



NEPAL BLOCKADE

A HUMANITARIAN CRISIS
AMIDST DIPLOMATIC KERFUZZLE



FACT FINDING MISSION REPORT



NEPAL BLOCKADE

A HUMANITARIAN CRISIS
AMIDST DIPLOMATIC KERFUFFLE



FACT FINDING MISSION REPORT



Published by:

South Asians for Human Rights (SAHR)

345/18 Kuruppu Road (17/7 Kuruppu Lane)

Colombo 08, Sri Lanka

Telephone: +94 – 11-2695910

Email: sahr@southasianrights.org

Web: www.southasianrights.org

Published in Sri Lanka 2016

All rights reserved. This material is copyright and not for resale, but may be reproduced by any method for teaching purposes. For copying in other circumstances or for re-use in other publications or for translation, prior written permission must be obtained from the copyright owner.

ISBN978-955-1489-18-2

Design and pagination: Wits Originals

The cover photo taken by the Mission illustrates the barricade set up by the Madhesi protesters at the border entry point in Birgunj during the trade blockade in Nepal.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	vii
I. MISSION	I
1.1 Objectives of the mission	2
1.2 Methodology	3
II. GENERAL BACKGROUND	4
2.1 The lay of the land – geographical	5
2.2 The lay of the land – historical and political	8
2.3 The people of Nepal – ethnicities, groups and population in Terai	11
III. NEPAL’S RELATIONS WITH INDIA AND CHINA	14
3.1 Relations with India	14
3.2 Relations with China	18
3.3 Nepal’s New Constitution – What India and China see in it	20
IV. THE BLOCKADE	23
4.1 The Blockade – Root causes and what happened	25
4.2 The impact of the blockade	28
4.3 Violations and omissions by the state during the blockade	32

V. THE MADHESI ISSUE AND THE NEW CONSTITUTION	35
VI. REACTIONS FROM INDIA AND CHINA TO THE BLOCKADE	39
6.1 India	39
6.2 China	41
VII. RIGHTS AND ENTITLEMENT OF A LAND LOCKED COUNTRY	54
VIII. KEY FINDINGS	27
IX. RECOMMENDATIONS	28
REFERENCES	29

ACKNOWLEDGMENTS

South Asians for Human Rights (SAHR) would like to thank, firstly, the Open Society Foundation for providing generous funding assistance for the programme that enabled the mission to Nepal and the ensuing report which forms the entirety of this publication.

Thanks to the mission members Dr. Meghna Guhathakurta, Mr. Jatin Desai and Mr. Mohamed Latheef from Bangladesh, India and the Maldives respectively for agreeing to be a part of the endeavour; Mr. Subodh Piyakurel, Mr. Bijay Gautam, Mr. Krishna Gautam and the INSEC Nepal team for arranging the logistical arrangements; Ms. Mandira Sharma for advice. SAHR would also wish to thank Mr. Tika Kunwar for acting as translator and rapporteur for the mission and Ms. Smruti Koppikar for editing the report. SAHR values the contribution of all the individuals who provided and assisted the mission in every manner.

SAHR greatly appreciates the time and opinions given by all those interviewed by the mission.

A special mention of our Chairperson, Ms. Hina Jilani, Co-chairperson, Dr. Nimalka Fernando and the SAHR Bureau for guiding and supporting this undertaking.

And not least, SAHR thanks members of SAHR in Nepal for assistance provided and the secretariat staff for their efforts in facilitating and support in implementing the programme.

EXECUTIVE SUMMARY

There was a four-month long blockade on the Indo-Nepal border that began immediately after Nepal adopted a new Constitution on September 20, 2015. The blockade was along Nepal's southern border with India, covering the Madhes or Terai region. The flow of goods and fuel to Nepal was choked at border check points. This resulted in one of the worst humanitarian and geo-political crisis in the region as fuel, medicines and other essential items of daily life could not reach Nepal from India.

This blockade pushed the Nepalese economy reeling from the April 2015 earthquake into further tailspin. Estimates put this loss due to the blockade at Nepali Rupee 200 billion. Nepal's third-country trade was also deeply affected because India has been its transit route. This report draws attention to the issues faced by a land-locked country, and the rights and entitlements it has under various international conventions.

India orchestrated the blockade after failing to get its way through diplomatic channels in the making of the Nepali Constitution. For the record, India denied effecting or orchestrating the blockade but its external affairs minister tacitly acknowledged India's role referring to the blockade in 1989-90 as "the first one" implying that the 2015 blockade was the second one.

India wanted the Madhesis who have age-old affinities and relationship with India and carry old grievances of being ignored by the dominant Nepalis of hill origin, to have a larger socio-political

space under the new Constitution. This raised the apprehensions once again about India's intimidating and imposing Big Brother approach to its neighbours. The South Asian Association of Regional Cooperation (SAARC) does not, unfortunately and tellingly, have a mechanism to resolve disputes in the region.

The Madhesi-centric political parties in Nepal, together with the groups/parties representing the Janjatis, and many marginalized and minority communities had been agitating for proportional representation under the new Constitution and even autonomy for the province. More than 40 people were killed during the agitation last year. The Madhesis have cultural and geographical linkages across the border in Indian states of Bihar and Uttar Pradesh. India has always attempted to play a role, even intervene, in the socio-political developments in Nepal over the years but this time it sought to influence the making of the Constitution itself which was the privilege of the people of Nepal. It rode on the back of the Madhesi agitation causing commentators to call it "mean".

Besides the humanitarian crisis, the blockade also meant that Nepal sought assistance and long-term investments from its other neighbour China. Traditionally, India and China have shared an uneasy relationship. This further skews the power equation in the region.

I.

THE MISSION

This is the report of the fact-finding mission of South Asians for Human Rights (SAHR) on the blockade that occurred in Nepal beginning of September 2015. The fact-finding mission visited Nepal between January 10 and 14, 2016.

The mission was conducted by Dr. Meghna Guhathakurta, a prominent civil society activist and researcher and the current Executive Director of Research Initiative Bangladesh; Jatin Desai, SAHR Bureau member, activist and journalist from India; Mohamed Latheef, SAHR Bureau member, former parliamentarian and senior human rights activist from the Maldives. Deekshya Illangasinghe represented the SAHR Secretariat.

The blockade in Nepal started on September 23, 2015, following the promulgation of the new Constitution on September 20, 2015. The transport of goods to Nepal through the shared border between India and Nepal was curtailed and severely affected following the agitation of the Madhesi centric political parties and their closing of Birgunj -Raxaul entry point. Reportedly, 48 people died in the agitation.

Due to the blockade there was an acute shortage of all goods such as fuel and natural gas, medicine, food and other essentials brought from India, leading to widespread disruption of daily life of the

Nepali citizens. Schools were closed due to fuel shortage that severely affected transport. Health care services were completely disrupted due to the dearth of essential medicines and fuel shortage. Delivery of drinking water and food items were also affected. The blockade also negatively impacted the reconstruction process of the areas hit by the major earthquake earlier in April 2015. In short, Nepalis of all regions were compelled to face a number of hardships in the winter months sans even basic facilities.

1.1 Objectives of the Mission

In the above context, SAHR proposed a fact-finding mission to examine the blockade and its context, including aspects such as the internal factors in terms of the Constitution, inclusive democracy and the protests by the ethnic minority, and external factors such as the actions and omissions of countries sharing their borders with Nepal.

SAHR's interest in carrying out a mission to Nepal is founded on its concern to sustain inclusive democracy, contribute to building institutions for democratic governance, respect for intra-national and international obligations in sovereignty, and the realization of human rights and fundamental freedoms by the people.

The mission aimed to examine the following aspects:

- a) Background to the blockade crisis and the process of formulating Nepal's Constitution
- b) The roles that India and China played in the Constitution-making process in Nepal
- c) Nepal's status as a land-locked country and the rights it has in the international comity of nations, which the blockade violated

The mission would examine the following:

1. Reasons for the unrest of Madhesi, Tharu and Janjatis communities
2. Inclusiveness of the Madhesis' demands in Nepal's new Constitution
3. The impact of the trade blockade in Nepal and the extent of humanitarian crisis (in people living in the Terai region and other marginalised communities, particularly the women and children) in terms of access to basic necessities caused by the blockade.
4. India's role in the blockade, the actions it took and the omissions it made
5. The rights and entitlements of a land-locked country
6. The relevance of SAARC in such a crisis and the need for strengthening the regional framework for dispute resolution

I.2 Methodology

The mission made observation visits to the border entry points of Birgunj and Bahirawa and had one-to-one interviews with the affected people, government officials including the Chief District Officers, security forces journalists, political groups, chamber of commerce, customs officials and the civil society. In Kathmandu they met journalists, political groups and the leadership, government officials, the Prime Minister of Nepal, Hon. K.P. Oli and the civil society. At the same time the mission assessed secondary data as well.

II.

GENERAL BACKGROUND

Nepal, long considered by the international community as an exotic country and a pathway to the majestic Himalayas, has always been a multi-cultural, multi-ethnic and multi-religious country. Though often over-shadowed by its larger neighbour India, Nepal has held its own in many ways.

It witnessed several transitional phases in its contemporary political history. As a State in which 28 million people belong to and as many as 125 ethnic groups, the challenges have been many and frequent. It went from being a functional multi-party system and democracy in the 1980s and 90s to a Constitutional monarchy, a brief period of Emergency, the decade-long rise and subsequent retreat of Maoist insurgency, and presently has a federal structure with a new Constitution that was promulgated in September 2015.

In Nepal's long and chequered political history, this was the first-ever Constitution written by people's representatives. Nepalis of all persuasions and ethnicities had hoped that all the pro-democracy movements and efforts of multiple political parties in the last few years would result in the best possible Constitution that offered equitable rights to **all ethnic groups**.

Through the making of the Constitution, the struggle for ethnic identity and representation by marginalized groups has been a

constant factor. This struggle for inclusive democracy was rooted in the exclusion and inequality between different social groups¹. The Maoist insurgency (1996-2006) had also helped to raise socio-political awareness among different ethnic groups about discrimination.

The success of the April 2006 people's mass movement resulted in the formation of the Constituent Assembly (CA) in 2007 to draft a new constitution. There were mass protests by Madhesis in 2007-08 which brought in a federal structure to the interim constitution. The Assembly had to be re-convened again in 2013. When the new Constitution was finally promulgated in September 2015, there was joy in many parts but, at the same time, Nepal also saw some of the most vicious protests mainly from the Terai (or Tarai, both used interchangeably to mean the 'plains') region bordering India, comprising Madhesis and Tharus.

The reshaping of Nepal as a republic with a Constitution that is inclusive and sensitive to its entire people will be completed only if there is inclusion of and proportional representation to all ethnic and marginalized groups.

