systems and procedures, and it should be designed specifically to support the adoption of modern border management. Only then can it help to reconcile the two objectives of effective control and trade facilitation (Ackleson, 2005). Border management means the procedures applied to persons and objects crossing the border to ensure they comply with laws. It also means how different agencies are organized and how they fit into a unified concept of border management. Finally, it means how the physical infrastructure that accommodates the agencies is designed and managed (McLinden, 2011).

Some borders such as a state's internal administrative border, or inter-state borders within the Schengen area are often open and completely unguarded. Other borders are partially or fully controlled, and may be crossed legally only at designated border checkpoints. Borders may even foster the setting up of buffer zones. A difference has also been established in academic scholarship between border and frontier, the latter denoting a state of mind rather than state boundaries.

Different countries have adopted different systems managing their borders, there are following three systems, mostly in practice in international arena they are open border system, closed and controlled border system for the border management. Since, there are some new approaches of border management which articulates a new strategic vision for border processing and clearance. Those approaches bring several key concepts together into a holistic new approach. They are collaborative border management, Coordinated Border Management and integrated border management. In collaborative border management a virtual border encompasses the entire transport and supply chain, assessing goods and passengers for admissibility and clearance in advance of arriving at the physical border (Chapman & Corso, 2005). Border management agencies work together, sharing information. As they gather, collate, and share more data, a complete view of risks and opportunities emerges, encouraging a knowledge sharing culture and a border management strategy built on proactive

decision making. World Bank has initiated this concept. Asia and the Pacific region is becoming the centre of global attention due to its rapid economic growth in the past few decades. The global financial crisis has made it imperative for the countries in the region to take measures to stimulate domestic demand and to increase intra-regional trade to sustain the growth momentum (Polner, 2011).

Integrated Border Management, or IBM, is a concept of border management devised by the European Union that was first applied in the context of the EU's support activities in the Western Balkans region during the period 2002-2006 (Leese, 2018).

Nepal shares 1880 km border with India and 1414 km with China. Nepal and China have a controlled border system where as an open border system exists in between Nepal and India. Of the border touching India, 1240 km consists of land border and the remaining 640 km is river boundary (Kansakar, 2012).

The Schengen country managed their borders effectively and guarantees the free movement to about 400 million citizens from 26 countries. The Schengen agreement was signed in 1985 by Belgium, France, West Germany, Luxemburg and the Netherlands. The Treaty proposed a gradual abolition of border checks at those five countries' common borders, together with a harmonization of their visa policies. In 1990 the Treaty was supplemented by the Schengen Convention, which proposed the abolition of checks at internal borders between the Schengen Member States and the creation of a common visa policy. Its actual implementation started in 1995, ten years after the first treaty was signed. With the Amsterdam Treaty in 1997, the Schengen treaties were integrated into the framework of the European Union, becoming legally binding for all EU member states, except for countries with an opt-out such as UK and Ireland, subject to the fulfillment of some pre-conditions. All of this culminated into one of the most valued accomplishments of the integration process: the free movements of individuals in an area with no internal border checks for citizens, businesses and tourists.

Even the strength of Border security force of Nepal - India is not in proportion which has created difficulties in border management. So far as, 26 European states that have officially abolished passport and all other types of border control at their mutual

border. They use common visa in Schengen area. So this thesis will try to explore international border management system learning application from Nepal, India and Schengen borders and some possible ways out for days to come.

1.2 Signification of the Study

Border Management is very complicated task and it is directly concerns with National security of any country. To regulate the border management smoothly different countries adopted appropriate different types of border management system and approaches as their geographic location and other factors with neighboring countries. Nepal, India adopted open border system and Schengen countries adopted integrated border management system where member states people does not need visa and people get benefit from these system.

This research focus on study of the international border management system specially focuses on Nepal, India and Schengen border. This study is beneficial for the researcher and scholars in the field of international border management, Security personnel, border guarding forces, scholars and other stakeholders for further study.

1.3 Statement of the Problem

Border management is the most sensitive and challenging task as this directly relate and concerned to the Nationality, sovereignty, territorial integrity and national security and of primary and inevitable concern to its citizens. As independent nation has their defined and demarcated boundaries, a permanent population, own strong and independent government and is also capable of conducting international relations beyond its border. Border management is a collaborative process between a country and its neighbors. It cannot be done unilaterally. Indeed, border management is an expression of a state's sovereignty. A state's failure to manage its borders can undermine its domestic and international legitimacies. Border management involves number of stakeholders like customs, immigration, quarantine, police, armed forces, and traders.

Border management is one of the great challenges of Present times. In an increasingly globalised world, it is essential to consider for governments to maintain the security they need, while encouraging the trade they want. Economic prosperity relies on the free movement of goods and people, but if those flows are not monitored and controlled the result can be smuggling, trafficking and illegal migration; and with these come organized crime and terrorism. So, border management talks about the government mechanism to reconcile these contradictions.

1.4 Research Questions

The study is focused to answer the following research questions:

1.4.1 What are the status of international border Management in Nepal, India and Schengen Border?

1.4.2 What are the challenges of border management in Nepal, India and Schengen border?

1.5 Objectives of the study

The main objective of the study is to find out international border management system and challenges of Nepal-India and Schengen Border are as follows:

1.5.1 To identify the International border management in Nepal, India and Schengen Border

1.5.2 To find out the challenges of Nepal India and Schengen border management in international border management

1.6 Limitation of the Study

The study mainly based on secondary data collected from books, journals; internet and data analyzes accordingly. This thesis limited to the international border management system regarding learning from Nepal, India and Schengen border.

Field study is not being conducted for this study. The study relied on published books, journals articles, government reports, websites and internet regarding topic international border management, Nepal, India and Schengen border. Moreover much of the study relies on the analysis of pre-existing literature; government reports and relevant necessary information extract and give it to shape through analytical discourse and thematic analysis. The timeframe of this research will be completed first week of February, 2019.

CHAPTER II

REVIEW OF THE LITERATURE

There are a lot of scholarly crafted paper in border management and security. There are number of studies and literatures on the International Border management: Nepal, India and Schengen Border. That literature includes the current knowledge on substantive finding son theoretical as well as methodological contributions on the topics. Most frequently all the work associated with academic orientation such reviews could easily accessible in different sources such as books, academic journals, articles and research paper etc. For the purpose of literature review the following ideas give the way out to reach in the destination for this research. The different ideas listed on different sources are as follows:

Guo (2017) presented a thoroughly covered the cases of cross border management. He focused on geographical issues, environmental impacts of armed conflicts, dividing and managing share natural resources, exploration, competition and depletion of border issues. Though he talked and presented the cases of North America and Europe and our border management is not matched with those countries.

Newman, (2016), focuses that the study of borders has undergone a renaissance during the past two decades. From a descriptive analysis of the course and location of the lines separating states in the international system, to the study of the dynamics of the bordering process as it impacts society and space, borders have taken on a multi-dimensional meaning. Borders may signify the point or line of separation between distinct entities, separating one category from another, in some cases institutionalizing existing differences, while in other cases creating the difference where none existed previously. As borders open, so trans-border frontier regions, or borderlands, evolve, areas within which borders are crossed, the meeting of the differences takes place and, in some cases, hybridity is created. This is as true of territorial spaces in close proximity to the physical borders of the state or urban neighborhoods, as it is of the social and cultural borderlands which interface between religious and ethnic groups, or economic categories.

Nazer (2016) highlighted the challenges of border management and said that Digital technology can make connections in real time across thousands of miles, allowing us to shop, work and interact internationally. Countries, businesses, organizations and people are more interconnected and interdependent than ever before. At the same time, we can travel more widely and cheaply than any previous generation and growing prosperity in developing countries is opening up the same possibilities to millions more.

The International Organization for Migration (2016) elaborated that effective border management can help States and regional groupings achieve a more balanced approach that enhances their own national security, in compliance with international law, while also protecting the rights and reducing potential vulnerabilities of those crossing borders. Good border management therefore serves a dual purpose, helping to balance States' interests in both facilitating cross-border movements and maintaining security. Achieving this balance depends upon border management policies and interventions focused on four areas of work: Identity management, Border Management Information Systems (BMIS), Integrated Border Management (IBM) and Humanitarian Border Management (HBM).

Baral and Pyakurel (2015) stated on the basis of field study that Nepal-India open border arrangement and conduct of such unique and free border existing between the two countries is practicing since the signing of Sugauli Treaty in 1815-16. Its openness poses both challenges and opportunities for disturbing as well as making bilateral relations smooth and friendly. How such close relations which are incomparable to others have been managed and how the newer problems that arise with the pace of time and situation are being addressed are also the theme of study.

The findings of study are no less significant as Nepal and India have developed mechanisms to deal with the day-to-day problems making significant improvements for streamlining the border. Yet, two types of problems have given rise to occasional controversy: infringement of border and humanitarian problems caused by the erosion of borderland and occupation of no-man's land by both Indian and Nepalese. The use and misuse of open border by elements indulged in illegal trade, criminal activities of all nature, have also made border management more complex. The concluding section

of the book deals with the corrective measures for making open border more smooth, efficient and credible.

Forester (2014) in his research examined three central border security issues: how and which non-state actors influence the security of state borders, and whether countries can make borders more secure. His analysis focuses specifically on the bordering states of India and Nepal, two countries engaged in open border policy for military and economic reasons that, at the same time, face issues such as of transnational crime organizations, economic disparities, and political tension. Two case studies, one of an open border and one of a restricted border, provide a framework for analysis and recommendation for the challenges that Nepal and India face.

Shrestha (2014) paper presentation in Malaysia talked about the opportunities and challenges of free and unrestricted movements of people of Nepal and India across the international border. He emphasized how such porous border creates the opportunities and challenges as it then another side of the coin. How international border has been misused by unwanted people of third country nationals. And also he has suggested some ways and means to overcome these challenges, for the benefit of both nations.

Karioth (2014) talked about illegal migration aspects are not considered sufficiently in strategic planning. Clearly, some political decision can have a serious impact on illegal migration. Future oriented strategies and concepts are often missed and political processes are often limited due to the fact of political discontinuity often caused by changing political mandates.

Naik (2014) portrayed that Nepal-India border is unique in the world in the sense that people of both the countries can cross it from any point, despite the existence of border check posts at several locations. However, only at six transit points out of them, the movement was permitted to nationals of third countries, who require entry and exit visa to cross the border. As the whole length of the border police does not patrol the check posts or paramilitary or military forces of either country, illegal movement of goods and people are a common feature on both sides of the India-Nepal border (Naik, V. 2014).

Kansakar (2012) highlighted that the concept of open border between Nepal and India has still remained a mystery. Besides, there are several sub-customs posts. It is alleged that it is possible to have illegal movement of people and goods in collaboration with personnel deputed in those posts. There is no denying the fact that it is not unusual from the practical point of view to have illegal smuggling of goods, trafficking of girls to brothels in Indian cities, trafficking in narcotic drugs, arms and ammunitions.

