

Lifting The Indian Blockade Siddhi B Ranjitkar

The defeat in the Bihar State assembly elections held in November 2015 had not been enough for Indian Prime Minister Narendra Modi to lift the two-month long embargo on the supplies to Nepal. However, we needed to thank Modi for sending the Madheshi lawmakers back to the parliament. Now, Modi needed to tell them be civilized and not to block the parliamentary session rather prepare for the next elections to win two-thirds majority in the coming parliament. The shutting down of the border between Nepal and India had been very high cost to the Nepalese and even to some Indians but it came out that Modi himself had paid a high price losing the elections in Bihar. Thanks to the Modi's sanction on Nepal, Nepalese had not been able to refill their motorbikes, refill the medicines, and refill so many storage bins. One expert in the international law said that Nepal could even sue India for the blockade with evidences.

Modi lost again in his bid to be the most powerful prime minister of India after the defeat in the Bihar State assembly elections. His Bharatiya Janata Party (BJP) won merely 58 seats out of 243 in the Bihar assembly whereas the coalition of his rivals won 178, according to the BBC NEWS of November 8, 2015. The State assembly elections had been important for Modi to fill up the gap he had in the upper house of Indian parliament. The upper house had the representation from the State assembly. Poor Modi had no majority in the upper house causing Modi to be a lame-duck prime minister. <http://www.bbc.com/news/world-asia-india-34759343>

The defeat in the Bihar State assembly elections was not the first one. It was second after the Delhi assembly elections lost to the Aam Admi party. In fact, it was third after the defeat in the Kashmir State assembly elections. Modi's charismatic election stumps obviously did not work at the Kashmir, Delhi and Bihar elections at all. Some political analysts attributed Modi's defeats in the State elections to his lukewarm economic liberalization, and not opening the country for investment, others to the sectarian policy of his party in the secular country. Modi and his party wanted to convert the secular India into a Hindu one. The Bihar election results had clearly sent the message to Modi that Indians wanted to remain in the secular country.

Now, his fourth defeat had been the humiliation he had been suffering in the undeclared war with Nepal. Nepalese leaders refused to take the advice sent through his rough and tough foreign secretary Jayashanker on holding up the promulgation of a new constitution for two weeks just two days before the adoption of a new constitution on April 20, 2015. Furious at the Nepalese establishment, Modi immediately ordered to halt any petroleum supplies to Nepal. The Nepalese parliament did not take any heed of what Modi and his accomplices had been doing, and the Nepalese parliament went ahead to the election to a new prime minister. In this election, too, Modi lost very badly. He supported Sushil Koirala's candidacy for the Nepalese prime minister, and Modi's ambassador to Nepal Ranjit Rae garnered the votes for Koirala calling in the Madheshi leaders and ordering them to vote for Koirala but poor Koirala lost the election.

As the very shrewd politician, now, one of the NC leaders Mr. Shekhar Koirala labeled the Oli government made-in-China contrary to the Sushil's about-to-be-made-in-India. Shekhar claimed that the KP Oli-led government was formed with the support of China, the news posted on myrepublica.com on November 8, 2015 stated. Shekhar Koirala must be trying to cover up the misdeeds of Sushil that had probably accepted a large sum of money from somebody in India for winning the election to a new prime minister. Even some sincere central committee members of NC asked Koiralas how come the NC became an Indian agent. Obviously, the Koiralas had no answers to such a serious and valid question but to

divert such a question, they termed the Oli-led government a China-made. <http://myrepublica.com/feature-article/story/30845/oli-govt-formed-with-chinese-backing-koirala.html#sthash.BkAx2chq.dpuf>

A smart and relatively sincere central committee member of NC Mr. Gagan Thapa said that India had imposed a sanction on Nepal; India had imposed embargo on the petroleum supplies to Nepal, and partially shut down the Nepal-India border entry points, according to the news on imagenepalnews.com on November 8, 2015. Thapa even went on saying that the blockade was the crime against humanity. That was a sincere statement.