2.1. The lay of the land – geographical

Nepal is a land-locked country in South Asia and a member of the SAARC. Its border to the north straddles the powerful China while its borders to the south, east and west are shared by India.

The country is spread over 141,181 square kilometres of land at the foot of the mighty Himalayas. Nepal can be classified into three

¹ Hachhethu, Krishna (2014). *Nepal: Inclusive Democracy and Political Parties*. In Studies in Nepali History and Society. Volume 19 No.2 December 2014. p. 299-322. Kathmandu. Published by Mandala Book Point.

main ecological-cultural zones: mountain, hills and the Terai. It is the Terai, which lies to the south of Nepal that borders India along its spread.

There are 125 ethnic/caste groups with different religions and more than 120 languages spoken as their mother tongue², according to the 2011 census. Conventionally, Nepal was divided into five development regions and 75 districts. This was before the new Constitution was promulgated. Since then, Nepal is divided into seven states and they are defined in Schedule 4 of the Constitution.

About half of Nepal's population lives in the Terai. This region houses the Madhesis who have deep and long ethnic connections with Indian states of Bihar and Uttar Pradesh, though it also has several indigenous communities and people of the hills. The Terai region constitutes 50.27 percent of Nepal's population while the hill and mountain areas constitute 43 percent and 6.73 percent respectively³.

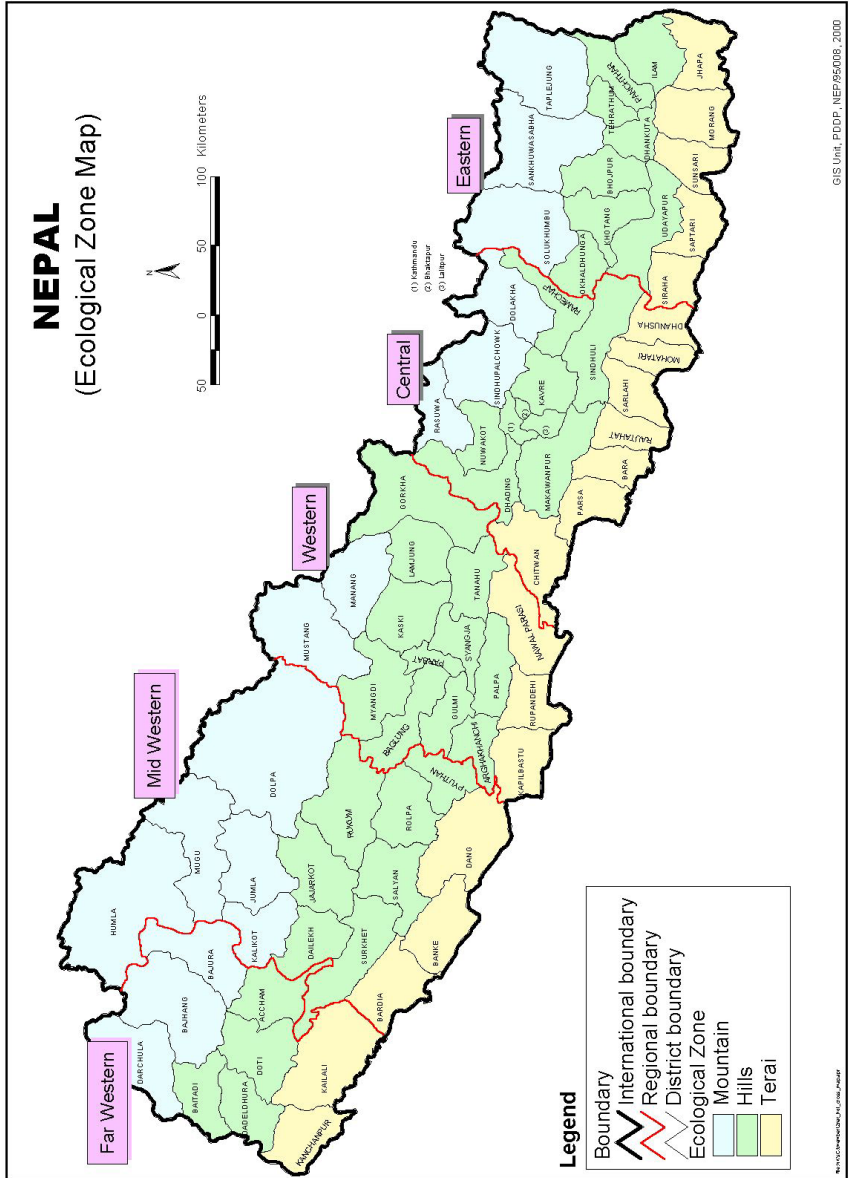
The Terai or Madhes stretches from the Yamuna River in the west to the Brahmaputra River in the east, and occupies about 23 percent of the country's land⁴. The hill region is located in the middle of the country and lies between the Terai and mountain regions. The hill area occupies 42% of the total land area in Nepal⁵.

² CBS- Central Bureau of Statistics (2012). *National Population and Housing Census 2011 (National Report)*. Kathmandu. National Planning Commission Secretariat, CBS, Government of Nepal. P. iv

³ *ibid* P.3.

⁴ Mathema, Kalyan Bhakta (2011). *Madhesi Uprising, The resurgence of ethnicity*. Kathmandu. Mandala Book Point Publication, p.2.

⁵ Sharma, Suman K (2000) *Some Aspects of Dependency Crisis* In Kumar, Dhruva (Ed.). *Domestic Conflict and Crisis of Governability in Nepal*. Kathmandu. Published by CNAS Centre for Nepal and Asian Studies. P.205



GIS Unit, PDDP, NEP/95/008, 2000

UNEP/WHO/UNEP/UNEP/UNEP

Source: Ecological Zone Map of Nepal (2000). Environment and Natural Resources. United Nations Nepal Information Platform. Available at <http://un.org.np/node/10018>. (Accessed on January 30, 2016)

2.2 The lay of the land – historical and political

The early 19th century marked frequent disputes over the Terai between the East India Company of Great Britain and the Kingdom of Gorkha⁶.

The Nepal Britain Treaty of 1923 recognized Nepal as an independent sovereign country. It was a peace treaty aimed to end the restrictions implied by the *Sugauli* Treaty. In 1950, Nepal became a democratic country with a ceremonial monarchy. The first election of Nepal was held in 1959 but within a year, King Mahendra, the then monarch, had dissolved the parliament, dismissed the cabinet and banned political parties. He then created a non-party panchayat or council system of government which somehow sustained till 1980. The first direct parliamentary elections were held in 1981.

The people's movement in the 1990s would eventually lead Nepal to a multi-party democracy, but not before it took many lives, brought forth many grievances between people of different ethnicities and turned Nepal's politics into a simmering cauldron. It was the period when a number of marginalized and excluded ethnic groups, including Madhesis and Adivasi Janajati (indigenous ethnic community) demanded recognition of their ethnic identities and representation in State structures. It was also the period when Maoists gained considerable ground and made their presence felt, often in violent ways.

On February 1, 2005, the then monarch King Gyanendra suspended the Parliament and appointed a government led by himself, and enforced martial law, on the grounds that civil politicians would

⁶ Michael, Bernado (2011). *The Tarai: Part of Moghlan or Gorkha? Perspectives from the time of the Anglo-Gorkha war (1814-1816)* In *The Tarai, History, Society, Environment*. Kathmandu. Published by Himal Books. P. 1-26.

not be able to deal with the Maoist insurgency. Many well-known political leaders were detained while some others fled to India to regroup themselves. A broad coalition called the Seven Party Alliance (SPA) was formed to oppose the royal takeover. Sustained, spontaneous, belligerent, often violent protests saw to it that the pro-democracy sentiments were kept alive. In this battle, all political force actively participated, from civil society groups and professional organizations to workers and marginalized groups. Their one-point agenda was to end King Gyanendra's autocratic rule.

In the face of such a mass uprising and possible over-throw by people's forces, on April 21, 2006, King Gyanendra declared that "power be returned to the people". However, this did not mean anything to the protestors who continued to openly challenge his decisions and decrees of curfew. Three days later, the King announced the recall the House of Representatives. It was a virtual defeat for him. In all, 21 people had died and thousands injured during the protests.

On May 19, 2006, the Parliament was vested with complete legislative power and it, in turn, gave executive power to the Government of Nepal. This government for the first time was not called His Majesty's Government of Nepal. Accordingly, the names of many institutions were changed, the King's properties were subjected to taxation, and eventually Nepal was declared a republic and a secular state abolishing the Hindu Kingdom. The Maoist insurgency was also called off with the signing of the Comprehensive Peace Agreement between the Maoists and the SPA. .

Prime Minister Girija Parsad Koirala, then Prime Minister, on July 19, 2006, sent a letter to the United Nations announcing the intention of the Nepalese government to hold elections of the CA by April 2007. In December that year, Nepal began the process of becoming a State with the prime minister as the head of the State.

Maoists' parties won the 2008 election handsomely and were the largest parties in the parliament. On May 28, 2008, centuries of monarchy rule ended in Nepal when the CA set about making the country a republic by drafting a Constitution.

Much against people's hopes, the first CA failed to bring in a new Constitution despite its four years of work. The second CA formed in 2013 took this task ahead. At the end of 2014, when the negotiations evolved into the new Constitution, the proposal was that Nepal would be a federal state divided into eight provinces which the Assembly members said represented the broad ethnic groups⁷. However, on August 21, 2015, three political parties – Congress, UML and Maoists agreed on the seven provinces model.

In the new federal structure, the Parliament would have 165 members directly elected through the simple system of voting and counting majority votes, and 110 members would be elected through proportional representation. Some politicians in Nepal wanted the Constitution to be passed by consensus. India too desired maximum consensus. But the consensus was elusive.

In the summer of 2015, the new Constitution was contentiously adopted by a majority vote in the Parliament but ethnic groups such as the Madhesis and others complained that it did not accommodate their concerns and concerns of other marginalized or protesting groups, nor did it demarcate regions. A key demand of the Madhes-centric group (endorsed by India) was “*Ek Madhes – Ek Pradesh*”. This would be one plains-based federal unit in province number 2

⁷ The Constitution of Nepal (2015). Schedule 4 (Relating to clause (3) of Article 56). *States, Districts to be included in the concerned States*. Official English Translation. Published by Law Books Management Board. Government of Nepal. Ministry of Law, Justice and Parliamentary Affairs.

based on identity, and about 500 miles long and 20 miles wide, for themselves.

The government seemed unwilling or unable to engage in a meaningful dialogue at this stage. The flow of these events sparked off adverse reactions from Madhesis, Tharus and other groups in the Terai who believed the new Constitution and its adoption paved the way for their domination by the hill people.