Federal department of justice and police of Switzerland (2012) explored new ideas of virtual border management concepts which is mentioned as a new measure than coordinated measure applied in the Schengen area which assumed as the best measurement to combat against illegal activities along the border. The concepts of close cooperation between border management agencies in different level is needed and for the Integrated Border Management (IBM) than only can lead to internal security, smooth border crossing facility to traveler, harmonized process, faster response, improved on national risk analysis and joint strategic approach with some scopes (Federal Department of Justice and Policies of Switzerland, 2012).

McLinden (2011) provided ideas regarding effective border management policymakers and reformers with a broad survey of key developments in and principles for improving trade facilitation through better border management, including practical advice on particular issues. The book presents a new, more comprehensive approach to trade facilitation through border management reform.

Hans (2010) explained that economic relations across the border between Nepal and India, which led to different perspectives on the border, which again are deeply related to border cultures and identity constructions with its placement in the discourse of identity politics in Nepal within its democratization process. He conclude that borders are contradictory zones of culture and power, where the twin processes of state centralization and national homogenization are disrupted, precisely because most borders are areas of such cultural diversity.

Das (2010) highlighted that there are many points of dispute along the Indo-Nepal border, mostly a result of the constantly shifting courses of the turbulent Himalayan Rivers. An open border allows easy egress to terrorists and insurgents. Apart from

insurgents and terrorists, many hard-core criminals pursued by Indian and Nepalese security forces escape across the open border. These anti-national elements indulge in illegal activities, such as smuggling of essential items and fake Indian currency, gun-running, and drugs and human trafficking. Unrestricted migration over the years has produced territorial pockets dominated by people originating from the other country. The net effect of such migration, in extreme cases, is the clamor for a 'homeland', as was witnessed in the hill district of Darjeeling adjoining the Indo-Nepal border. A similar situation might arise in Madhesh region of Nepal.

Fravel (2007) stated that the complexity of border management in the era of economic reform and globalization presents a third external challenge to defending the frontiers. A strident approach to border management might limit the promotion of economic development by restricting trade flows and weakening investor confidence, while a loose approach might facilitate the flow of contraband or resources that could be used by

Ackleson (2005) shared the experience of European migration and security policy in change, the EU legislation facilitates border control and security procedure, the treaty of Amsterdam, the treaty of Nice, the treaty of Lisbon, the Hague program of 2004, the Stockholm program in 2009, border control aspects as integrated tools to manage migration flows and integrated border management as one of the solution on border management. Further he stated that a border management strategy and implementation or action plan requires intra-service cooperation, inter-agency cooperation; and international cooperation.

Hobbing (2005) highlighted that economic globalization, international migration as well as fear of terrorism and organized crime, the efficient handling of borders has become an issue of political priority, in the EU and across the world. Modern, economy-oriented states have to rely on a flourishing trade and offer a comfortable degree of security to their citizens. The formula commonly chosen in combining these two objectives is that of 'integrated border management', which represents the delicate attempt to marry security concerns with trade facilitation. If the implementation of this innovative approach is already proving to be a challenge to well-established nation states, it becomes a genuine balancing act for an incomplete

federation such as the EU, with its sensitive mix of a single external border and 25 separate legal/administrative systems. This working paper seeks to illustrate the difficulties encountered by the EU and develop solutions that should firmly go into the direction of a coherent, communitarian approach in border management.

Shrestha (2003) carefully analyzed the emerging issues of border management, together with its history, present status and problems, keeping in mind the fact that national wellbeing is impossible without national security, which again, is beyond imagination without effective border management. This has helped to answer questions to the exact nature of controversy surrounding our border points, along with its history as well as its advantages and disadvantages of the present system for the nation. Obviously, the book has brought to light the benefits a nation can acquire by managing its boundary skillfully.

Pattanaik (1998) discussed about the problems, challenges and opportunities that is laid by Nepal- India open border regime. The implications of free movement of population across the international boundaries are varied and complex. Open border facilitates cultural continuity through interaction between countries having socio-religious affinity. Apart from socio-cultural implications the open border can prove to be a safe haven for smugglers, criminals and terrorists to carry out their activities in an uninterrupted manner.

By reviewing all these literature researchers found border management aspects described by different scholar in the different context of globe, Nepal India and Schengen border and to find out the better application from the Schengen border management to Nepal India border management. Very few Nepalese and Indian intellectuals are working on border management issues between Nepal and India border. Many approaches found in literature are practiced in developed countries but very few practices can be observed in the least developed country like Nepal. The literature regarding border management between Nepal and India there are little literature available related to it but we can find abundant amount of literature regarding other aspects of border management as a whole. The research on the "International Border Management: Learning from Nepal, India and Schengen

Border" is new and less focused subject in academia Therefore, it is necessary to study about this topic.

CHAPTER III

RESEARCH METHODOLOGY

3.1 Research Design

The nature of this research is descriptive, analytical and explanatory. The research refers to the overall strategy that we choose to integrate the different components of the study in a coherent and logical way, thereby, ensuring us to effectively address the research problems. It continuous the collection necessary data, measurement and analysis of data. Research design is the frame work that has been created to find out answer to research questions.

Qualitative data analysis is the main instrument for this study. To reach into research objective first of all I make the concept building and collected necessary data through various literature, books, journals and articles related to international border management, border management system of Nepal and India and Schengen border. The detail information of the study area obtained from secondary sources. Based on collected data that analyzed and interpreted in descriptive way synchronizing it analytically and properly to reach in conclusion. The overall research work has been conducted through secondary data.

3.2 Sources of Data

The research is solely based on secondary data's and information's. Information's and data's has been collected from various published books, literatures, journals, articles, research papers, reports from related organizations and government agencies, various newspapers and concerned authorities. The research is more critical, analytical and descriptive. The researcher has collected information and data related to International Border Management System and Border Management System in Nepal-India Border and Schengen Border by extensively using internet and website. Similarly related data and information to this research regarding the subject matter has been collected from

published books, journals, articles, reports. Internet websites has been used to great extent in search of relevant inputs.

3.3 Data Analysis and Presentation

To fulfill the aim of this study, qualitative data collect from secondary sources and analyzed by explorative, analytical and descriptive method process for appropriate findings. Collected data analyzed and interpreted with the help of tables, figures for detail analysis. Researcher used own intuition and knowledge to analyze the available literature regarding international border management and applicable measures dig out from literature review analysis, thematic analysis and give final shape to this study.

3.3 Ethical Consideration

This research paper adopted the APA 6th edition and formats for the citation and references. Researcher is conscious of ethical issues that may arise in future. This research doesn't harm any participants, institutions and any individuals in any cost whatsoever. Norms like honesty and integrity, objectivity, carefulness, openness, respect for intellectual property, confidentiality, responsible publication and legality has been taken in consideration. There is no hurt to the government policies and procedures. Policy of non plagiarism is strictly followed. Citation and reference is coded for each and every source. The research is conducted adopting the general principle of ethical standard like responsibility, integrity and justice

CHAPTER IV

RESULT AND DISCUSSION

4.1 Concept of Border Management

Border management is the integration of border population and border area, to achieve social, economical, development progress in border areas. An Imaginary line indicating the territorial limits between two countries with the help of border pillar has got length not Breadth, called boundary line. Border Management is a mechanism to ensure the security of national borders and to regulate legitimate movements on borders to meet various needs of nation by cultural-social-economical interactions which are performed through the borders (Poudel, 2013, p. 1).

Border Management is a mechanism to ensure the security of national borders and to regulate legitimate movements on borders to meet various needs of nation by cultural-social-economical interactions which are performed through the borders (Pant, 2006). Governments and the development community have invested significantly in border management reform and modernization.

Every border infrastructure investment should follow a comprehensive re-engineering of systems and procedures, and it should be designed specifically to support the adoption of modern border management. Only then can it help to reconcile the two objectives of effective control and trade facilitation (Ackleson, 2005). Border management means the procedures applied to persons and objects crossing the border to ensure they comply with laws. It also means how different agencies are organized and how they fit into a unified concept of border management. Finally, it means how the physical infrastructure that accommodates the agencies is designed and managed (McLinden, 2011). Effective border management means ensuring that:

- a. Everyone and everything that crosses the border is compliant with the laws, regulations, and procedures of the country.
- b. Users are encouraged to comply. Compliant users are offered facilitated service.

c. Offenders are identified and stopped.

Border management, commonly defined as the government functions of immigration, customs and excise, and policing, with the aim of controlling and regulating the flow of people and goods across a country's border/boundary in the national interest (Karioth, 2014).

The perceptions that a government/state has of external threats/risks determines its responses to border insecurity and the border management system it puts in place. In other words, how a country/state/government manages its borders reflects its fears and comfort. Indeed, border management is an expression of a state's sovereignty. A state's failure to manage its borders can undermine its domestic and international legitimacies (McLinden, 2011). The legal status of a state/government depends on how it manages its borders. The Montevideo Convention on the Rights and Duties of States of 1933 identifies four criteria for state sovereignty: permanent population; a defined territory; a government; and the capacity to enter relations with other states. In other words, border management includes:

- a. Territoriality is equal to sovereignty
- b. Citizenship is defined by territory
- c. Territory is defined by borders
- d. Borders enable countries to engage in international relations
- e. Borders define state-citizenship relationship

As and when the nations involved agree, the process of transferring the boundary line from the maps commences. The survey authorities of both sides jointly fix the map co-ordinates on ground and decide amongst themselves to take responsibility for the construction of border pillars on the basis of mutually agreed design. The border management is targeted to meet the common challenges of facilitating the movement of legitimate people and goods while maintain w3cure borders. However, effective border management can help States and regional groupings achieve a more balanced approach that enhances their own national security, in compliance with international

law, while also protecting the rights and reducing potential vulnerabilities of those crossing borders (IOM, 2017).

4.1.1 Aim of Border Management

The aims of border management are as follows

- (a) Maintain sanctity of boundary line and thereby safeguarding of territorial limits
- (b) Provide protection to one population inhabiting the border areas.
- (c) Check and prevent illegal movement of human beings across the border.
- (d) To check and prevent illegal movement of articles/commodities across the border.
- (e) Gain information of value (intelligence) from across the border.
- (f) Protection of economic resources including those within the limits of territorial waters.
- (g) Enforce and regulate movement of vessels passing through territorial waters.
- (h) Maintain limited aggressive posture against hostile neighbours and handle minor skirmishes on the borders.
- (j) Supplement efforts of defence forces in the event of war.

4.1.2 International Border Management System

Different countries have adopted different systems to manage their borders, following three systems are mostly in practice in international border management.

4.1.2.1 Open Border System

This system refers to a system where a traveler of one country can visit and move around in another country without any restriction. For example, since Nepal and India have followed this system, citizens of both countries can easily and openly cross each other's borders to visit or travel each other's country without producing any identity

documents. But in case of US and Canada, they also share open border but people have to produce their authentic ID cards.