Another central committee member of NC Gopalman Shrestha had denied that India had anything to do with the holdup of the trucks carrying petroleum products to Nepal on the Indian side of the border. Shrestha ignored the fact that Indian Foreign Minister Sushma Swaraj had plainly told her Nepalese counterpart Kamal Thapa 'meet the demands of the Madheshi leaders, the petroleum supplies would be immediately eased'. It was when Thapa visited India for urging the Indian leaders to lift the sanction on Nepal.

Indian Ambassador to Nepal Ranjit Rae at the meeting with Vice-president of NC Ramchandra Poudel told him that supplies would be smooth in a couple of days, according to the news posted on kathmandupost.ekantipur.com on November 8, 2015. This was a good and clear enough evidence for India clearly blocking the Nepal-India border entry points.

<http://bit.ly/1kiuAnh>

Prime Minister KP Oli had said that India had signaled to lift the blockade. Speaking to the secretaries to the different ministries on Sunday evening, November 8, 2015, Prime Minister Oli said that India had hinted at easing the sanctions, we would see the progress within a few days; whether India would lift the embargo or not up to the Indians but we had to use our resources wisely and efficiently so that the common folks would not suffer from the hardship of shortage of supplies. Prime Minister Oli clearly told the secretaries that they had to work very smartly to this end, according to the news on <http://kantipur.ekantipur.com/news/2015-11-08/20151108200321.html>.

A businessman called Mahesh Agrawal had again opened up the mesh for feeding free meals to the cadres of UDMF in Raxaul: the Indian town across the Nepal-India border on Thursday evening, November 5, 2015. It was closed on Monday, November 2, 2015 after an Indian youth while attacking the Nepalese police got killed, the news posted on <http://kathmandutoday.com/2015/11/146854.html> stated. UDMF cadres had been blocking the main entry point on the Nepal-India border. UDMF leaders had urged Mr. Agrawal to reopen the mesh for their cadres that had been blocking the main entry point, according to the news. The trader Mahesh Agrawal himself a member of the BJP had received a funding from the BJP.

Lawmakers belonging to the UDMF had been holding up the parliament session since Sunday, November 8, 2015. They said that the government had used the force against their cadres that had been blocking the entry points on the border between Nepal and India but they failed to understand that they had been holding 30-million Nepalese for the ransom of meeting their demands put forward at the behest of India. They had come back to attend the parliamentary session on Saturday, November 7, 2015 for forcing the government to meet their demand, the news posted on stopati.net on November 8, 2015 stated. See more at: <http://setopati.net/politics/10109/House-meet-adjourned-after-obstruction-by-UDMF/#sthash.26coEOpV.dpuf>

At the interaction event held at the 'Reporters' Club' in Kathmandu on Saturday, November 7, 2015, Deputy Prime Minister and Minister for Women, Children and Social Welfare Mr. C. P. Mainali said that India was planning to destabilize and then to annex a certain part of Nepal. It was not unfounded statement but the Indian embassy in Kathmandu immediately on Sunday, November 8, 2015 issued a statement in which the embassy tried to refute the minister's statement strongly stating it was baseless and malicious statement mainly directed to distract the attention of the people from the main political issues and ruin the age-old historical, familial and cultural ties between India and Nepal. The embassy also said that India had been striving for peace, stability and prosperity in Nepal, and for resolving the internal political issues of Nepal through dialogue and reconciliation, the news on setopati.net stated on 8 November 2015 stated.

<http://setopati.net/politics/10116/Indian-Embassy-condemns-DPM-Mainali's-comments/#sthash.dc3slyu5.dpuf>

An expert in the international law and professor of international law at University of Leeds Mr. Surya Subedi said that Nepal could file a complaint against the Indian blockade with evidences at the tribunal of Law of Sea Treaty in Hamburg, Germany. Talking to the reporter of the Nagariknews, Mr. Subedi said that the government first needed to make an official dossier on the blockade and then appeal the international community with that document. Then, the tribunal could issue an interim order to India against the blockade if the tribunal was convinced of the people's lives had been hit hard. "India will be forced to follow the order as it is the signatory of the 1982 treaty," he said.