In this sentiment and development, lies the unrest and blockade that followed for a little over four months, causing untold misery to millions of people in Nepal, stretching the limits of people's and government's patience, unsettling the decades of a relationship between Nepal and India in which camaraderie was punctuated by India's Big Brother attitude and a previous blockade in 1989-90, and pushing Nepal to consider new terms of engagement with China.

This also brings to the fore the nature and future of Nepal as a land-locked country (LLC) with an almost exclusive reliance on India for its supplies of fuel, grain and other items of daily use.

2.3 The People of Nepal – ethnicities, groups and population in Terai

Madhesi refers to people from Terai or Madhes. The term Pahadi means people from the hills. However, both the terms Madhes and Madhesis, especially Madhesi, are highly contested⁸. It is important to note that the Madhesis will not like to be called Pahadis even if they have been residing in the hills for generations, and similarly

⁸ Upreti, Raj Bishnu; Paudel, Suman Babu and Ghimire, Safal (2012). *Ignored or ill-represented? The Grievance of Terai- Madhes Conflict in Nepal*. New Delhi. Adroit publishers, p.3.

Pahadis will always remain Pahadis whether they are rooted in the Terai or hills.

So, more than geographical terms signifying where they live or originate from, both the terms Madhesi and Pahadi have come to bear the load of geo-political, social, historical and cultural references in Nepal. Over many decades, both terms have metamorphosed into descriptions with deep and mutually exclusive ethnic connotations⁹ which, in turn, have fostered the segregation of the Nepalis into these distinct identity groups. Therefore, Madhesi and Pahadis are now almost silo-like – different, dissimilar, distinct from one another.

An interesting point to note is that Tharus, who also originate in the same Terai region refer to the area as “Terai” or “Tarai” but disagree with the description of Madhes¹⁰. The Tharus identify themselves as an indigenous community and have strongly resisted attempts to label them as Madhesi as an ethnic descriptor¹¹.

The Dalits social groups also found amongst the Madhesis are the traditional ‘untouchables’ and are made up of Madhesi, hill, Himalayan and Newar Dalits¹². The *adibasi janajati* (indigenous nationalities) are other social cultural groups, generally from the Tibeto-Burman language speaking groups. They belong to the

⁹ Mathema, Kalyan Bhakta (2011).p.2.

¹⁰ Upreti, Raj; Paudel, Suman Babu and Ghimire, Safal (2012).p. 13.

¹¹ This was quite evident in 2009, when the government led by Maoist party passed an Ordinance recognizing Tharus as Madhesis. The Tharus reacted strongly against the Ordinance and launched various protests.

¹² Lawoti, Mahendra (2005).P. 98-100.

Mongoloid stock. They are found in the mountains, hills, inner Terai and Tarai¹³.

The population figures in Terai of people of hill origin and Madhesi groups have been frequently contested. Nearly half of Nepal's population resides in the Terai. Within Terai, the Madhesi population is below 50.15 percent.

As per the 2011 Census, Dalits make up 13.57 percent of the total population here including Madhesi Dalits (4.52%)¹⁴. The indigenous population stands at 37.2 percent of the national population¹⁵ which includes the Tharu (6.6%)¹⁶. The Muslim community also resides in the Terai region and constitutes 4.4 percent of the total population¹⁷.

¹³ Lawoti, Mahendra (2005). P.94

¹⁴ Chaudhary, Deepak (2015). *Tarai/ Madhesh of Nepal. Anthropological Study (Upgraded Version)*. Kathmandu. Publisher Ratna Pustak Bhandar.P.132.

¹⁵ Nepal Federation of Indigenous Nationalities -NEFIN (2016).*Facts, Figure and Information on Indigenous People*. Kathmandu. Available at <http://www.nefin.org.np/list/Indigenous-People-of-Nepal/5/0/5>. (Accessed on February 1, 2016)

¹⁶ CBS- Central Bureau of Statistics (2012).P. iii.

¹⁷ CBS- Central Bureau of Statistics (2012).P. iii.

III.

NEPAL'S RELATIONS WITH INDIA AND CHINA

Nepal shares its borders with both India and China but not equally. Nepal is surrounded by India from the eastern, western and southern sides. China lies on the Northern border. Thus, Nepal is geographically land-locked by India in a major way.

Nepal and India, have shared a long and chequered relationship, though it was hardly ever a relationship between equal powers. Nepal's relationship with China is relatively new and evolving. Potentially, this has the possibility to upset the balance between the two large Asian powers, India and China.

As a land-locked country, Nepal will have to work out these relationships to its long-term benefit, even if they appear fraught with burdens of history, the "Big Brother" attitude of its neighbours in the light of India's overt or covert attempts to shape the course of recent events in Nepal.

3.1 Relations with India

Relations between India and Nepal go far back into the past and is witnessed at multiple and mutually-inclusive levels.

India and Nepal have shared centuries old historical and cultural relations by virtue of their geographical location. This has underscored the unique proximity or affinity one country feels with the other, but the speciality of this relationship has always been in the context of the over-bearing presence India on Nepal. For India, from a pure geographical context, Nepal was the bulwark against any foreign aggression into India from the north. Therefore, it was always in India's self-defence and security interests that Nepal did not have a ruler or government hostile to it, and that Nepal was not susceptible or vulnerable to external conquests and control as that would expose large tracts of India's territory. This further emphasized India's Big Brother stance.

Socially, the Nepalese, especially those in the Terai had economic and personal relationships through marriage and shared genetics as well as cultural and language across the Indian border especially in the states of Bihar and Uttar Pradesh. This relationship, colloquially called the *roti-beti* relationship, opened up channels for both countries to advance their national interests. It also brought the Madhesis into close contact with India. Even the erstwhile ruling monarch family of Nepal has had associations among Indian elite through marriage.

Economically, the relationship has been a very significant one for Nepal as India was the chief supplier of fuel, medicines, grains and other items of daily consumption for the Nepalese. Nepal has had a treasure trove of natural resources, exploited by vested interests. It is important to note that India had enforced an economic blockade in 1989-90. However, the economic exchange between the nations continued after the blockade was lifted. Additionally, Indian tourists provided a steady source of revenue for Nepal and serves as a destination for migrant workers from Nepal.

The most significant aspect of this economic relationship is that nearly 90 per cent of Nepal's trade with third-party countries transits through India, the primary outcome of being a land-locked country. It gives India enormous power over Nepal. India has always enjoyed the economic muscle *vis-à-vis* Nepal which has made it an unequal relationship often with Nepal at India's mercy and the latter taking advantage of this.

Politically, the history of the Indo-Nepal relations is often traced back to the movement for India's independence from the 19th century but it has had its share of disputes too. Nepal too witnessed struggles for political assertion and bringing power to the people. The famous Koirala brothers who founded the Nepali Congress took inspiration from the Indian National Congress and Mahatma Gandhi. The Treaty of Peace and Friendship was formally signed in 1950. Over the decades, India has provided safe places to various pro-democracy and pro-people groups against a succession of Nepal's monarchs especially in the 80s, 90s and later in 2005-06 when King Gyanendra declared the emergency, though India also supported monarchs in exile. India has also enjoyed a level of influence with the Maoists in Nepal.

This relationship has come under strain on several occasions. One occasion in the recent past was in 1989-90 when the then Prime Minister (PM) Rajiv Gandhi effected the economic blockade. It lasted from March 1989 to July 1990. When the blockade was lifted, Gandhi had been replaced by VP Singh as India's PM. That blockade had brought unforeseen hardships to Nepal. The transit treaty between the two countries had expired and Gandhi's government in India did not renew it ostensibly owing to the political situation in Nepal. The political reform movement was in full swing and eventually led to the restoration of the multi-party democracy in 1990. The treaty was renewed after that when Nepal

PM Girija Prasad Koirala visited India in 1991 and both countries signed new separate trade and transit treaties.

India has played a role in influencing or steering Nepal towards a constitutional statehood but in the current context of 2014-15, this appears to have acquired a brittleness and intervention perhaps not seen in the past. In 2015, after the new Constitution was adopted, Indian government under PM Narendra Modi defined it in slightly dismissive terms and expressed its concern over the situation in Terai region.

The Indian government not only offered advice which further invoked its Big Brother approach to Nepal but also raised objections to parts of the new Constitution. Nepal went ahead with its process of Constitution-making.¹⁸ Subsequently, when it was promulgated in September 2015 and after protests had surfaced in the Terai over the Constitution, there was also an accompanying blockade which completely crippled Nepal and led to a humanitarian crisis of large proportions.

Officially, India did not accept that it had enforced the blockade or even had a hand in it, but few in India or Nepal believe this. India's position was that the blockade was because Nepali protestors in the Terai had blocked the entry-exit points on the Indo-Nepal border due to which Indian trucks could not ferry fuel and supplies into Nepal and trade had to be halted.

In fact, the Nepal government does not accept this line¹⁹. The dominant perception in Nepal is that India had orchestrated the

¹⁸ Kumar Sanjay, September 2015 <http://thediplomat.com/2015/09/nepal-tests-indias-much-touted-neighborhood-diplomacy/> Accessed on April 11, 2016

¹⁹ Kallol Bhattacharjee, As Blockade ends, Nepal announces Oli's visit, The Hindu, 7.2.2016, <http://www.thehindu.com/news/national/as-blockade-ends-nepal->

blockade as a mark of support to the Madhesis in their protest against the Constitution. The lack of supplies, especially fuel and medicines, crippled Nepal during the four-month blockade in late 2015, worsening the situation after the deadly earthquake in April 2015.

Moreover, the blockade was a clear violation of international treaties in relation to land-locked countries. India would have much to answer for in this context. The role of the Indian Ambassador to Nepal was highly criticized by experts and civil society in Nepal after he shuttled back and forth to convey New Delhi's concerns and advice to Kathmandu. Indian government sources were quoted as having put forth seven amendments to Nepal's Constitution²⁰. PM Narendra Modi called up counterpart Sushil Koirala on August 25. India's foreign secretary S Jaishankar travelled to Kathmandu as Modi's special envoy to ostensibly influence India's stand. For Nepal, on road to new democratic and secular republic, this was unnecessary meddling. The situation led to new tensions between the two countries²¹

3.2 Relations with China

Nepal shares a centuries-old relationship with China on its northern border but the trade and political relationship came second to that with India. The lag was on account of several historical reasons but

announces-olis-visit/article8203756.ece /accessed on 5 May 2016

²⁰ Shubajit Roy, (2015). *Make Seven Changes to Your Constitution: India tells Nepal*, The Indian Express, 24.9.2016 <http://indianexpress.com/article/world/neighbours/make-seven-changes-to-your-constitution-address-madhesis-concerns-india-to-nepal/> accessed on 5 May 2016

²¹ Roy Shubajit, September 2015. <http://indianexpress.com/article/world/neighbours/make-seven-changes-to-your-constitution-address-madhesis-concerns-india-to-nepal/#sthash.HuzlmW8J.dpuf>; Accessed April 30, 2016

mainly driven by the fact that Nepal saw itself as India-dependent both geographically and economically. However, the blockade in 2015 may have changed it all and made China into an attractive option for Nepal to assert itself, or more precisely shake off its yoke to India. For the first time, Nepal sought and got fuel from China during the months of the blockade.