4.1.2.2 Controlled Border System

This is an arrangement under which a traveler from one country must produce travel documents before the immigration officials while entering into another country. Such documents include Passport and visa. An example of this system can be the regulated border management between India and Bangladesh. Most of the countries of the world have also adopted this system, as they believe that will help maintain peace and security.

4.1.2.3 Closed Border System

Closed border means a system where a ban is enforced cross border movement of all types. Under this system, no traveler can cross the border and enter the neighboring country i.e. the border between North Korea and South Korea.

4.1.3 Approaches of Modern Border Management

Border clearance processes are among the most problematic links in the global supply chain and frequently undermine national competitiveness by increasing the cost of exports and reducing reliability of supply. As a result, securing meaningful reform of border management procedures has become an important issue for the development community. The central themes of contemporary border management do not answer the holistic approach of border management. Since, there are some new approaches of border management which articulates a new strategic vision for border processing and clearance. Those approaches bring several key concepts together into a holistic new approach. They are collaborative border management, coordinated border management and integrated border management.

4.1.3.1 Collaborative Border Management

Collaborative border management is based on the need for agencies and the international community to work together to achieve common aims. The model suggests that border management agencies can increase control while providing a more efficient service, and that they can do so while retaining their own organizational mandates and integrity (McLinden, 2011).

In collaborative border management a virtual border encompasses the entire transport and supply chain, assessing goods and passengers for admissibility and clearance in advance of arriving at the physical border (Chapman & Corso, 2005). Border management agencies work together, sharing information. As they gather, collate, and share more data, a complete view of risks and opportunities emerges, encouraging a knowledge sharing culture and a border management strategy built on proactive decision making.

It can also preserve the independence and specific mandates of customs and other agencies involved in border management. Collaborative border management also benefits the customer, reducing administrative and compliance costs while saving time and making service more predictable (McLinden, 2011).

Table: 1**Key Aspects of Collaborative Border Management**

Practice Type	Common Practice	Collaborative Border Management Practice
Policy	Balance between facilitation and control	Optimization of both facilitation and control
	Focus on physical border controls	Focus on virtual border controls
	Adversarial relationship with trade	Constructive partnership with trade
	Limited cooperation and data exchange	Extensive collaboration and information sharing
Processes	Output based functional model	Outcome based process model
	Focus on goods and revenue	Focus on information
	High levels of physical inspection	Intervention by exception
	Transaction based procedures	Exception based procedures and audit based control
People	Physical control at the border	Customer compliance focus through intelligence driven risk management
	Limited transparency	Full transparency
	Organizational performance measurement	Clear measures of individual and collective performance
	Standard training, mainly administrative	Capability modeling, commercial & administrative
ICT	ICT security limited to intrusion protection	Service oriented architecture

Source: McLinden (2011), Border Management Modernization

The above table (1) shows the comparison between common practice of border management and the collaborative border management system. This comparison concludes that collaborative border management system is more advanced and beneficial.

4.1.3.2 Coordinated Border Management

Coordinated border management is an important component of the institutional deficiencies. Experience has shown that there are various approaches to coordinated border management and some of the better practices demand detailed and careful planning. In particular, border agencies specifically Customs need to redefine their standalone role and more importantly, their role as part of the coordinated border management team (Hamanaka, 2014).

One of the most important non-physical barriers affecting international land transport is excessive delays at border crossings. These delays can be due to many reasons but in most cases they are aggravated by a lack of coordination and cooperation among border agencies. Boosting intra-regional trade and stimulating domestic demand need investment in infrastructure as well as measures to address the institutional and legal barriers to trade and transport in the region. Both these areas need persistent and sustained efforts over a long time, and there are no quick solutions (Polner, 2011). However, the countries in the region are increasingly realizing the importance of intra-regional trade as a means to sustain their growth and are taking steps at sub-regional and regional levels to address the issues involved. Two dimensions of coordinated border management are as follows:

- a. To facilitate movement of goods, while taking into account the mandate of each agency with respect to goods and people crossing the border, it is desirable that border agencies work in a coordinated way by sharing information and avoiding duplication of the process or procedure.
- b. Coordinated border management involves cooperation with neighboring countries and the institution of joint controls at border crossings to eliminate or at least reduce duplication of processes by sharing information and resources. This coordination between border agencies across borders can be more meaningful, if there is a high degree of inter-agency coordination behind the borders.

4.1.3.3 Integrated Border Management

Integrated Border Management, or IBM, is a concept of border management devised by the European Union that was first applied in the context of the EU's support activities in the Western Balkans region during the period 2002-2006. The need for agencies involved in border management such as the border police and customs to coordinate their work at national and international levels became increasingly apparent in the light of realities such as the expansion of the European Union and Schengen zone.

The EU moved quickly to meet this need for greater coordination at its own external borders, and in 2004 created FRONTEX, an agency dedicated to “the management of operational cooperation at the external borders of the Member States of the European Union (Hobbing, 2005).” Underpinning the idea of IBM is that individual border agencies are generally more effective when cooperation is in place (Leese, 2018). That means cooperation within the agency itself (intra-agency); between the various agencies involved in border management in the same country (inter-agency); and cooperation with the border agencies of neighboring countries. It emphasizes coordination within and between border services, as well as international co-operation.

The EU's own definition of IBM is National and international coordination and cooperation among all the relevant authorities and agencies involved in border security and trade facilitation to establish effective, efficient and coordinated border management, in order to reach the objective of open, but well controlled and secure borders.

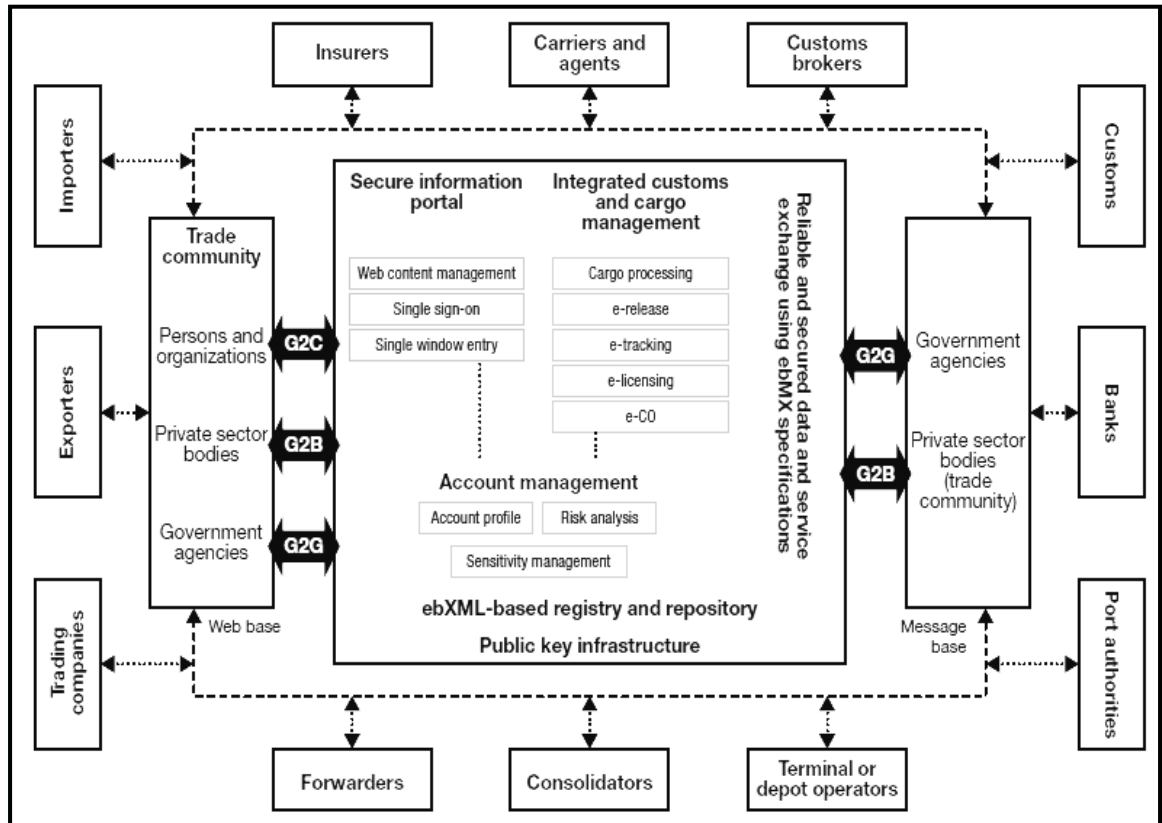


Figure 1: High Level Border Management Technical Architecture

Source: McLinden (2011), Border Management Modernization

A technical architecture is mapped in figure 1. This figure shows that every technical delivery should be tested according to a solid testing methodology, from component testing to product testing, integration testing, performance testing, and finally user acceptance testing.

4.1.4 International Legal Mechanisms of Border Management

Obviously, stable and mutually agreed boundaries are a major pre-requisite for a peaceful cooperation between countries. Surveying and mapping in general and aerial and satellite imagery in particular, play a major role in establishing the borders physically which is an important fact in the recognition of borders. Before discussing boundary making, several terms which are commonly used in this area are shortly reviewed such as treaty, delimitation, demarcation, and delineation (Srebro, 2013). The meaning of treaty and international agreement under Article 102 of the charter of

the United Nations is defined as: “Treaty is a generic term embracing all instruments binding under international law, regardless of their formal designation, concluded between two or more international juridical persons” (The Vienna Convention, 1969) defines a treaty as “an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation. Delimitation is the legal process by which two sovereign nations establish and describe in writing the location of their common boundary, mainly as the output of the decision making on the negotiation table (Srebro, 2013).

Demarcation is a field operation. Its purpose is to mark the position of the boundary on the ground so it is visible to all, and this normally starts by surveying which is the initial stage of demarcation. The objective of demarcation is to place or adopt physical marks that accurately represent the location of a delimited boundary. Wherever possible, demarcation by artificial boundary marks should consist of monuments placed directly on the boundary line. A joint commission, composed of an equal number of members from each country, normally undertakes the physical demarcation. Boundary demarcation is based on requirements with either static documentation paper mapping and reports as an output, which for securing knowledge or information about their boundaries, are to be attached to the treaties archived in the UN; or they are based on dynamic output (like data for Geographic Information Systems, GIS) to be used by future boundary administrations. Delineation is the graphical or mathematical representation of the boundary.

4.1.5 Legal Aspect of Boundary Dispute Resolution

Boundary disputes between states often attract attention from legal scholars for resolution (Ackleson, 2005). International law defines the legal responsibilities of the state to protect national boundaries. There are four legal aspects to resolve the dispute. It is important to consider the boundary as a problem that needs fixing and, since it affects both countries, so should cooperate to fix it together. All too often the matter that is addressed is not the ambiguity in the boundary description but the outrage felt

by one landowner in response to some action by the neighbor and outrage encourages antagonism and prevents cooperation.