PMK.P Oli made a visit to China in March 2016 within a month of having visited India. In China, he met the top two political leaders and business barons. China and Nepal signed agreements allowing Nepal to conduct foreign trade via Chinese ports, were looking into the possibility of a rail link between the two countries, China has agreed to construct and provide loans for an international airport in Pokhara, constructing a bridge spanning the Xiarwa River near the western end of the China-Nepal border, and the two countries will also explore the possibility of a free trade zone²² China became Nepal's biggest foreign investor and outpaced India, another big investor, by 17 times since 2006. But the Nepal-China relationship received a new boost in the context of the blockade. Nepal on its part has maintained a 'one China' policy. China has welcomed the new Constitution, expressing its 'support and respect on Nepal's right to choose a system and development plan'. With the start of the blockade and acute shortage of fuel, China offered support and provided 1,000 metric tons of petrol.

Most important, China offered Nepal the alternative or balancing factor to India. During many bilateral meetings, both the countries agreed on fuel supply from China on a long term basis, which marks an end to Nepal's near-total dependency so far on India for

²² Tiezze, Shannon (2016). <http://thediplomat.com/2016/03/in-china-nepals-pm-seeks-alternative-to-india/>, Accessed on April 10, 2016

fuel.²³ The Chinese inroads into Nepal has made India “paranoid” but many in Nepal still believe that in the long-run Nepal has no option but to have good relations with India.²⁴ While China offers an alternative to Nepal, it does not mitigate the plight of Nepal being a land-locked country and bordered by large and ambitious neighbours.

3.3. Nepal’s new constitution – What India and China see in it

The first CA elected in 2008 could not evolve a new Constitution. The Communist Party of Nepal (Maoist), which till 2006 had led a decade-long agitation, had come to power but this did not help in making the Constitution. Madhes-based political parties continued with their demand for the Terai as a single province, flowing from the domination of Madhesis there. The cry of these parties was “*Ek Madesh, Ek Pradesh*” and autonomy for this one province was a long-standing demand²⁵.

The second CA convened in 2013 had to deliver the Constitution. The Supreme Court of Nepal issued an order to the CA to include indigenous people,²⁶ after which the General Secretary

²³ The Himalayan Times (2015). Nepal, China agree to trade in fuel on long- term basis. The Himalayan Times online edition. Available at <https://thehimalayantimes.com/business/nepal-china-agree-to-trade-in-fuel-on-long-term-basis/> . Accessed on January 29, 2016

²⁴ Baral, Biswas (2016).Nepal’s Deepening ties with China need not be bad news for India <http://thewire.in/2016/03/28/nepals-deepening-ties-with-china-need-not-be-bad-news-for-india-26215/>, Accessed on April 10, 2016; Gayawali, Manish (2016). Nepal and the Great Power Courtship, <http://thediplomat.com/2015/01/nepal-and-the-great-power-courtship/> accessed on 5 May 2016

²⁵ Gyawali Manish, 2013, The Madhes and Future of Nepal <http://thediplomat.com/2013/12/the-madhes-and-the-future-of-nepal/> Accessed on April 30, 2016)

²⁶ The Kathmandu Post (2014).*CA member appointment, SC to govt: give CA full shape*

of the National Federation of Indigenous Nationalities (NEFIN) was nominated. The Second CA finally promulgated the new Constitution in September 2015.

Both India and China followed the process of drafting the Constitution, especially on the issue of federal structure, closely given their interests in Nepal. China suggested against ethnicity based federalism as it could cause more problems in Nepal and could give rise to anti-China activities especially in Tibet which would have to be opened up for trade²⁷.

The Chinese strategic interests were that Nepal's new Constitution should not lead to the creation of new provinces on purely ethnic or identity basis which could have direct consequences from the neighbouring Tibetan side.

India's interests were mainly centered on the Madhesis and ensuring that the Terai region was proportionately represented. Once the Constitution was promulgated on September 20, 2015, India only "noted" it even as the rest of world welcomed the significant moment in Nepal. In fact, India's persistence and involvement in the process – from PM Modi's call to Sushil Koirala, suggesting seven amendments it wanted in the Constitution, Foreign Secretary's trip to Kathmandu – made it clear that India was not satisfied or happy with the Constitution²⁸

within 15 days. The Kathmandu Post. The Kathmandu Post (online). Available at <http://kathmandupost.ekantipur.com/printedition/news/2014-05-12/ca-member-appointment.html>. (Accessed on February 1, 2016)

²⁷ Bhattarai Kamal Dev, 2014, *The Geo-politics of Nepal's Federal Structure* <http://thediplomat.com/2014/10/the-geopolitics-of-nepals-federal-structure/>, Accessed on April 30, 2016

²⁸ Roy Shubhajit, September 2015. <http://indianexpress.com/article/world/neighbours/make-seven-changes-to-your-constitution-address-madhese-concerns-india-to->

India's interests were to secure the demands and rights of the Madhesis, who have relationships and origins in Indian territory, in Nepal's Constitution. Its ambassador to Nepal Ranjit Rae was described as having "the most unenviable role to play... Communists, communalists and chauvinists of all hues in Kathmandu decry the fact that the Indian envoy behaves like a viceroy exercising authority on behalf of the external sovereign in a colonial outpost."²⁹ India also took note that the Nepali leaders had entertained the presence of Chinese officials while making the Constitution. India closely tracked the developments over the next few months³⁰

Though both India and China time and again reiterated on non-interference in Nepal's internal affairs and insisted on a powerful central government with a federal structure,³¹ a strong Nepal capable of holding its own place in the world is in neither country's interests. Also, there was growing distrust over such a statement, for only in July 2015, Nepal had termed the bilateral agreement of India and China over Lipu Lekh, the part of land in Nepal bordering India and China which Nepal had termed as disrespect to Nepal's sovereignty and territorial integrity.³²

nepal/#sthash.HuzlmW8J.dpuf, Accessed April 30, 2016)

²⁹ Lal, CK, Dec 2015, *India's Diplomacy is being Tested by Nepal's Realities Once Again* <http://thewire.in/2015/12/26/indian-diplomacy-is-being-tested-by-nepals-realities-once-again-16802/> Accessed May 1, 2016

³⁰ Ministry of External Affairs, Government of India, December 2015 <http://www.mea.gov.in/press-releases.htm?dtl/26218/Statement+on+Nepal>, Accessed on May 1, 2016)

³¹ Bhattarai, Kamal Dev (2014). *The Geopolitics of Nepal's Federal Structure*. The Diplomat (online). <http://thediplomat.com/2014/10/the-geopolitics-of-nepals-federal-structure/>. (Accessed on January 29, 2016)

³² Republica (2016). *China hints at amending Lipu Lekh deal*. Nepal Republica Media (online) Available at <http://www.myrepublica.com/politics/story/25165/china-hints-at-amending-lipu-lekh-deal.html>. (Accessed on February 1, 2016)

IV.

THE BLOCKADE

The nearly four months of economic and trade blockade in Nepal which put the lives of its 28 million people in trouble causing them serious problems turned out to be, in a geo-political sense, a game-changer because it altered the axis of Nepal's relationships with both its neighbours, India and China. But, at its core, the blockade must be seen as a humanitarian crisis in a land-locked country.

Reports have commented that the blockade and its impacts were far worse than the effects of the deadly earthquake of 7.8 magnitude on the Richter scale which struck Nepal on April 25 the same year.

The land-locked Nepal's border check points with India were, for all purposes, unofficially blocked by Indian border police and customs officials, and at least one border check point by the agitating Madhesi community activists. One of Nepal's most honoured writer-editor Kunda Dixit observed: "A country of 28 million people has ground to a halt, schools are closing, hospitals are turning away patients, public transport is limited, industries have shut, tourist arrivals have plummeted...The impact of the Indian blockade on Nepal's economy has now far outstripped damage from the earthquake³³"

³³ Dixit, Kunda. 2015. *India and Nepal have no choice but to end their border dispute...*
<http://time.com/4115801/nepal-india-border-blockade-madhesh/> Accessed on April 9, 2016

Dixit further writes³⁴: “For its part, New Delhi has come across as a mean and heartless bully, insisting that this is not a blockade despite glaring evidence to the contrary, including statements by Indian border-security officials and oil-company representatives who have cited “orders from above” to continue stopping fuel trucks. Indian Prime Minister Narendra Modi had normalized Nepal-India relations after a visit last year and had promptly rushed help after the earthquake. But all that bonhomie has now evaporated.”³⁵

The way the blockade started and ended has left a number of questions open. Firstly, the restrictions on movements of goods from India into Nepal started on September 20, 2015, the very day that the new Constitution was promulgated while the Madhesi parties which started blocking border points did so only on September 24. Secondly, goods from the blocked Birjung-Raxaul border started to flow in from February 3, 2016 which took the agitating Madhesi parties by surprise and showed that India had unilaterally decided to re-open the border after which they decided to officially lift the embargo on February 8, 2016³⁶

A section of civil society in Katmandu said that the crisis was the result of mismanagement by top political parties due to their rush to promulgate the new Constitution. They also stated that the Indian Ambassador humiliated Nepali political parties and his action was against the Vienna Convention on diplomatic relations and the

³⁴ *Ibid*

³⁵ Dixit’s sentiments were echoed by the Civil Society representatives, officials of the Chamber of Commerce and Journalists in Bhairawah; and the Civil Society representatives, officials of the Chamber of Commerce and lawyers in Birgunj.

³⁶ Biswas, Baral. March 2016. *India’s “Blockade” Has Opened The Door For China In Nepal* <http://thewire.in/2016/03/02/indias-blockade-has-opened-the-door-for-china-in-nepal-23042/>, Accessed on April 7, 2016

diplomatic code of conduct³⁷. In explaining the Madhesi situation, a political analyst from Nepal stated that only the earthquake victims and Madhesi protestors really suffered from the blockade. However, the media reporting of Madhesi issues are limited because the media are managed by the hill people or pahadis and the government. It was noted that the government was passive, the media was silent and the civil society completely polarized on the Madhes unrest. It was further explained that the civil society is made up of 90 percent pahadis illustrating the monopoly of pahadis in each and every sector of the State including the politicians.

4.1 The blockade – root causes

The blockade, severe in its impact, can be traced back to the Madhes uprising of January–February 2007 which had lasted for 21 days. In its scale, organisation and purpose, the ethnic uprising was unprecedented. It was considered a historic moment for the Madhesis, Tharus and for the Terai region. The central point of protest in this was the inability or the unwillingness of the Maoist-led government in Nepal, which had itself come to be after a decade of protests and violence, to secure full proportional representation to the Madhesis for elections to the Constituent Assembly.³⁸

This brought the ethnic identity issue to the forefront of Nepalese politics in a strong way, it was an issue without easy solutions. In

³⁷ Also see Kanak Mani Dixit, *Limits to Indian Exceptionalism*, *The Hindu* 19.02.2016 at <http://www.thehindu.com/opinion/lead/limits-to-indian-exceptionalism/article8253734.ece?homepage=true> /accessed on 5 May, 2016

³⁸ According to the Civil Society Representatives, lawyers and the officials of the Chamber of Commerce in Birgunj, Madhesi leaders won elections with Madhesi vote but once they reached the Parliament, they were unable to put forward their issues and concerns because their political parties would issue whips, which meant that Madhesi issues never got discussed. They compared the struggle between Madhesi and hill people to the struggle between white and black races.

2008-09, the government signed agreements with the agitating parties of United Democratic Madhesi Front and the Tharuhat Joint Struggle Committee.³⁹ The Madhes movement was focused on its main demand for a single province. They claimed that the movement is for the right to self-determination of the Madhesi people. It is against the existing issues of class, nationality, gender and social oppression. They demand that electoral constituencies in Madhes should be based on population here and elsewhere in the country and there should be a representation of Madhesi in every government sector. Consequently, the Federal Inclusive Madhesi Alliance demanded on the formation of two provinces in Madhes – one from Narayani river to Jhapa district and another from Narayani river to Kanchanpur district.⁴⁰

In 2015, when the Constitution was adopted by a majority vote and without the proportional representation, the Madhesi protest intensified. The battle lines were clearly drawn between Nepali Congress, Communist Party of Nepal- UML, the Unified Communist of Nepal-Maoist on one side and the Madhesi Jana Adhikar Forum- Loktantrik on the other as a coalition of many Madhesi parties. The agitators felt that the 16-point agreement with the governing parties and the draft Constitution excluded their representation and was against prior agreements.

The cadres of the Madhesi parties, incensed at these developments, burnt copies of the new Constitution when it was promulgated on September 20, 2015. The anger had been building up. Finally,

³⁹ Upreti, Raj; Paudel, Suman Babu and Ghimire, Safal (2012).p. 5.

⁴⁰ The Himalayan Times (2015). FIMA demands two provinces in Tarai. The Himalayan Times (online). Available at <http://thehimalayantimes.com/nepal/fima-demands-two-provinces-in-tarai/>. Accessed on February 1, 2016; Missions' meeting with Madhes-centric parties

on September 23, 2015 the United Democratic Madhesi Front (UDMF) decided to block all the major highways and customs points bordering India, thus effectively blocking all movement of goods and services to Nepal. Since India was the conduit for Nepal's third-country trade, that too was affected.

Within weeks, as the impact began to be felt, the government formed a three-member team to engage with the Madhesi parties who were demanding amendments in the new Constitution to reflect and include their demands. The protests and demonstrations resulted in wide-spread violence and violation of human rights, piquing the interests of and concerns from national and international human rights organizations.

Ostensibly under pressure, on December 15, 2015, the Bill on the First Amendment to the Constitution was tabled in the Parliament. But this did not break the political deadlock. The agitating UDMF was still raising objections and announced a fresh round of protests on January 9, 2016. The movement of the Bill was accordingly delayed as different stake-holders attempted for a breakthrough in the negotiations between/with the government and agitating parties. The latter had put forth a 11- point demand.

Along with the Madhesi parties, the Janajatis and Muslims were also demanding recognition of their distinct identities and, therefore, appropriate and equal rights in the Constitution. During the peace talk between Maoists and the seven political parties, both in 2001 and 2003, the Janajatis, Muslims and Dalits had joined the Madhesis in supporting the Maoist demand for a CA. They believed that the Assembly would address the issue of their inclusion too.⁴¹

⁴¹ Lawoti, Mahendra (2005). P. 74.

However, their demands were not addressed which led to the continuation of their movements during the blockade. Often, the ethnic movements were raising religious issues while the indigenous people's movements also incorporated the demand of the Kiratis, Buddhist and other religious groups. However, on December 8, the Muslim parties especially the National Muslim Struggle Alliance severed its ties with the UDMF on the grounds that the agitation had led to a humanitarian crisis in the country and the alliance leaders felt deceived because the UDMF did not raise issues concerning Muslims.

Some also reached out formally to India. At the height of the Madhesi movement, on October 7, 2015, a few Janajati leaders visited the Indian embassy to seek India's support for their movement.

4.2 The impact of the blockade

After the new Constitution was promulgated, the Madhesi parties intensified their protest. At this stage, the Indian government too expressed its discontent with the Constitution. A few days later, Indian authorities released a press statement stating that due to obstructions and unrest in Nepal, Indian freight forwarders and transporters faced difficulties in movement of vehicles and feared for their security.⁴² This was seen in Nepal as an excuse for the blockade because after the statement, very few trucks entered Nepal.

Within weeks, the impact was considerably felt as the blockade meant no fuel and medicines. The protests resulted in approximately

⁴² Embassy of India (2015). *Response to a query from the media by the Official Spokesperson on the situation in Nepal*. Press Release, Kathmandu. Available at http://indianembassy.org.np/index2.php?option=Ui3vzctxn5xHZVIBeyayl4Esp_mDrgNifomf1lhLMr4&id=be8SHRux7iC_8tslKi-24-BGG43Qrkm0SNM_ufQrjk. /Accessed on January 31, 2016

50 deaths⁴³ by December and led to a most serious shortage ever of fuel, medicines and other key supplies, bringing the land-locked Nepal to a virtual standstill even as it was yet to recover from the April 2015 devastating earthquake and grappled with its customarily brutal winter. There were clashes on the Indo-Nepal border which left more people injured.

The hardest hit were the trucks carrying perishable items like vegetables and fruits and essential goods such as fuel and cooking gas; these were rarely allowed to cross the border. This acute shortage resulted in fuel smuggling and black marketing. The price of a litre of petrol in Kathmandu was Nepali Rupees 104 whereas during and after the blockade, people were forced to buy petrol from the black marketeers paying three to four times that for a litre.⁴⁴

India repeatedly stated that it did not create the blockade and trucks could not enter Nepal due to the ongoing protests especially at Birgunj-Raxaul. But Nepali trucks were also not able to – or not allowed to – pass the border either, even from those border entry points where there was no protest.⁴⁵ There is large evidence indicating that the blockade was not from the Nepal side enforced

⁴³ The Mission met the Chief District Officer and the Superintendent of Police in Parsa district, Birgunj who informed that they adhered by the Local Administrative Act 2028 (year 2028 according to Nepali calendar) with the objective to maintain peace and security in the district with minimum incidents. They further informed that during curfew too, they had acted as per the Act. The mission was informed that some street protestors used home-made weapons against the security personnel; and see Reported killings of police and civilians in Nepal, <http://www.madhesiyouth.com/report-deaths/> accessed on 5 May 2016

⁴⁴ Ojha, Anup, Dec 2015. *Black Marketeers filling fuel demand in Valley* <http://kathmandupost.ekantipur.com/news/2015-12-11/black-marketeers-filling-fuel-demand-in-valley.html>/Accessed April 12, 2016

⁴⁵ The Nepali Times (2015). *No fuel for private vehicles*. The Nepali Times (online). Available at <http://www.nepalitimes.com/blogs/thebrief/2015/09/30/no-fuel-for-private-vehicles/> Accessed on January 30, 2016

by the agitating Madhesi but went far beyond that; it indicates that the blockade was from the Indian side. In all, nearly 2,000 trucks were stranded at the border for months, according to Nepalese reports.

The obstruction because of the Madhesi protests was of maximum intensity at Birgunj-Raxaul points on the Indo-Nepal border. Later into the protest, however, a number of cargo and fuel trucks entered Nepal through other border points where the protests were minimal or non-existent.⁴⁶

Of all items that became scarce, petrol and liquefied petroleum gas used for cooking were the most affected. This in turn led to a large amount of illegal logging in several forests. Also badly affected was the supply of essential medicines, including some life-saving drugs and those used in intensive care units of hospitals, putting patients' lives into jeopardy. The extent of the impact of the blockade is best seen in the press release that UNICEF issued. It warned of "more than three million children under the age of five at risk of death or disease during the harsh winter months due to a severe shortage of fuel, food, medicines and vaccines".⁴⁷

The shortage of fuel for vehicles meant that even school buses could not ply, forcing schools to give holidays affecting children's education and future. The shortage of fuel and gas resulted in rampant black marketing, inconveniencing people and putting these items of out

⁴⁶ The Kathmandu Post (2016). Obstruction continues at Birgunj- Raxaul point- vehicles entering Nepal through other crossings. The Kathmandu Post (online). Available at <http://kathmandupost.ekantipur.com/news/2016-01-26/obstruction-continues-at-birgunj-raxaul-point.html>/Accessed on January 31, 2016

⁴⁷ UNICEF (2015). *Serious shortage of essential supplies threatens millions of children this winter*. (Press Release). United Nations Childrens Fund. Available at: http://www.unicef.org/infobycountry/media_86394.html /Accessed on January 18, 2016

of their reach. People also had to contend with daily power cuts of up to 13 hours a day. Everyday life was crippled and the country was forced to come to a standstill.

Equally badly affected were the rebuilding projects undertaken after the devastating earthquake in April which had killed about 9,000 people and damaged more than 600,000 houses. The shortage of fuel and supply disruption had led to the shutting down of 90 percent of industries across Nepal, with more than 60 percent of the business which occurs during the festive season of Dashai and Tihar failing to uplift the economy.⁴⁸ Nepal's financial sector too took the brunt as economy came to a halt.

The country's economy took a hit. The Federation of Nepalese Chambers of Commerce and Industry (FNCCI) remarked on December 18, 2015, that the protests and blockade of the previous few months "have resulted to economic losses to the tune of NR 200 billion...pushed the economic, social and education, among other sectors, to a serious mode...Nearly 2,000 industries are closed while materials worth billions of rupees have been stranded on the other side of the border"⁴⁹.