4.1.5.1 Resolution through Mutual Discussion Negotiation

This principle is used by informal/formal agreement between two neighboring countries, Iraq and Jordan on and around Aqaba during 1965 agreement. Build relationships through establishing rapport or common cause, bringing counterpart to the common side while solving problem and to understand the interests and values at the negotiation table. Negotiation involves only the parties. Each negotiation is unique, differing from one another in terms of subject matter, the number of participants and the process used. The outcome of a negotiation is reached by the parties together without recourse to a third-party neutral.

4.1.5.2 Mediation through Third Country Boundary Experts

Resolving boundary disputes through mediation has been recommended time and time again by the judiciary due to the advantages of speed of settlement, low cost and high likelihood of success. Boundary disputes between neighbors can be very harmful to those involved and indeed the community as a whole. Venezuela and Guyana had claimed and counter-claimed over chunk of an offshore area where there a new oil discovery, Venezuela sent a letter to U.N. Secretary-General Ban Ki-moon requesting that a formal mediator be appointed on 10 July 2015.

4.1.5.3 Through United Nations (Security Council)

There was a dispute on the Aegean Sea between Greece and Turkey in August 1976, UN adopted unanimously hearing various points presented by the Foreign Ministers of Greece and Turkey on 25 August 1976, claim and counter-claim continued and later it was sent to ICJ (Polner, 2011).

4.1.5.4 Through International Court of Justice (ICJ)

Nigeria and Cameroon have disputed the possession of Bakassi 1981. The ICJ delivered its judgment in favour to Cameroon on 10 October 2002. Nigeria lost the case and Nigeria withdrew from Bakassi Peninsula but Cameroon had to wait till August 2008 to possess the Bikassi.

4.1.6 Demarcation of International Boundary

A demarcation is a line, boundary, or other conceptual separation between things. Geographically, a demarcation might be the border that separates two countries or the river that divides two regions (Kansakar, 2012). The demarcation procedures are as;

4.1.6.1 Political Decision on Allocation of Territory

This first stage, often formalized by treaties, is considered as definition of the boundary. When treaty makers define the boundary in question, their work is placed before cartographers who, using large-scale maps and aerial or satellite imagery, plot the boundary as exactly as possible (Shrestha, 2003).

4.1.6.2 Boundary Delimitation

The period of time separating the stage of delimitation from the initial stage of definition may amount to decades; for example, several African countries whose boundaries were defined towards the end of 19th century are now in the process of delimiting their borders.

4.1.6.3 Boundary Demarcation

Boundary demarcation is the task of marking the boundary on the ground. For this purpose, materials are employed. Boundary demarcation, as this process is called, has by no means taken place along every boundary defined and delimited.

4.1.6.4 Administration of Boundary

The final stage in boundary making is administration; that is, establishing some regular procedure for maintaining the boundary markers, settling minor local disputes over the boundary and its effects, regulating the use of water and waterways in the border area, and attending to other housekeeping matters (Polner, 2011).

- a. Agreement
- b. Treaty
- c. Protocol

4.1.7 The Evolution of Nepal's International Boundary

After the Treaty of March 4, 1816 (Sugauli Treaty), the then Government of India started preparation of maps and construction of boundary pillars along Nepal India boundary. Works on Nepal India boundary are still ongoing. In 1980 Nepal and India agreed to continue the remaining tasks of the boundary. In order to materialize this agreement Nepal India Joint Technical Committee (JTC) was formed in 1981 in central level (Sapkota, 2017). The basic terms of reference were: to inspect and collect the description of boundary pillars; to repair and maintain the damaged pillars; to relocate and reconstruct the missing pillars and to make the record of encroachment of No-man's land. Similarly, at district level Field Teams were formed in the leadership of Chief District Officers (Nepal) and District Magistrates (India). In 1988 the following tasks were added to the JTC's TOR: to make strip maps at scale 1:15000 for the riverine boundary, based on the jointly agreed Base Maps, to delineate boundary in the strip maps according to the 'Fixed Boundary Principle' (Sapkota, 2017).

The boundary between Nepal and India is approximately 1,880 Km. long. Approximately, 1,240 Km. lies in land and about 640 Km. lies in rivers. Out of 640 Km. riverine boundary, 200 Km. lies along the river Mahakali, 20 Km. along the river Narayani, 80 Km. along the river Mechi and remaining 340 Km. along other rivers. Out of 76 districts of Nepal, 27 districts border with India (Baral, 2017).

4.1.8 Border Management in Nepal - India Border

The border management system of Nepal and system seems more volatile due to the open border system. But Nepal and China border system has controlled border system that needs to visa to go to the China for Nepalese peoples and vice-versa. If we have a look back on the border management system between Nepal and India, anyone entering into Nepal particularly to the Kathmandu valley and towns of Tarai in general, had to get Rahadani or visa from the district administrations. Now both the states Nepal and India feel the security challenges of having open border system. The penetration of non-state actors with antinational peoples have easy path due to the open border system. It was prior to the restoration of Naya Muluk by Nepal in 1860, as the controlled border system was prevalent during that period (Shrestha, 2010). Afterwards, it was started slowly to keep the border open for recruiting the Nepalese hill and sturdy boys in British Gurkha regiment. Understanding and harvesting the economic benefits of border management is a challenge today. A competent border management system calls for the tight coupling of technology and infrastructure that is capable of handling the geopolitical, social and economic challenges we face in India owing to our vast border fronts (Shrestha, 2010).

4.1.9 Legal Mechanisms of Border Management between Nepal-India

So far as the Indo-Nepal border demarcation is concerned, Nepal-India Joint Technical Level Boundary Committee is working for the last 21 years (since 15 November 1981). But the boundary business is not yet completed. There may be so many reasons the boundary business not to be completed in due time, though it has the target to complete it by 2003. However, this type of target had been fixed many times in the past as in 1993, 1998 and 2001. But the target was not materialized. The main reasons and issues of the boundary business with India is the border encroachments, disputes on certain segments, divergence of opinion on basic materials such as maps and old documents for demarcation, slackness in joint survey field teams and so on and so forth.

The Treaty of Sugauli of 4 March 1816, Supplementary Treaty of 11 December 1816 and Boundary Treaty of 1 November 1860 delineate the boundary of Nepal with India.

4.1.9.1 Anglo-Nepal War and Sugauli Treaty 1816

As a representative from Nepal, Chandra Shekhar Uppadhya Signed the Sugauli Treaty in Makwanpur at Sugauli in 1816 AD after to End the war between Nepal-East India Company. After this treaty Nepalese troops returned back from West of Mahakai (Satlaj, Kumau, Gadhwal) and East of Mechi River(Sikkim to Tista river) and returned From Ganga Jamuna to Chure hills in south and Nepal became Terai less country at that time. A lot of border disputes at that time after the treaty during the time of Prime Minister Bhimsen Thapa. And one third of the area of Nepal had been cut off by this treaty.

4.1.9.2 Peace and Friendship Treaty 1950

It is one of the major treaty in the history of Nepal, this treaty was done after the India became free from British colony, according to the treaty people from both of the country can move freely in any of the country, some of the people and political parties are also saying this treaty is an unequal treaty and needs amendments or reforms too. A lots of political movements and riots and Maoist movements also had been occurred too in the history regarding this issue but no Nepalese political party can raised the agenda to the meeting with counter parts meetings about to reform and recommended to change yet. As well as, the treaty is also not speaking about the open border system or any regulatory means.

4.1.9.3 Nepal-India Border Demarcation Agreement 1981

The demarcation of the border was done after the Sugauli Treaty 1816 by British surveyors and established 913 Jungle Pillars from Fungling Taplegung to Bhrahamdev-mandi, Kanchanpur. To strengthen that, the Nepal-India Joint technical border committee had formed in 1980 and signed in agreement by at 1981 and that committee held meeting regularly in an alternative way sometimes in Kathmandu and

another time in Delhi. That committee had established more than 7000 pillars in various spots at the border in between Nepal-India.

4.1.10 Practices of Border Management of Nepal-India Border

The Nepalese government realized that conditions in its lowland territory, consisting of the southern belt and a portion of the eastern and western segments, were in a deplorable condition. As this may cause future problems, Nepal moved diplomatically and held talks with India to formulate Nepal-India joint border inspection mechanisms to keep the border clear and intact. Talks went on for almost a decade, and only after long consultation and conversation did the two sides finally agree on 25 February 1981 to work jointly to clear and maintain their joint border (Shrestha, 2014, p.10).

4.1.11 Joint Technical Committee

Since then, various minor issues have been resolved, subsidiary/additional pillars have been erected, and strip-maps of the resolved areas have been drawn. But the joint committee could not settle major issues of encroachment or disputed portions. In fact, the Joint Technical Committee (JTC) worked for 26 years and completed 97 percent of the boundary. The remaining 3 percent of the border in various spots was beyond their capacity. This unsettled portion of the border consists of the Kalapani Limpiyadhura encroachment (17 km), Susta (24 km) and various other spots (15 km). There are encroachments, cross-holding occupation, disputes, conflicts, claims and counter-claims in 71 spots having approximately 606 square kilometers. The prominent areas have been identified as Kalapani Limpiyadhura, Susta, the Mechi river area, Tanakpur, Sandakpur, Pashupatinagar, Hile, Thori, etc. The largest single chunk of encroachment is Kalapani-Limpiyadhura (370 km²) of the Darchula district and the smallest portion is Fatak (240 m²) in Pashupatinagar of the Ilam district. It could be said that the boundary treaty and the statement of delimitation are not clear. This has created doubt and suspicion about the mitigation of the boundary issue (Shrestha, 2010). The JTC could not settle major issues of encroachment or disputed portions as there are unresolved issues in more than 71 places. The main issues regarding the disputed boundary with India are border encroachments, disputes on

mostly cross holding occupations, and divergent opinions on basic materials such as maps and old documents for demarcation. The other reason is the slackness in joint survey field teams and a lack of equal participation (Shrestha, 2003).

4.1.12 Joint Mechanisms

The Nepal-India Technical Level Joint Boundary Committee worked for 26 years and it was dissolved on 31 December 2007, having completed 97 percent of the demarcation work (Himalayan Times Daily, 21 Dec 2008). In connection to the remaining 3 percent of unresolved issues, the matter has occasionally been raised during the visits of high-ranking dignitaries. During Indian External Affairs Minister S. M. Krishna's visit to Kathmandu on 15 January 2010, Nepal voiced its concern over border issues and the encroachment of Nepalese territory. In relation to this issue, the governments of Nepal and India reached an understanding to resolve border disputes and the controversy over the alleged encroachment of Nepalese soil through mutual understanding at the political level (Republica Daily, 16 January, 2007). In the same way, visiting Indian External Minister Pranab Mukherjee told reporters in Kathmandu on 25 November 2008, "We have agreed to resolve the long standing border disputes between the two countries at various places, including Kalapani and Susta through further discussions. Differences and divergence of view within the spectra of disputed areas are to be resolved and officers from both sides will be asked to meet and resolve this issue soon (Himalayan Times, 2008). But the joint mechanism has not been formulated to solve this issue either at the technical or diplomatic or political level.