Such a severe shortage of essential items and fuel led to an unprecedented humanitarian crisis in recent times, deeply affecting homes, women and children, schools, businesses and industries. In short, the country was forced to come to a standstill – economically, socially, and in every rhythm of daily life.

⁴⁸ The Himalayan Times (2016). Statement made by Prof Dr. Bishwambher Pyakuryal in *Government seems unconcerned about economic problems*. Perspectives. The Himalayan Times. January 24, 2016. P.1.

⁴⁹ Analysis. *Nepal Assessment 2016*. <http://www.satp.org/satporgetp/countries/nepal/index.html> Accessed on April 11, 2016

The basic rights of citizens especially the daily wage laborers were violated by both the agitating parties as well as the government. While they were blaming each other it was the common people who were suffering especially with black marketing and inflation.

It reiterated once again an uncomfortable truth for the land-locked Nepal: its dependence on India was so total or near-total that India could use this geo-political reality to choke Nepal completely. Nepalis are convinced that India was using the Madhesis' protests as a route to arm-twist Nepal to steering the Constitution in a certain way. There are strong factual reasons for this as outlined earlier. India officially denies orchestrating the blockade but there are few takers for this argument.

To see the blockade merely as a pressure point in Nepal's contemporary history or India's muscle-flexing as it were, would be a limited geo-political view of it. The blockade certainly did have a geo-political angle and that has been the overall tone and tenor of the discussion around it especially in international arenas, but irrespective of the reasons and the conditions that led to it, the blockade was essentially a monumental economic and social crisis for the people of Nepal, and a course-altering event for their government.

4.3 Violations and omissions by the State during the blockade

The blockade tested the nerves of the Nepali government.

By December 2, 2015, nearly 50 people – civilian and police were reportedly killed in the Madhes unrest.⁵⁰ The unfortunately dead included 28 civilian protestors, five innocent children and eight police personnel. Many were not related to the protest at all. Children and civilians who were not part of the protest groups ended up dead in the retaliatory police firing. Indeed, the protests too turned violent at some points and targeted police personnel. This raises questions about Nepal government's tactical and strategic responses to the unrest and the blockade.

In September 2015, the Supreme Court of Nepal had issued an interim order addressed to the State directing it not to use lethal weapons to control the protests in Terai. This order was in response to a complaint filed by the wife of a victim injured in police firing during a protest in Birgunj district.⁵¹ Yet, the victims who were killed during the protest had all sustained bullet injuries above their knees – in the head, chest and stomach.⁵² This showed that the security forces were either not directed thoroughly or there was a message sent out in crushing the protests with a heavy hand.

⁵⁰ Madhesi youth (2016). *Report Killings of Police and Civilian in Nepal*. Madhesiyouth.com (online). Available at <http://www.madhesiyouth.com/report-deaths/> Accessed on February 1, 2016

⁵¹ The Kathmandu Post (2015). *SC rules against use of lethal weapons during protests*. The Kathmandu Post (online edition). Available at <http://kathmandupost.ekantipur.com/news/2015-09-16/sc-rules-against-use-of-lethal-weapons-during-protests.html/> Accessed on January 20, 2016

⁵² The Terai Human Rights Defenders Alliance (THRD Alliance) (2015). *THRD Alliance Terai Situation Report*. Published by THRD Alliance.

International human rights organization such as Amnesty International also urged the government to bring about important amendments to ensure human rights of all people in Nepal as guaranteed in the Constitution.⁵³

⁵³ Nepal: open letter to the new prime minister and government of Nepal: Amend regressive aspects of the constitution
<https://www.amnesty.org/en/documents/asa31/2802/2015/en/>

V.

THE MADHESI ISSUE AND THE NEW CONSTITUTION

The four-month long blockade and the continuing protests by Madhesis in the Terai touched upon the central issues of contention for the ethnic group but at the heart of their dogged protests lay the belief that they are, or will be at some point in the future, dominated by the Pahadis or hills' people if the Constitution did not accommodate their demands. This has been the status quo all this time and the reason that Madhesis have been fighting against since 2007-08 to be proportionately represented in the Constitution and for an autonomous province.

This prompted the Madhesi parties to launch fresh protests and escalate earlier actions after the new Constitution was promulgated in September 20, 2015. The blockade of Indo-Nepal border followed. The Madhesi parties strongly believed that the Constitution had failed to address their demands and they may remain under-represented in the national Parliament. Some of their major concerns: provision for electoral constituencies, proportional representation,⁵⁴ and amendment of Article 289 of the Constitution

⁵⁴ The Interim Constitution 2007 had provided for electoral constituencies based on population, geographical characteristics and "on the basis of the percentage of the population in madhes" (Article 63 (3)) but in the new constitution this provision under Article 84 has been omitted. Right to Social Justice (Art. 21) under the Fundamental Rights in the Interim Constitution mentioned the right of various

which allows only a citizen of descent to major positions in the State structure, as it would alienate Madhesis who are citizens by birth or naturalization. The Madhesi parties had sought appropriate amendments in the citizenship provisions⁵⁵ in the new Constitution.

In a sense, therefore, the Madhesis were agitating to maintain their unique ethnic identity and ensure their place and rights in the new federal republic laid down by the Constitution. Finally, in January 2016, Nepal's Parliament yielded to a certain extent to accommodate the Madhesis' demands. The Constitution was amended twice to introduce proportional representation in government jobs and parliamentary seats. The Madhesi parties rejected the amendments on the grounds that they were inadequate; they wanted the regional/state boundaries redrawn to reflect their identity concerns.

But neither the escalating protests nor the blockade in September 2015 occurred without notice. On June 10, 2015, the two sides comprising the Nepali Congress, Communist Party of Nepal-UML and the Unified Communist of Nepal- Maoist on one side and the Madhesi Jana Adhikar Forum- Loktantrik (Democratic) on the other had agreed on 16 points in the new Constitution. The majority of the Madhesi parties, almost 30 different groups,

“economically, socially or educationally backward” groups to participate “in the structure of the State on the basis of the principle of proportional inclusion”. However, the word “proportional” has been omitted in the new Constitution under Article 42.

⁵⁵ Article 11 (6) states that a foreign women married to a Nepali citizen may acquire naturalized citizenship of Nepal as provided for in a federal law. The Madhesi centric parties wants this provision to be part of the Constitution and not in federal law and their representation in the constitutional bodies should be either through nomination or as per the provision of the interim Constitution (Art.6 (8)). Similarly, under Article 11 (6) of the new Constitution, a foreigner women married to a Nepali man can automatically acquire naturalized citizenship but this clause is silent in case of a foreigner man married to a Nepali women. This is one area where Madheshi communities feel that such citizenship provisions will disproportionately affect them as there are many cross- border marriages.

were against this agreement from the beginning. In spite of their protests, the government and parties involved in the Constitution-making process fast-tracked it.

On June 19, 2015 the Supreme Court of Nepal ordered the government not to implement the 16 point agreement stating that the delineation of provinces should be settled before the CA is dissolved. However, the government and major political parties termed the move as an act of intervention, as the Assembly was elected to promulgate the new Constitution and its draft was brought in without putting the federal structure in place.

On July 1, 2015 the United Madhesi Alliance burnt copies of the preliminary draft of the Constitution expressing their strong discontentment but the government ignored the protest and went on to fast track the process of constitution drafting. The government made no attempt to bring the Madhesi parties into dialogue at this stage. The blockade forced the government and major political parties to engage the agitating Madhesi parties in a dialogue at least.

But there is a strong opinion that Nepal's rulers failed to read signals from New Delhi, were insensitive to the demands of the Madhesis, and used indiscriminate force to quell the protests which further fueled anger in the plains; that the new coalition, composed of the center-left UML party and the former Maoist guerrillas, was using nationalist rhetoric to paint India as the villain and needed New Delhi by opening new trade routes with China.⁵⁶

Contrary to the Madhesi view point, it was informed to the mission that some Nepalis hold the view that this Constitution in reality has discriminated against the Brahmin/ Chettri people of the

56 Dixit, Kunda, *op.cit*, Accessed on April 3, 2016

hills. For instance, there is provision for inclusion of Madhesi in every government sector. The Constitution guarantees 45 percent inclusion to various ethnic and marginalized groups but only 55 percent is left for open competition. A Madhesi can compete under both provisions of 45 and 55 percent, but a Brahmin/ Chettri are limited to 55 percent only. It was highlighted that it is the Brahmin/ Chettri who are being marginalized and they should be raising their voice against such provisions.

VI.

REACTIONS FROM INDIA AND CHINA TO THE BLOCKADE

Nepal's two neighbours, both powerful enough to direct or alter the course of events in the small land-locked country and both viewing Nepal from their strategic point of view, had different sets of reactions to the Madhesis' protests and the four-month long blockade that resulted in a severe humanitarian crisis.

6. 1 India

Indian authorities kept a close eye on the Constitution-making process in Nepal. This was not a new response from the "Big Brother" State to events in Nepal. For better or worse, over the last many decades (as elucidated above), India has had a hand in shaping the pro-democracy movement in its neighbouring country, even offering shelter to anti-monarchy protestors and so on.

However, India's reference to Nepal's new Constitution as "a Constitution" and its controversial role in the severe economic blockade that led to a humanitarian crisis – the two views are contradictory because Nepalis believe that India orchestrated the blockade while India says its trucks were not able to pass the border points due to the Madhesis' protests – came under heavy criticism.

Both in Nepal and within India, there was a serious questioning of India's role in terms of its foreign diplomacy policy and especially in the context of PM Narendra Modi's emphasis on deepening neighbourhood relations. Instead, India was interfering in Nepal's internal affairs and attempting to influence the making of the new Constitution.

PM Modi, despite his earlier initiatives at bonhomie in the neighbourhood, called his counterpart Sushil Koirala during the crisis, the role of the Indian ambassador was questionable, India's South Block desiring amendments in Nepal's Constitution, Indian border police and customs officials enforcing the blockade – all this would have outraged the Western super powers and international agencies had it happened elsewhere.

Given that India had a role to play in the blockade, its reactions were bound to be wishy-washy, and they were. Indian officials made the right noises to express some concern at the effects of the blockade and pretended officially to have nothing to do with it. But the facts told a different story – though India had not imposed a blockade as in 1989-90, it was what might be called the invisible hand behind the blockade.

That a large number of Nepalis, not merely the government but citizens, hold India responsible for directly or indirectly polarizing the Nepali people by deepening the differences between Madhesis and people of the hills⁵⁷ reflects the changing sentiment about India. "New Delhi has come across as a mean and heartless bully, insisting that this is not a blockade despite glaring evidence to the contrary,

⁵⁷ Kumar, Sanjay (2015). *Nepal Tests India's much touted neighborhood diplomacy*. The diplomat (online). Available at <http://thediplomat.com/2015/09/nepal-tests-indias-much-touted-neighborhood-diplomacy/>. (Accessed April 7, 2016)

including statements by Indian border-security officials and oil-company representatives who have cited “orders from above” to continue stopping fuel trucks...Indian Prime Minister Narendra Modi had normalized Nepal-India relations after a visit last year and had promptly rushed help after the earthquake, but all that bonhomie has now evaporated...A whole new generation of Nepalis is now so distrustful of India that it will be difficult to push through future joint investments on river and infrastructure projects.”⁵⁸

6.2 China

For China, the crisis in Nepal was a prime opportunity to form new economic relations with its smaller neighbour while simultaneously challenging or reducing India’s decade-long influence in Nepal⁵⁹.

At the height of the crisis, Nepal turned to China for fuel. China did not disappoint. Nepal signed its first-ever fuel agreement with China in October 2015. Under the terms of this agreement, a memorandum of understanding (MoU) was signed between the Nepal Oil Corporation (NOC) and China National United Oil Corporation (PetroChina), by which Beijing would supply a range of petroleum products to Nepal. This was a first for China and it effectively ended India’s monopoly of four decades of petroleum supply to Nepal. The Chinese government allowed NOC to send 12 fuel tankers at the Kerung-Rasuwadghi border point in October-end to take delivery of fuel that China had promised.⁶⁰

⁵⁸ Dixit, Kunda, *op.cit.*, Accessed on April 3, 2016

⁵⁹ Dixit, Kanak. *Unintended Trans-Himalayan Consequences*. Nepali Times, 25 -31 March 2016. <http://nepalitimes.com/article/nation/unintended-trans-himalayan-consequences-of-blockade,2942/> accessed May 5, 2016

⁶⁰ Report, October 2015. *Nepal Inks Fuel Agreement with China to Ease Fuel Crisis* www.erevise.com/current-affairs/nepal-inks-fuel-agreement-with-china-to-ease-fuel-crisis_art5631e8de9cbe2.html#.VxOdU_197IV/ Accessed on April 8, 2016

But China also has economic relationship with India which it would not jeopardise to start a new relationship with Nepal which is a much smaller and less significant trading partner in the long-run. However, if it can exploit the situation of strained or soured ties between Nepal and India to its advantage, it would not hesitate to do so.

The blockade did result in Nepal signing new treaties with China, both for products as well as for transit facilities via China for its third-country trade. Nepal and China signed ten agreements and MoUs on using the latter's sea port facility, building a regional international airport in Nepali city of Pokhara and exploring the possibilities of a bilateral free trade agreement, and finding oil and gas reserves in Nepal.⁶¹

⁶¹ Sharma, Rupak. March 2016. *Nepal, China pen transit trade treaty, nine other pacts* <https://thehimalayantimes.com/business/nepal-china-pen-transit-trade-treaty-nine-pacts/> Accessed on April 12, 2016

VII.

RIGHTS AND ENTITLEMENT OF A LANDLOCKED COUNTRY

The blockade posed a serious humanitarian crisis and forced the Nepal government to look beyond India for its fuel and other essential supplies. Significantly, the issue goes well beyond the events that happened on the Indo-Nepal border in September 2015. There appears a strong argument, since Nepal is a landlocked country and a signatory to several international treaties and conventions, about the status and rights of a landlocked country and whether it could take the issue to international forums.

Land-locked countries are those countries which do not have any sea coast. These countries obtain their transit rights to neighboring and other countries without hindrances through other States or countries with or without a sea-coast. A land-locked country may use any third country for traffic or transit of persons, baggage, goods and means of transport across the territory of one or more transit States.

Prima facie, it appears that India violated several different treaties and conventions that refer to the rights of a landlocked country⁶².

⁶² Acharya, Suman. December 2015. Rights Of Nepal As A Land-Locked Country, p 5 -7 http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2707947 Accessed on April 12, 2016

- Convention on Transit Trade of Land Locked States: The UN passed the Convention in 1965, allowing land-locked nations like Nepal to import goods from other countries without any hindrance. India was in the drafting committee of this convention where as Nepal has ratified it⁶³.
- Law of the Seas: The UN Convention on the Law of the Seas (1982) which Nepal and India have both signed, allows all land-locked countries unhindered access to the sea. Section 10, article 125 of the convention states: “landlocked States shall enjoy freedom of transit through the territory of transit States by all means of transport.”
- WTO laws: Nepal and India are both members of World Trade Organisation, a world body comprising 165 countries, and entitled to the right to trade with each other.
- Asian Highway Agreement: Asian countries, including Nepal and India, are signatories to an agreement to connect their highways for regional trade. Nepal’s East-West Highway and Arniko Highway are parts of the Asian highway.
- SAFTA: The South Asian countries have adopted the South Asian Free Trade Area (SAFTA). It promotes trade and business in the region and prohibits any country from blocking other country’s goods.

⁶³ Tejmin Shresta, *Sea of troubles*, Kathmandu Post, <http://kathmandupost.ekantipur.com/printedition/news/2015-10-01/sea-of-troubles.html/> accessed on 5 May 2016; Kishor Uprety, *Transit Regime for Landlocked States*, p.69, <http://unohrlls.org/UserFiles/File/Publications/LLDC/WB%20transit%20regime%20for%20LLDC%202005.pdf> /accessed on 5 May 2016

- ASEAN and SAARC: The Association of South East Asian Nations (ASEAN) and SAARC started Bay of Bengal Initiative for Multi Sectoral Technical and Economic Cooperation (BIMSTEC) which guarantees free trade among its member countries.
- Transit treaty: This treaty between Nepal and India expired in 1989 and India had then imposed an official economic blockade to pressurize Nepal into restoring multi-party democracy. The treaty was renewed in 1990.
- Bilateral Trade Treaty: Nepal has signed a trade treaty with India to access to the sea via Indian territory, which has been violated.

Given the international conventions, there could be questions raised about the legal status of the blockade. India has officially maintained that it did not impose this blockade but the situation on the ground at the border and the timing of the blockade do raise questions.

Under the Article 42 of the United Nations Charter, it is only the Security Council which can impose an economic or any other kind of blockade as a tool to force a country to comply with international peace and order. This too, the Security Council can do only after exhausting all other options to settle disputes or get a country to follow international order, such as peaceful settlement, negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, and so on⁶⁴

⁶⁴ Acharya, Suman, *op.cit.* p 5-7, Accessed on April 12, 2016

There is a school of thought in Nepal about whether India's blockade must be taken up at international forums because of the humanitarian crisis it led to, and its violation of bilateral and international treaties and conventions. However, the contrarian thought is that powers-that-be in Nepal could have handled the entire situation leading up to the blockade, especially the Constitution-making process, with greater sensitivity, tact and diplomacy because it is not in Nepal's long-term strategic interests to deal with a hostile India.

If trade and transit right are obstructed intentionally, there will be an adversity to the land-locked countries which makes the existence of a global community meaningless for further cooperation and support, although economic embargo (blockade) may be a political tool in the time of grave humanitarian crisis, it should not be employed in times of general disagreement.⁶⁵

⁶⁵ *ibid*

VIII.

KEY FINDINGS

The broad findings are:

- 1) The four-month long blockade along the Indo-Nepal border beginning September 2015 was the second in recent history after the economic blockade that India had imposed in 1989-90. Like the previous one, this one too was closely tied to the emerging political situation in Nepal. This time, it revolved around the Constitution-making process. India officially denies enforcing this blockade.
- 2) The blockade resulted in one of the worst humanitarian and geo-political crisis in the region in many decades as fuel, medicines and other essential items of daily life could not reach Nepal from India on Nepal's southern border covering the Terai or Madhes region. The Madhesis who have age-old affinities and relationship with India, and carry old grievances of being ignored by the dominant Nepalis of hill origin, were agitating to get a larger socio-political space in the new Constitution.
- 3) The blockade deprived common people of essential items of daily life, forced industries and businesses to shut down, crippled the economy, led to flagrant black marketing of essential items, schools were shut down, hospitals could

not care for patients, and pushed an already fragile nation recovering from the April 2015 earthquake to the edge. Estimates in Nepal are that financial losses alone would be around Nepali Rupee 200 billion.

- 4) The blockade violated many bilateral agreements between India and Nepal. It also violated several international treaties and conventions, to which both India and Nepal are signatories, which clearly articulate the rights of a land-locked country like Nepal.
- 5) The events of the blockade brought to the fore the plight of land-locked countries and their dependence on neighbours despite these international treaties. It is a matter of concern that the international community did not do more to ensure that Nepal's rights as a land-locked country were not violated. It also raised questions about India's influence on political developments in Nepal.
- 6) The Nepal government could have, and should have, viewed the Madhesis' protest as a political problem, engaged in constructive dialogue and engaged with all sections and factions to work out an acceptable solution.
- 7) The use of force on protestors and the approach of the security/police personnel was such and the death of nearly 50 people meant that the Madhesi people were further alienated from the political process.
- 8) Though the government claimed that new Constitution accommodated every Nepali's aspirations and ensured equality and inclusion to those left behind in the State

structure, the Madhesi as well as many indigenous communities, marginalized and minorities especially in remote areas have no knowledge or awareness of what this meant to them.

- 9) The wide spectrum of Madhesi-centric parties and their leaders on one side and India on the other side turned what was a political agitation into one involving diplomatic ties with India.
- 10) While the issues that the Madhes-centric parties raised were genuine and needed to be aired, they were also seen as colluding with India in the blockade and using their space in Kathmandu for narrow ends without articulating Madhesi interests.
- 11) The SAARC, founded with the aim of promoting socio-economic development within the member countries, should emphasise bilateral and conflict issues through a clearly laid out dispute resolution mechanism. That the SAARC does not have a mandate or mechanism to resolve such blockade situations is itself a cause for reflection.

IX.

RECOMMENDATIONS**• For the government of Nepal:**

The Nepal government must reflect if it did not first alienate the protesting Madhesis, and later allow the protests to run out of control necessitating the use of force against its own citizens and bringing on a humanitarian crisis.

The best way to settle the demands of the Madhesis – and any other ethnic group – demanding representation and equality in the Constitution is through dialogue even if it is strenuous and edgy at times. The Madhesi's problem was and is a political problem; it needed political solutions instead of force.

The Nepal government must address the persisting issues of Madhesis, and other ethnic marginalized groups such as Dalits and Janajatis, for what the Madhesis were essentially agitating for was representation, equality and inclusion in the nation that was imagined in the new Constitution. There cannot be a strong and inclusive Nepal if poverty, illiteracy, caste and economic backwardness persist among the Madhesis, Dalits, women, and other marginalized groups.