4.1.13 District Level Committee

So far as the district level committee is concerned, the Chief District Officer (CDO) of Nepal and District Magistrate (DM) of India have a joint mechanism to discuss the problems to maintain the border. At joint meetings, they occasionally inspected the border area and the no-man's land in person, recording missing pillars and determining if the no-man's land had been encroached. But repair and maintenance have not materialized due to a lack of instruction by the central government.

4.1.14 Diplomatic and Political Level

Territorial diplomacy has been a consistent feature of inter-state relations in Southeast Asia from the earliest times to the present. The basic tenet of this strategy is that expansion (when relatively strong) is alternated with territorial concession (when weak), in the long run, losses should be minimized and intermediate bargaining advantages maximized. Even today, it is considered more important to use marginal territory for diplomatic purposes (that is, to acquire and then expend it) than merely to maintain control, especially since, in isolated areas, military conquest is more easily achieved than administrative control (Solomon, 2007). At a time when Nepal's bureaucracy is politicized and unable to perform its role in a credible manner, Nepal's security institutions have largely remained uninfluenced, showing they had the capacity to deliver the results. At a political level, we have to be very conscious of each other's interests and requirements. The diplomatic and political level meetings would help for the security forces to work in a proper way and easy to implement the policies. At the execution level too, there is good cooperation now. What is good about this cooperation is that it is now taking place in smaller units at the operational level. Of course, it is important at the central level but to improve security, it is more important to have good cooperation at the level of the border districts. This is moving on very satisfactorily. We have regular border district coordination meetings where these issues are discussed (Ray, 2015).

4.1.15 Cross Border Governance

Cross-border governance is essentially understood in relation to "de-bordering." The dynamics of de-bordering give way to "re-bordering." However, the nature of cross-border relations on the basis of mutual understanding is more useful for the people of both frontiers. The divergent issue may affect the governance of cross-border regions to the extent that functional changes at the borders bring into play divergent interests, which operate at different scales and in various temporalities. Such an examination also involves questioning the changing realities of borders by paying particular attention to the practices of "borderisation" and to its underlying logic (Shrestha, 2014, p.73). Despite this fact, networks of actors play a determining role within the

development of a multitude of cross-border institutional arrangements; work is done within the relational approach, which seeks a re-conceptualization of the region as structured by a variety of flows and relations. In view of this, the question is not whether the territorial approach should be replaced by a relational approach, but rather how they can be combined in a way that goes beyond the inherent limits of undimensional approaches.

4.1.16 Border Guarding Force in Nepal-India Border

Armed Police Force Nepal from Nepal and Sashastra Seema Bal from India deployed in Nepal and India border.

4.1.13.1 APF Deployment in Nepal-India Border

Because of the porous border varieties of illegal activities were operated along the border. The issue of border security was raised number of times from different sector within the country. As a result Government of Nepal decided to deploy APF in border and deployed the force for border security from 5th of March 2007. Operation and Border Security Department is the apex unit to command, observe and monitor 123 APF units with 2 temporary BOP's which are shown

There are 20 border security battalions, in southern border, 7 Revenue & Custom Security Company and 89 Border Out-Posts with India (including 2 temporary Balmiki Ashram Chitwan and Tribeni Susta Nawalparasi). APF personnel deployed in Nepal-India border are responsible for protection of 1880 km border. The government of Nepal entrusted border guarding mandate to APF but this organization doesn't have the legal authorities to investigate border related crimes (APF Nepal, O& BSD, 2018).

4.1.13.2 SSB in Nepal- India Border

Sashastra Seema Bal (SSB) was established as special Service Bureau in 1963 declared as a Border Guarding Force in 15th January, 2001 under the Ministry of Home Affairs and renamed as "Sashastra Seema Bal" on 15th December, 2003. On 19 June, 2001 SSB was given the mandate to guard the Indo-Nepal Border and was declared the Lead

Intelligence Agency for that area. The added responsibility of guarding Indo - Bhutan Border was given to SSB on 12th March, 2004 along with being declared the Lead Intelligence Agency for that border. Current strength is 76,337 with six frontiers, eighteen sectors, 73 battalions and other formations/units. Also special deployment of SSB is in Raxoul and Sunauli for Integrated Check Post (ICP). SSB has special attention in those crossing point where modern gadgets of border security is employed for facilitation of the people under ICP (SSB, 2018).

Area of responsibility of SSB extends up to 15 Kms from the international border in all the seven States of deployment Legal power under various Acts Area of responsibility defined up to 15 km from international border which is completely open and porous with no VISA regime, free and frequent movement of people across the border. The border is increasingly being exploited by FICN racketeers, drug cartels; trans-border criminals, smugglers, human traffickers and have ample scope of movement of Militant groups, Maoists, Naxalites. The main task of SSB is to curb such type of trans-border crimes along the border. Besides that SSB conduct welfare activities, development programs and civic action for winning heart and mind of bordering people regularly in the border villages to improve their living conditions and for better understanding and synergy between SSB and the villagers.

4.1.17 Border Management System of EU and Schengen Area

IBM strategy is a catalogue of the political and operational objectives a country wants to achieve in order to establish a more comprehensive, effective and efficient system of border management (European Commission, 2010). The concept of the European integrated border management brings together a number of components that need to be addressed in a comprehensive and coordinated way, ranging from the area of border control, including the referral of third country nationals in need of protection, the prevention and detection of cross-border crime, search and rescue operations, to risk analyses. The most central instrument in implementation of the EU IBM is the European Border and Coast Guard, which is composed of the European Border and Coast Guard Agency (FRONTEX) and relevant authorities of the Member States. FRONTEX is in charge of delivering the technical and operational strategy for the IBM (European Commission, 2010). Integrated Border Management of the EU is

based on and implemented by the four-tier access control model and ensure actions in third countries, cooperation with neighboring countries, border control, and control measures within the area of free movement including return (Leonardo, 2010).

Border management must meet three objectives, which are equally indispensable and fully compatible with each other:

- a. Protection of internal security and management of migration flows to prevent irregular migration, related crime and other cross-border crime;
- b. Smooth and fast border crossings for the vast majority of travellers who do meet the conditions laid down in relevant Regulations; and
- c. Full respect of fundamental rights, including treating each individual with full respect for human dignity and allowing access to international protection to those in need thereof.

In its meeting on 4-5 December 2006, the Justice and Home Affairs Council of the EU concluded that integrated border management within the EU is a concept (European Commission, 2010) that consists of the following dimensions:

- a. Border control (checks and surveillance) as defined in the Schengen Borders Code, including relevant risk analysis and crime intelligence;
- b. Detection and investigation of cross-border crime in coordination with all competent law enforcement authorities;
- c. Coordination and coherence of the activities of Member States and Institutions and other bodies of the EU;
- d. Inter-agency cooperation for border management (border guards, customs, police, national security and other relevant authorities) and international cooperation; and
- e. The four-tier access control model (measures in third countries, cooperation with neighbouring countries, border control, control measures within the area of free movement, including return).

4.1.18 Border Management Mechanisms in Schengen States

Under the Schengen Agreement, signed on 14 June 1985, five countries committed to the gradual abolition of borders between them, accompanied by more effective surveillance of their external borders. It established Short-term measures simplifying internal border checks and coordinating the fight against drug trafficking and crime; and Long-term measures such as the harmonization of laws and rules on drug and arms trafficking, police cooperation and visa policies. The Convention implementing the Schengen Agreement, signed on 19 June 1990, set out how the abolition of internal border control would be applied, as well as a series of necessary accompanying measures. It aimed to strengthen external border checks, define procedures for issuing uniform visas, and establish a Schengen Information System and take action against drug trafficking. The implementation of the Schengen Agreements started on 26 March 1995. Joining the Schengen Area as a full member is not only a political decision.

The blending of security interfaces, as well as the increasing diversity of security threats, challenge the traditional security outlook. Large-scale illegal immigration, terrorism, organized crime, state actors, cyber threats, and the increasing vulnerability of modern society are challenges for the authorities. In this environment, EU is emphasizing to its member states national features and developing the capabilities of border management authorities in order to prevent internal and external threats, both independently and as part of the European Union (Carrera, 2007, p.24). The EU headquarters for border guard coordinates operational planning of the border control within the Schengen states.

4.1.19 Legal Mechanisms of Border Management

Strengthening the European integrated border management at the external borders, as defined in Regulation (EU) 2016/1624 establishing the European Border and Coast Guard, is a key pillar of EU action and a prerequisite to the normal functioning of the Schengen system (Ferraro & Capitani, 2016). In the regulation, the concept of “Integrated Border Management” (IBM) is defined for the first time at the level of binding European legislation. The EU institutions are responsible for the development of the IBM strategy of the EU (Ferraro & Capitani, 2016). According to the

regulation, it is mandatory for the Member States to draft National IBM strategies. National strategies shall be aligned with those delivered by FRONTEX, taking into account the eleven strategic components mentioned in Article 4 of the regulation. Thus, the comprehensive strategy of the European Border and Coast Guard will be composed of the strategies of FRONTEX and the strategies of the Member States (Carrera, 2007).

4.1.20 Schengen Agreement in European Union

The signatory states to the Schengen agreement have abolished all internal borders in lieu of a single external border, where border control for the Schengen area is carried out in accordance with harmonized legislation and identical procedures. Schengen cooperation was incorporated into the EU legal framework by the Treaty of Amsterdam of 1997 (European Commission, 2010). The Schengen area represents a territory where the free movement of persons is guaranteed in accordance with the Schengen Agreement of 1985. The Schengen area has gradually expanded to include nearly every EU Member State and also includes three non-EU member states: Iceland, Norway and Switzerland (European Boswell & Geddes, 2010). The following table indicates the overall Schengen states area:

Table: 2**Over all Schengen States**

Schengen Area (26) States	EU Schengen States (22)	Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain and Sweden
	Non- EU Schengen States (4)	Iceland, Norway, Switzerland, Liechtenstein
Not Schengen, But EU (6) States	Schengen Candidates Countries (4)	Croatia, Romania, Bulgaria and Cyprus
	Non- Schengen EU States	UK and Ireland

Source: European Parliament Report, 2016

4.1.21 Schengen Border Code (SBC)

The Schengen Area countries are bound by the rules of the SBC. The former SBC was codified already in 2006 though only in March, 2016 the consolidated version appeared. The table below indicates how the numbering of the relevant articles has changed. The later in this study references are made to the newest version (European Parliament, 2016)

4.1.22 Uniform Visa

Nationals from certain third countries are required to obtain a visa if they wish to enter the Schengen area. The Visa Code provides for a uniform Schengen visa, valid for the territory of the entire Schengen area. This visa allows transit or stays within

the territory of Schengen area member countries for a maximum duration of three months over a six-month period. The visa's period of validity may not exceed five years. The authority responsible for issuing the visa is the one located in the primary destination within the Schengen area or, failing that, the authority in the initial country of entry. The uniform visa model is determined by EU law and, as a result, applied by all the member countries; at the same time, the conditions and charges for issuing visas have been harmonized (Lax, 2008).

4.1.23 Common Mechanisms in Visa Information System (VIS)

Visa Information System (VIS) consists of a central information system, of an interface in each Member State, and of a communication infrastructure between the central system and the national interfaces. The main purposes of the VIS are to improve the implementation of the common visa policy, and to strengthen consular cooperation and consultation between the central visa authorities of the EU Member States (European Commission, 2010). Interagency cooperation is also an important component of the European integrated border management, as are solidarity mechanisms, including Union funding, such as the new IBMF, and in particular the instrument for border management and visa (Leonard, 2010). On 9 July 2008, Schengen States Adoption of the VIS Regulation concerning the Visa Information System (VIS) and the exchange of data between Member States for short-stay visas. Similarly, on 13 July member states Adoption of the Community Code on Visas establishes procedures for issuing visas for transit through or intended stays in the territory of countries applying Schengen rules in full. They also adaptation of EU regulation allowing holders of national long stay visas to circulate within the Schengen area. (Bigo & Guild, 2005)

4.1.24 Implementing the Schengen Agreement

The Convention implementing the Schengen Agreement (CISA), signed on 19 June 1990 at Schengen, contains details of the relevant provisions: on the one hand, it provides for the crossing of internal borders without controls; on the other hand, it

establishes measures to reinforce security within the Schengen area (uniform controls at external borders, a common visa policy, increased judicial and police cooperation.

4.1.25 Data Protection

‘Personal data’ is any information relating to an identified or identifiable natural person. The main legislative instruments are: the Data Protection Directive (95/46/EC) on the protection of individuals with regard to the processing of personal data and on the free movement of such data; Regulation (EC) 45/2001 on the protection of individuals with regard to the processing of personal data by EU institutions and bodies; and Council Framework Decision 2008/977/JHA on the protection of personal data processed within the framework of police and judicial cooperation in criminal matters. The Schengen Convention contains specific rules on the protection of personal data in the Schengen Information System (Brouwer, 2016).

4.1.26 Hot Pursuit

Established in Article 41 of the Convention implementing the Schengen agreement, ‘hot pursuit’ is when police officers from one country, who catch criminals in the act of committing serious offences, are able to pursue the perpetrators across the border and immobilise or detain them on the territory of another Schengen contracting party (Ater, 2008).

4.1.27 Cross-Border Surveillance

As a corollary of hot pursuit, cross-border surveillance allows police officers to continue across the area’s internal borders their surveillance of persons suspected of taking part in a serious offence. Surveillance may also be conducted by air.

4.1.28 Police Cooperation

Increased police cooperation is one of the key measures to offset any ‘security deficit’ that may arise from the abolition of identity checks at internal borders. The most

effective measures include hot pursuit and cross-border surveillance and the Schengen Information System (SIS) .

4.1.29 Schengen Information System (SIS)

The SIS is a shared computerized system whose automated inquiry procedure allows verification of a person or object's identifying data. Each country feeds into the central data system the details of persons identified with a view to arrest or extradition, aliens identified for the purposes of non-admission, missing persons, lost or stolen vehicles, stolen firearms, stolen identity documents (blank or delivered) and stolen banknotes. This police cooperation instrument has proved extremely effective (Brouwer, 2008).

4.1.30 Border Guard Force in Schengen Border

Border guards / border police: any public agency officially assigned in accordance with national law to border crossing points or along the border or the immediate vicinity of the border to perform checks and surveillance. Throughout the document, the term "border guard" is used in an equivalent way also for border police (European Commission, 2010). The efforts of national border guards and customs control authorities that will be supported by the instrument need to be complemented by a strong and fully operational European Border and Coast Guard Agency at the core of a fully integrated EU border management system. This is why the Commission intends to propose a major scaling up of the Agency to fully operational status, with a standing corps of around 10,000 border guards (Bamberg, Fabbri & McNamara, 2018). The Border Guard is the main responsible authority for integrated border management. The Border Guard's main tasks related to border management are border surveillance at land and sea borders and border checks at border crossing points at land, sea and air borders. The Border Guard prevents cross-border crime and is the responsible authority for search and rescue at sea. The Border Guard participates in national defence in case of a military crisis or conflict. The police and the Customs participate in border management in addition to their main tasks (Carrera, 2007).

4.1.31 Border Control and Checks

Border control is an activity carried out at a border in response exclusively to an intention to cross that border or the act of crossing that border, regardless of any other consideration. It covers:

- (a) Checks carried out at authorized border crossing points to ensure that persons, their means of transport and the objects in their possession may be authorized to enter the territory of the country or authorized to leave it; and
- (b) Surveillance of borders between authorized border crossing points and the surveillance of border crossing points outside the fixed opening hours to prevent persons from circumventing border checks (European Commission, 2010).

4.1.32 Immigration Authorities in Schengen Border

The division of tasks between border management and immigration authorities is clear. EU has strategy that every Schengen states should cooperate those persons who travel inside the Schengen states and it is mandatory for the law enforcement agencies of each state to cooperation regarding the security related matters to those who travel within the boundary of EU (Bigo & Guild, 2005).

4.1.33 Origin of FRONTEX: Comprehensive Security Framework

The responses to 9/11 issued by the key EU institutions made clear links between terrorism, security, migration and borders, and as such they amount to securitizing moves. By 2003 the term ‘security’ had largely disappeared from the main aims of the external border management plans. Instead, common external borders management now appeared as a largely technocratic project. The link between security, terrorism, migration and borders that was present in 2001 and 2002 was being institutionalized, but the outcomes no longer resembled the urgent and extraordinary measures that securitization theory would expect (Neal, 2009). Thus it is the excellent modality of EU in Schengen Border management.

4.1.34 Agencies in Schengen Border Management

The surveillance of the state border is at the very core of border management as it is closely linked to the notion of national sovereignty. The concept of border surveillance refers to the border line between official BCPs (European Commission, 2010).

The below table shows the agencies that typically are involved in implementing border management tasks:

Table: 3

Agencies Involved in Border Management

Border Surveillance and Border Checks	Customs Agencies
Border guard/police (EU)	Customs (EU)
Coast guard	Customs and border protection service
Immigration service	Fiscal and customs police
Customs	Fiscal police/financial guard
Customs and border protection service	Specialized law enforcement agency (e.g. on drugs smuggling)
Armed forces (army, air force, navy)	Border guard
Specialized law enforcement and intelligence agencies	Border guard

Source: European Commission Report, 2010

4.1.35 Systematic Visa Policy and Procedure

Since staff members of the authority responsible for issuing of visas (consulate) are not represented at the border, there should be well defined cooperation structures between the visa issuing authorities and the border management agencies. The visa issuing procedure might be considered as the first-tier of the four-tier access control

model and checks shall be carried out systematically at each stage when travelers are coming to the EU/Schengen Area (European Commission, 2010).

4.1.36 Systematic Protection of Asylum and other Protected Persons

Border control and surveillance agencies are regularly the first authority receiving asylum applicants and persons in need of protection in the context of mixed migration flows arriving at the state borders of a country. It is thus up to this agency to identify, mostly in a brief interview those migrants that are in need of international protection and to swiftly refer them to the relevant agency (national refugee authority) for examining the claim for international protection and national asylum systems are only effective if the access to the asylum procedure is guaranteed (European Commission, 2010).

4.1.37 Area and Cooperation

The Schengen Agreement involves a set of rules that nations, which have signed the agreement, should follow. First, there should be no internal borders across the countries to make it easy for both goods and people to cross borders. Instead there are external borders that have strict rules on how to enter the Schengen area, such as visas required depending on how long the stay is for a non EU-member and what documents (Eggers, 2016). The Schengen Agreement is implemented by 26 nations in Europe which makes easier for European citizens to travel and work across countries and effective for border management.

4.1.38 Information Management and Risk Analysis

Information is needed for monitoring the operations of border management agencies, exchanging statistical data or information on arriving goods with other border management agencies and for risk analysis and/or early warning. This can be also explained as follows:

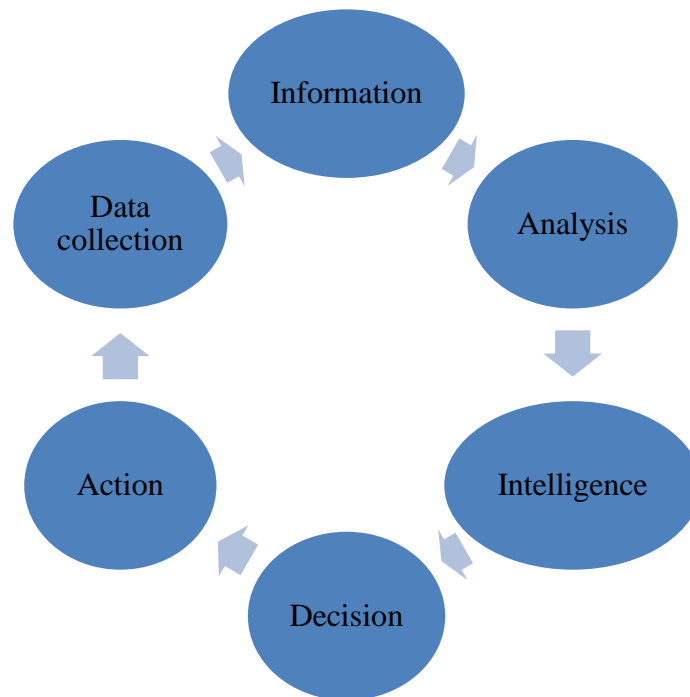


Figure 2: Information Management and Risk Analysis

Source: European Commission Report, 2010

Border management requires information to be collected on a wide range of activities. As a result, information collected for one purpose may need to be related to information collected elsewhere for a different purpose. Information from the investigation of a forged passport can later assist in building a risk profile. All border management agencies should be able to collect and analyze statistical and informative data and information. Staff at the local and/or regional offices should be trained to gather relevant data and information, to analyze it locally and to pass it on to the regional and central levels for further processing. The level of risk is always determined in the context of the national and international priorities set for the border management agencies.

4.2 Challenges of Border Management between Nepal-India and Schengen Border

Due to open and porous border Nepal- India border which creates so many security challenges like trans-border crimes, illegal trades, human trafficking, smuggling, organized crimes, circulation of fake currencies, illegal weapon, anti national

activities, terrorism . Similarly Schengen countries have also security problems such as smuggling, terrorism, illegal migrations and asylum issues. Security challenges of both sides describes hereunder.