The government also needs to acknowledge that though the new Constitution eventually incorporated many rights and

inclusions for the ethnic groups, there are certain areas that need to be reviewed to ensure access to equality and justice. For instance, there are still discriminatory provisions in the Constitution against Nepali women.

The Nepal government seeking assistance from China and beginning an economic relationship is welcome as it could reduce the present near-total dependence on India, but it should not lead to a situation where Nepal becomes the hunting ground between two highly competitive big-brother neighbours, India and China, which could jeopardise Nepal's future.

- **For the government of India:**

Nepal shares strong ties and a multi-level relationship with India from many centuries. This is based on deep social, cultural and religious similarities. There is a strong people-to-people relation across the border than between the governments. But it is equally true that India has sought to influence and steer political developments in Nepal, especially the pro-democracy movements.

Though India officially denies the September 2015 blockade, there is no denying that it had a role to play in the turn of events. The blockade affected every common Nepali from his/her kitchen to daily livelihood. The resulting frustration and anger has fuelled strong anti-India sentiments among common Nepalis. With schools forced to frequently declared holidays due to fuel shortage, even young children developed a negative impression of India. It is up to the Indian government to ensure that the situation and its agency in Nepal does not deteriorate further.

The issues raised by the Madhesi community are a reflection of decades of discrimination and domination by the existing political, structural and institutional power centres in Nepal which are dominated by the people of the hills. In the context of the blockade, India stands accused of playing upon the divisions between the Pahadis and Madhesi people. Rather than taking sides, India as a close neighbor should have supported amicable solutions to the unrest.

India's external affairs minister Sushma Swaraj mentioned that India's approach "was not the Big Brother but the Elder Brother" but the bigger country's actions did not create confidence in Nepal. India should have accepted that the socio-political issues in Nepal are best settled internally and should have supported a decisive dialogue between the agitating parties and the government.

India is slowly emerging as a superpower in the world, certainly so in the region. The international community would have taken note of how India handled this situation in its own neighbourhood with a friendly smaller country, souring positive ties of many decades. The blockade would have affected its image as an emerging superpower. Nepal's ties with China became stronger during and because of the blockade, while India and China have not been on the most friendly terms. Now India must contend with increased presence of China in Nepal's economy, perhaps in politics too. India needed to demonstrate its commitment to democracy in Nepal, and demonstrate respect for its immediate neighbors in South Asia before it can take a higher leap in the world.

References

1. Mathema, Kalyan Bhakta (2011). *Madheshi Uprising, The resurgence of ethnicity*. Kathmandu. Mandala Book Point Publication,
2. CBS- Central Bureau of Statistics (2012). *National Population and Housing Census 2011 (National Report)*. Kathmandu. National Planning Commission Secretariat, CBS, Government of Nepal.
3. Upreti, Raj Bishnu; Paudel, Suman Babu and Ghimire, Safal (2012). *Ignored or ill- represented? The Grievance of Terai- Madhes Conflict in Nepal*. New Delhi. Adroit publishers,
4. Chaudhary, Deepak (2015). *Tarai/ Madhesh of Nepal. Anthropological Study (Upgraded Version)*. Kathmandu. Publisher Ratna Pustak Bhandar.
5. The Interim Constitution of Nepal 2007.
6. The Constitution of Nepal (2015). Schedule 4 (Relating to clause (3) of Article 56). *States, Districts to be included in the concerned States*. Official English Translation. Published by Law Books Management Board. Government of Nepal. Ministry of Law, Justice and Parliamentary Affairs.
7. The Himalayan Times (2016). Statement made by Prof Dr. Bishwambher Pyakuryal in *Government seems unconcerned about economic problems*. Perspectives. The Himalayan Times. January 24, 2016.
8. Hachhethu, Krishna (2014). *Nepal: Inclusive Democracy and Political Parties*. In Studies in Nepali History and Society. Volume 19 No.2 December 2014. p. 299-322. Kathmandu. Published by Mandala Book Point.
9. Michael, Bernado (2011). *The Tarai: Part of Moghlan or Gorkha? Perspectives from the time of the Anglo-Gorkha war (1814-1816) In The Tarai, History, Society, Environment*. Kathmandu. Published by Himal Books. P. 1-26.

10. Lawoti, Mahendra (2005). *Towards a Democratic Nepal- Inclusive Political Institutions for a Multicultural Society*. Kathmandu. Published by Mandala Book Point.
11. Sharma, Suman K (2000) *Some Aspects of Dependency Crisis* In Kumar, Dhruva (Ed.). *Domestic Conflict and Crisis of Governability in Nepal*. Kathmandu. Published by CNAS Centre for Nepal and Asian Studies.
12. The Terai Human Rights Defenders Alliance (THRD Alliance) (2015). *THRD Alliance Terai Situation Report*. Published by THRD Alliance.

Websites

1. BBC (2015). *Nepal Blockade: Six ways it affects the country*. British Broadcasting Corporation. Available at <http://www.bbc.com/news/world-asia-35041366>. (Accessed on January 18, 2016)
2. UNICEF (2015). *Serious shortage of essential supplies threatens millions of children this winter*. (Press Release). United Nations Childrens Fund. Available at: http://www.unicef.org/infobycountry/media_86394.html. (Accessed on January 18, 2016)
3. Amnesty International (2015). *Nepal: Open letter to the new Prime Minister and government of Nepal: Amend regressive aspects of the constitution*. Press Statement. Available at <https://www.amnesty.org/en/documents/asa31/2802/2015/en/>. (Accessed on January 20)
4. The Kathmandu Post (2015). *SC rules against use of lethal weapons during protests*. The Kathmandu Post (online edition). Available at <http://kathmandupost.ekantipur.com/news/2015-09-16/sc-rules-against-use-of-lethal-weapons-during-protests.html>. (Accessed on January 20, 1016)

5. CS Center- Conflict Study Center (2009). *Tarai- Madhes Searching for Identity Based Security*. CS Center. Available at <http://www.penn.org.np/sites/penn.org.np/files/Situation%20Update%2088%20Tarai-Madhes-Searching%20for%20Identity%20obased%20Security.pdf>. (Accessed on January 22, 2016)
6. Embassy of India (2015). *Response to a query from the media by the Official Spokesperson on the situation in Nepal*. Press Release. Kathmandu. Available at http://indianembassy.org.np/index2.php?option=Ui3vzctxn5xHZVIBeyayl4Esp_mDrgNifomfilhLMr4&id=be8SHRux7iC_8tslKi-24-BGG43QrkmmoSNM_ufQrjk. (Accessed on January 31, 2016)
7. Pearson, Natalie Obiko (2014). *China Breaks India Monopoly on Nepal Economy as Investment Grows*. *Bloomberg Business.com*. Available at <http://www.bloomberg.com/news/articles/2014-12-14/china-breaks-india-monopoly-on-nepal-economy-as-investment-grows>. (Accessed on January 29, 2016)
8. The Himalayan Times (2015). *Nepal, China agree to trade in fuel on long- term basis*. The Himalayan Times online edition. Available at <https://thehimalayantimes.com/business/nepal-china-agree-to-trade-in-fuel-on-long-term-basis/>. (Accessed on January 29, 2016)
9. Bhattarai, Kamal Dev (2014). *The Geopolitics of Nepal's Federal Structure*. The Diplomat (online). <http://thediplomat.com/2014/10/the-geopolitics-of-nepals-federal-structure/>. (Accessed on January 29, 2016)
10. Republica (2015). *China Welcomes new Constitution*. Republica-Nepal Republic Media (online ed.). Available at <http://myrepublica.com/politics/story/28324/china-welcomes-endorsement-of-new-constitution.html>. (Accessed on January 29, 2016)
11. The Nepali Times (2015). *No fuel for private vehicles*. The Nepali Times (online). Available at <http://www.nepalitimes.com/blogs/thebrief/2015/09/30/no-fuel-for-private-vehicles/>. (Accessed on January 30, 2016)

12. The Kathmandu Post (2016). Obstruction continues at Birgunj-Raxaul point- vehicles entering Nepal through other crossings. The Kathmandu Post (online). Available at <http://kathmandupost.ekantipur.com/news/2016-01-26/obstruction-continues-at-birgunj-raxaul-point.html>. (Accessed on January 31, 2016)
13. Kumar, Sanjay (2015). *Nepal Tests India's much touted neighborhood diplomacy*. The diplomat (online). Available at <http://thediplomat.com/2015/09/nepal-tests-indias-much-touted-neighborhood-diplomacy/>. (Accessed January 1, 2016)
14. Republica (2016). China hints at amending Lipu Lekh deal. Nepal Republica Media (online) Available at <http://www.myrepublica.com/politics/story/25165/china-hints-at-amending-lipu-lekh-deal.html>. (Accessed on February 1, 2016)
15. Nepal Federation of Indigenous Nationalities -NEFIN (2016). *Facts, Figure and Information on Indigenous People*. Kathmandu. Available at <http://www.nefin.org.np/list/Indigenous-People-of-Nepal/5/0/5>. (Accessed on February 1, 2016)
16. The Kathmandu Post (2014). *CA member appointment, SC to govt: give CA full shape within 15 days*. The Kathmandu Post (online). Available at <http://kathmandupost.ekantipur.com/printedition/news/2014-05-12/ca-member-appointment.html>. (Accessed on February 1, 2016)
17. The Himalayan Times (2015). FIMA demands two provinces in Tarai. The Himalayan Times (online). Available at <http://thehimalayantimes.com/nepal/fima-demands-two-provinces-in-tarai/>. (Accessed on February 1, 2016)
18. Madhesi youth (2016). Report Killings of Police and Civilian in Nepal. Madheshiyouth.com (online). Available at <http://www.madheshiyouth.com/report-deaths/>. (Accessed on February 1, 2016)

SAHR is a democratic regional network with a large membership base of people committed to addressing human rights issues at both national and regional levels. SAHR seeks to contribute to the realization of South Asian peoples' right to participatory democracy, good governance and justice by strengthening regional response, including regional instruments, monitoring human rights violations, reviewing laws, policies and practices that have an adverse impact on human rights and conducting campaigns and programmes on issues of major concern in the region.

SAHR comprises both institutional and individual members. An elected bureau works as the organisation's executive body while the membership committee oversees enrolment of members. The SAHR Chairperson and Co-Chairperson are Ms. Hina Jilani of Pakistan and Dr. Nimalka Fernando of Sri Lanka respectively. The Secretariat is located in Colombo, Sri Lanka.



South Asians for Human Rights (SAHR)

345/18, Kuruppu Road (17/7 Kuruppu Lane), Colombo 8

Tel/Fax: +94-11-2695910

Email: sahr@southasianrights.org

Website: www.southasianrights.org