4.2.1 Challenges of Border Management between Nepal and India

Due to the open border, peoples are easily moved from one country to another country through border. The culture, religion, values and customs of both the countries are almost same and since the historical period, the people's sentiments in the border areas are because of having close proximity of having relatives and friends to each others. These are the common things that make the people of border feel each other attitudes of bother to each other. As close neighbors, India and Nepal share a unique relationship of friendship and cooperation characterized by open borders and deep-rooted people to people contacts of kinship and culture. There has been a long tradition of free movement of people across the borders. These make the people connection and having a marital relationship to both the countries peoples. Nepal and India have many routes to cross easily and the lack of security post and presence of security personnel of both the countries that makes the lack of monitoring and security check point on those areas to the peoples regularly.

The Nepal-India Treaty of Peace and Friendship of 1950 forms the bedrock of the special relations that exist between India and Nepal (Acharya, 2015). Under the provisions of this Treaty, the Nepali citizens have enjoyed certain advantages in India, availing facilities and opportunities at par with Indian citizens. Nearly 6 million Nepali citizens live and work in India (Acharya, 2015). This data symbolize that India becomes the vital place for Nepalese people to work in the Indian territory. As per the treaty of Peace and Friendship, there is no need of passport and other official documents for both the countries people while crossing the border. As such, there is no need of passport or visa formalities among the border inhabitants or other nationals of Nepal and India. The nationals of one country can enter into the other country through the border not merely through the checkpoints but through any point (Jha, 2014, p.63). Due to these reasons, Nepalese people are benefited from education, job, and hospital facilities and easy way to buy the food stuff from the territory of India.

Unfortunately, Nepal's border regions with both India and China largely remain underdeveloped. Quite inadequate efforts have been made by the centre to develop infrastructural facilities such as roads, telecommunications, education, health and other facilities along those regions (Jha, 2014, p.64). This is so because the development of peripheral border regions with India and Nepal had never been a priority for the Nepalese government (Jha, 2014). When the poverty is rampant and the fulfillment of the peoples need is not addressed by the government then the only way to look for job to the other country and it is easy for the people to go India to search the Job. Thus India is the only neighbouring country that don't need passport to cross and documents to start the job. Border areas have their own problems and peculiarities. Such areas are in general less accessible, making provision of basic facilities more difficult and costly (Gogoi, 2014, p.1). There are the various problems in the India's side as India's border areas are plagued by poor accessibility, inadequate infrastructure, depressed economic growth, rampant poverty and a sense of insecurity among the people (Das, 2016).

In spite of resourcefulness the entire region is regarded as underdeveloped. The remoteness, difficult terrain, infrastructural bottlenecks and unfriendly neighbors are the serious impediments of the development of the region. Being a border area, the region is suffering from specific problems like illegal cross-border movements, law and order, security, insurgency, smuggling etc (Gogoi, 2014, p.2)

The main Challenges of Nepal - India borders are as follows:

4.2.1.1 Trans Border Terrorism

An open border with India and weak controls at border raises concerns that international terrorist groups could use Nepal as a transit point. Nepal has experienced no significant acts of international terrorism, although its open border with India raises concerns that international terrorist groups could use Nepal as a transit point. (Panthi, n.d.). Because of Nepal's open border with India, terrorist groups can exploit Nepal for safe heaven.

On 8 February 2017 Nepal Police arrested Shamsul Hoda, Mojahir Ansari, Asish Singh and Umesh Kumar Kurmi, all originating from Bara district in the south of the country. They were with links to international terrorist groups. Investigations shows that they are guilty of killing two Indians who wanted to join the terrorist network. When they changed their mind refusing to work as terrorists, the four criminals have taken them into the Nepalese jungle and killed them. The bodies of Dipak Ram, 18, and Arum Ram, 28, were found in a forest Karaiya on December 28, 2016 (Sharma, 2017). This incident shows terrorist organizations are exploiting the benefit of Nepal-India open border. Though such types of activities are aimed to jeopardize the security of neighboring

Thus terrorists are using Nepal-India open border for fulfilling their organization's motives. Growing activities of member of terrorist organizations seriously threaten national security of the country. Lack of employment and proper education is widespread in the country. In such situation many youths can be easily subverted and ultimately jeopardize national security of the country. On the other hand international reputation of the country can be crushed.

4.2.1.2 Human Trafficking

Trafficking for commercial sexual exploitation is a highly profitable and low risk business that preys on particularly vulnerable populations. This paper presents an overview of the trafficking of women and girls for sexual exploitation in India (Joffres, Mills, Joffres, Khanna, & Walia, 2008).

Annually, approximately 12,000 children are trafficked to India, mainly for the purpose of sexual exploitation (ILO, 2016). According to the National Human Rights Commission report, 2014 the estimated number of people trafficked or attempted to be trafficked in 2012/13, were 29,000. The UNODC said that in Nepal during 2007-2009, out of detected victims of trafficking, 36 % were children (33 % girls, 3 % boys) and respectively 64 % adults (women 53 %, men 11%) (UNODC, 2016).

The trafficking of girls from Nepal into India for forced prostitution is perhaps one of the busiest slave trafficking routes anywhere in the world; with estimated 5,000-10,000 Nepalese women and girls trafficked to India each year. An estimated

100,000-200,000 Nepali trafficked persons are in India (Daniel, 2007). Open border between Nepal and India make trafficking simple and difficult to catch.

4.2.1.3 Illegal Trading

Informal trade means trade operated through illegal means. Informal trade goes unrecorded in the official statistics and is not included in the national income of a country. It is trade operated by violating existing legal provisions. Informal trade between Nepal and India is defined as unrecorded trade flows which are operated violating the existing legal provisions of the two countries. Nepal and India share an extremely porous open border. Due to this reason, it becomes easy for illegally export and import essential goods. National economy is seriously affected.

4.2.1.4 Smuggling of Narcotic Drug

Due to porous open border drugs cartels use it very often for drug smuggling. Nepal Police, APF Nepal have seized huge amount of drugs time and often in border areas of Terai districts. This poses a serious problem for both countries. Many youths in their early life, while they are supposed to make their career and to contribute for nation, are becoming addict. Many crimes committed in society is directly indirectly linked with drug abuse. Open border with India helps smugglers. Figures from the Nepalese Narcotics Control Bureau (NCB) show that they seized 47 tonnes of cannabis in 2012, nearly 30% more than in the previous year (Ethirajan, 2013).

4.2.5 Smuggling of Weapon and Explosives

News of small arms smuggling through Nepal-India porous borders and into the cities and towns of Nepal are ever-present in the media. In fact, according to the Small Arms Survey back in 2007, there were 205,000 small arms in the hands of Nepali civilians (Kathmandu Post, 2011). Anything from homemade pistols, revolvers and bullets to small explosives are regularly found in the possession of those engaged in criminal activities, and usually related to some organized armed group. This way, the arms serve a dual purpose: to fuel criminal activity such as extortion and bribery and to fuel armed rebellions. It is then crucial that the issue is taken up at the national

level. If we can reduce the smuggling of arms into the country, the Tarai in particular, and the remainder of the nation will be undoubtedly safer and more stable.

4.2.6 Counterfeit Currency and Money Laundering

Nepal is the second most vulnerable country in South Asia to money laundering risks, according to the Basel Anti-Money Laundering (AML) Index, an annual ranking of countries assessing their money laundering risk. Out of 149 countries, Nepal with a score of 7.57 points ranks 12th, trailing behind Afghanistan in South Asia. In 2014, Nepal was ranked 14th on the AML Index featuring 162 countries.

The US Department of State in its annual report titled “Country Reports on Terrorism 2015” has expressed concern that terrorists might use informal money transfer systems such as hundi and hawala--rampant in Nepal for money laundering and terrorism financing. The report also mentioned that Nepal’s open border with India and weak security controls at Kathmandu’s Tribhuvan International Airport continued to underpin concerns that international terrorist groups could use Nepal as a transit and possible staging point (The Kathmandu Post, 2016).

4.2.2 Challenges of Schengen Borders

An open door policy for all the people of Schengen area, there are number of challenges in Schengen states.

4.2.2.1 Terrorist Attacks

Terrorism is a threat that does not recognize borders and may affect states and peoples irrespective of their geographical location. Schengen increasingly open area of free movement could be abused by terrorists to pursue their objectives. In this context, concerted and collective Schengen level action is indispensable. Therefore, the Schengen has developed a holistic counter-terrorism response the Schengen Counter-Terrorism Strategy.

4.2.2.3 Racism

Migration and immigration is a complex problem in Europe. The large number of asylum seekers and the lack of European solidarity at the EU's external borders have been said to put the Schengen Area at risk (Guild, Brouwer, Groenendij & Carrera, 2015). The continuation of the regional wars in Iraq, Afghanistan and particularly in Syria where the conflict in its sixth year and has seen the devastation of whole cities has resulted in a bulge in the number of people seeking asylum in the EU (Guild, Brouwer, Groenendij & Carrera, 2015). Recently after the huge immigration from the developing states and other states from EU, the racism has been increasing within the European community.

4.2.2.4 Illegal Immigration

Illegal Immigration is one of the most challenging issues in Schengen states and EU. The asylum application rate is in increasing trend in Europe 28 countries.

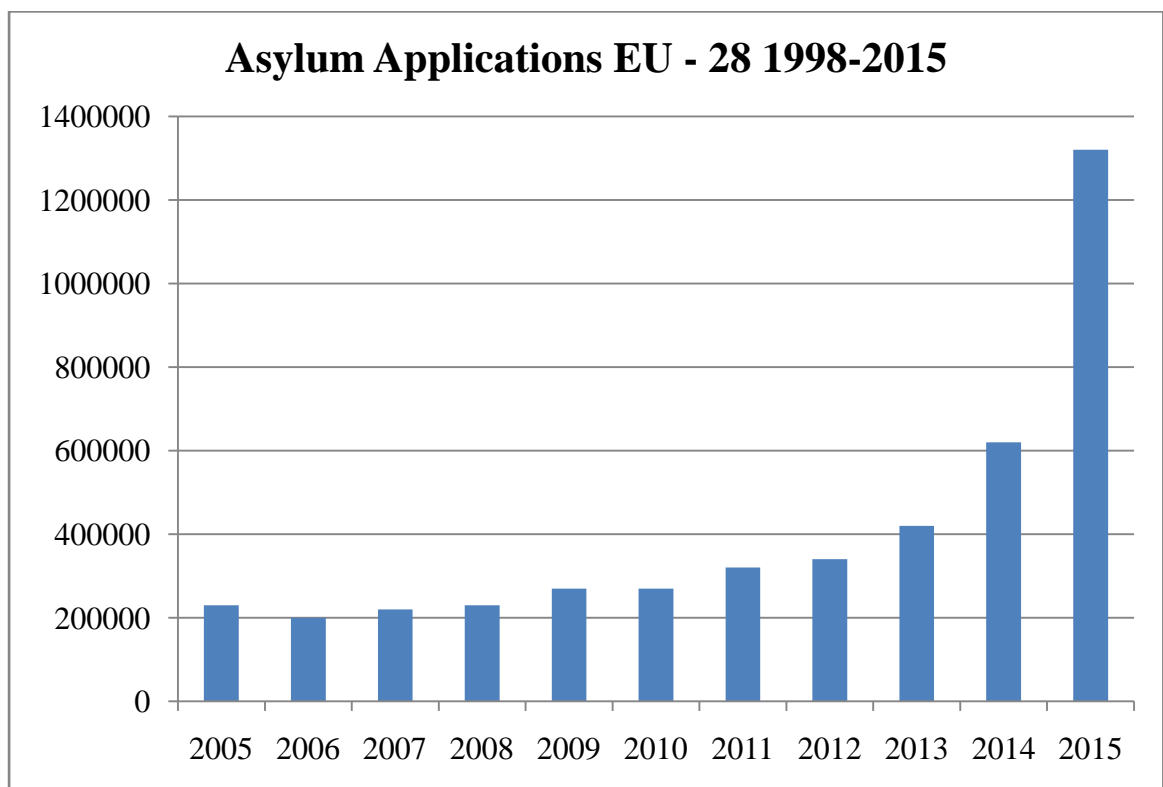


Figure3: Asylum Applications in EU

Source: Guild & Carrera, 2016

Euro stat data indicates that in these period asylum applications in the EU 28 states rising rapidly it's one of challenge for Schengen States.

4.2.2.5 Smuggling

Smuggling of narcotics and drugs, firearms, vehicles theft, liquors are the other challenge in Schengen countries.

4.3 Effort of Schengen States for Crime Prevention

Schengen states has developed the holistic strategy for crime prevention and combating against terrorism, organized crimes and other border management related activities.

4.3.1 Counter Terrorism Strategy

Schengen States has developed counter-terrorism response to the Counter-Terrorism Strategy. EU Commission has developed policies in all sectors related to the prevention of terrorist attacks and the management of their consequences, in countering terrorist financing and in hindering access to explosives and to Chemical, Biological, Radiological and Nuclear materials (European Commission, 2017). Schengen States follow the counter terrorism strategy to the protection of their critical infrastructure but Nepal and India does not have common Counter terrorism strategy. Such type of strategy will be effective for both countries for fight against terrorism.

4.3.2 Fight against Organized Crime

To prevent organized crime from infiltrating the public sector, the economy or key parts of the public administration. Europol has offered its infrastructure to exchange administrative information between EU and Schengen at a more operational level but Nepal and does not have common cooperation for fighting against organized crimes.

4.3.3 Information Sharing

In Schengen states they shared the information regarding cross border crimes, terrorism, stolen vehicles, missing person, stolen fire arms, stolen banknotes, stolen identity and border management among the member states for better result they exchange computerized databut in the context of Nepal and India there is no any information sharing regarding these issues. Only in local level as per the personal relation security counter parts share the information.

4.3.4 IT base can assist in coordination

All border agencies computerized and sharing information through ICT. Issue of sustainability: IT through the National Single Window and Customs Connectivity trade facility tools that the Trade Hub is also promoting, One Stop Border Posts with use of IT to provide critical infrastructure and equipment required for efficient border operations in this modern age of 21st century. But Nepal and India border management does not have IT based coordination for the border management. Such type of technology obviously enhances the effective service providing in border post and customs offices in Nepal-India border.

4.4 Learning from Nepal, India and Schengen Border

The following are the learning application of Nepal- India and Schengen state border management.

Table: 4**Different Between Nepal-India and Schengen Border**

S.N	Nepal - India Border	Schengen Border
1	Open and Porous Border	Controlled Border
2	Easy access to people and illegal goods	Not easy access to People and illegal goods
3	Border regulate as the treaties and People to people contact / Cultural border	Border Management by on the "Schengen Agreement"
4	Open Border management	Integrated Border Management
	Lack of coordination between crime prevention and border management	Intra-service cooperation, inter-agency cooperation and international cooperation for manage migration flow and crime prevention
5	Safe heaven for anti-national elements, smugglers, traffickers, criminals and terrorist	Difficult for criminals, smugglers, traffickers and terrorist
6	No common counter terrorism strategy	Common counter terrorism Strategy
7	Poor infrastructure and lack of modern equipments for effective border management	Good infrastructure and use modern technology and IT for effective border management
8	Lack of coordination between counterparts and other border management government mechanism	Good coordination between member states and other border management government agencies
9.	No faster response in customs	Smooth border crossing facility to travelers, harmonized process, faster response in customs and border check posts

9	Less frequency of asylum seeker	High Frequency of asylum seeker from third country
10	No information Sharing between two countries	Information Sharing through Schengen Information System (SIS)
12	APF and SSB coordinate for border security	FRONTEX, dedicated to “the management of operational cooperation at the external borders of the Member States
13.	No provision of hot pursuit	Provision of hot prusit

CHAPTER V

SUMMARY AND CONCLUSION

4.1 Summary

Nationality, sovereignty, territorial integrity and national security are the primary concerns to each and every nation and border is very sensitive part of territory. Effective border management ensures the security of national borders and to regulate legitimate movements on borders to meet various needs of nation by cultural, social, economical interactions. Border management is the challenging task in this globalized world which done by a joint effort of various government institutions and border community. In border management government functions of immigration, customs excise, security, quarantine with the aim of controlling and regulating the flow of people and goods across a country's border/boundary in national interest regard.

A qualitative research approach was chosen as the methodology to reach the research objective. Data were collected through secondary sources. Extensive literature review was done for study. Discourse analysis method was chosen for data analysis. The qualitative descriptive design was adopted to identify the international border management and border management in Nepal-India and Schengen border. Qualitative data analysis was the main instrument for this study. All data collected from secondary source, analyzed in descriptive methods.

The result revealed that Border management is a collaborative process between a country and its neighbors. It cannot be done unilaterally. Indeed, border management is an expression of a state's sovereignty. A state's failure to manage its borders can undermine its domestic and international legitimacies. The most sensitive border issues these days are the transportation of illegal arms and ammunitions, human trafficking, movement of terrorists, smuggling of narcotic drugs, illegal goods, flora and fauna, illegal migration, organized and cross border crimes. To regulate the border management smoothly different countries adopted appropriate different types of border management system and approaches as their geographic location and other factors with neighboring countries. There are mainly three types of borders management systems open border management system, closed border management

system and controlled border management system which are mostly practice in the world. Nepal adopted open border system with India and controlled border system with another neighboring country China. Border clearance processes are among the most problematic links in the global supply chain and frequently undermine national competitiveness by increasing the cost of exports and reducing reliability of supply. As a result, securing meaningful reform of border management procedures has become an important issue for the developed community. The new modern approaches of border management which articulates a new strategic vision for border processing and clearance. Those approaches bring several key concepts together into a holistic new approach. They are collaborative border management, coordinated border management and integrated border management. Schengen countries adopted integrated border management system where member states people does not need visa and people get benefit from these system.

The border management system comes in practice on the basis of treaties and agreement between neighboring countries. To resolve the border related issues there are legal mechanism for disputes settlement. Prior to the restoration of Naya Muluk by Nepal in 1860, as the controlled border system was prevalent during that period. Afterwards, it was started slowly to keep the border open for recruiting the Nepalese hill and sturdy boys in British Gurkha regiment. The peace and friendship treaty 1950 has provision of both countries people to easy access to both countries. There is provision of joint technical committee, joint mechanism and district level committee to resolve the border related issues but issues of Kalapani and Susta is still unsolved. A situation has been changed competent border management system calls for the tight coupling of technology and infrastructure that is capable of handling the geopolitical, social and economic challenges we face in India owing to our vast border fronts. Cross-border governance is essentially understood in relation to “de-bordering which gives way to re-bordering on the basis of mutual understanding.

India and Nepal share a unique relationship of friendship and cooperation characterized by open borders and deep-rooted people to people contacts of kinship and culture. Due to open border there are more negative aspects than positive aspects illegal cross-border movements, law and order, security, insurgency, smuggling of drugs and weapons, anti-national activities, cross border crimes, trans-border

terrorism, human trafficking, illegal trading, circulation of fake currency circulation, abductions and other serious crimes are the common features of Nepal-India border. For the border management and border protection government deployed APF Nepal but presence of Nepali security force is very few than counter parts. There is lack of coordination and cooperation between government agencies for border management.

In the European 26 schengen states gradual abolition of borders between them, accompanied by more effective surveillance of their external borders and scrutinizing their internal border. Large-scale illegal immigration, terrorism, organized crime, state actors, cyber threats, and the increasing vulnerability of modern society are challenges for the authorities. It established Short term measures simplifying internal border checks and coordinating the fight against drug trafficking and crime; and Long-term measures such as the harmonization of laws and rules on drug and arms trafficking, police cooperation and visa policies on the basis of Schengen agreement. The Schengen Border Code, the 'Operational Cooperation' of the Member States and FRONTEX, as well as the 'Solidarity' between the Member States and the Community accompanied by the establishment of an External Border Fund for strategy to enhance integrated border security. Enhanced police cooperation (including rights of cross-border surveillance and hot pursuit); Stronger judicial cooperation through a faster extradition system and transfer of enforcement of criminal judgments; establishment and development of the Schengen information system, uniform visa system, systematic protection of asylum and other protected persons. Schengen countries also developed the counter terrorism and organized crime strategy.

5.2 Conclusion

The study revealed that the border management system between Nepal-India and Schengen border is totally different. Due to globalization and invention of modern technology security threats are become more challenging for the border management. Nepal-India practice open border system since long time with people to people relation, cultural and family relations. People to people relation, family kinship, cultural relation plays the important role to connect the both side people. There is lack of coordination and cooperation among the government agencies and counter parts for

border management. Poor infrastructure, improper information sharing system and porous border creates the suitable environment for trans-border crime, human trafficking, organized crime, abduction, illegal trade, circulation of fake currencies, smuggling, anti-national activities. So, both countries should think about the proper and effective border management in Nepal-India border.

The Schengen border is so systematic, using modern border management integrated border management system to regulate their border. They abolished the visa system among the member states and uniformity in visa system, SIS, FRONTEX, Counter terrorism and organized crime strategy, data protection system makes safe and effective border management. As far as use of modern technology, adequate infrastructure, cooperation and cooperation between border guarding forces, other agencies and government level they provide services to the travelers in short span of time in secure environment.

The results of this study will contribute to effective measure for the border management country like Nepal. The study is limited in focusing the border management practices in Nepal-India and Schengen border its challenges and learning application. Therefore, next researcher can conduct additional studies in the remaining area of Nepal-India and Schengen border.

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