<http://myrepublica.com/politics/story/30827/nepal-can-drag-india-to-tribunal-for-blockade-int-l-law-expert-subedi.html#sthash.4g2kdvKz.dpuf>

That was why Modi always had been saying that India had not shut down the border entry points even though his foreign minister, his ambassador to Nepal, and his colleagues in the BJP had been openly telling the Nepalese ministers that the blockade would be eased in a snap provided Nepal met the demands of the Madheshis. The Madheshi leaders also had been saying that India had been assisting them in blocking the Nepal-India-border entry points. The third evidence that India had been directly involved in blocking the border entry points was that only the petroleum products had been held up.

Upon arrival at the International Airport in Kathmandu on November 6, 2015, Deputy Prime Minister and Minister for Foreign Affairs Mr. Kamal Thapa told the reporters that he had made clear to the international community about various aspects of the ongoing blockade imposed on Nepal at the session of Universal Periodic Review (UPR) Working Group of the Human Rights Council in Geneva on Wednesday, November 4, 2015. "The way we raised this issue at the Geneva meeting, it has become very clear to the entire world community as to who has imposed it, why and how it is done," Thapa told reporters. "Now the international community has also known the hardships that Nepali people have been undergoing and its root cause as well," the news on myrepublica.com quoted Minister Thapa.

See more at: <http://www.myrepublica.com/feature-article/story/30776/now-the-entire-world-knows-about-nepal-s-crisis-dpm-thapa.html#sthash.pzJI6neM.dpuf>

At the UN Human Rights Council in Geneva, Indian delegates questioned the Nepal's human rights record especially in dealing with the Madheshi protestors. They also demanded the legal actions against the perpetrators of the human rights violations during the ten-year insurgency in Nepal. It was done obviously for distracting the international community from the hardship India had been inflicting on the Nepalese people holding up the Nepal-bound petroleum supplies.

In response to the queries of the Indian delegate, Nepalese Deputy Prime Minister Kamal Thapa said that Nepal had set up a TRC and what not. "We have already established Truth and Reconciliation Commission (TRC) and Commission on Enforced Disappearances (CED). These bodies have already started their work and also the Supreme Court has made significant contribution in this connection," said Thapa. "Thus, a country may express their concern on this matter but this is no longer a serious problem in Nepal," the news on myrepublica.com quoted minister Thapa.

See more at: <http://www.myrepublica.com/feature-article/story/30776/now-the-entire-world-knows-about-nepal-s-crisis-dpm-thapa.html#sthash.pzJI6neM.dpuf>

The National Human Rights Commission of Nepal had shown its concern about the ongoing humanitarian crisis in Nepal on Sunday, November 8, 2015 telling the government of Nepal, the protesting political parties and the international human rights organizations about the gravely deteriorating human rights situation in Nepal. The Commission published a paper on the human rights situation in Nepal and distributed it to the concerned government agencies, protesting parties and international human rights organizations including Asia Pacific Forum of National Human Rights Institutions (APF), International Coordinating Committee for National Human Rights Institutions (ICC), and Office of the High Commissioner for Human Rights (OHCHR), the news on thehimalayantimes.com stated. Acting Secretary Bed Prasad Bhattarai said that the paper highlighted the violations of rights to life, child rights, rights to health, rights to education and other rights causing the humanitarian crisis due to the obstructions in supplies at the Indo-Nepal border points.

<http://thehimalayantimes.com/nepal/govt-agitators-intl-human-rights-bodies-informed-about-nepal-humanitarian-crisis/>

Indian Ambassador Ranjit Rae went to see Officiating President of NC Mr. Ram Chandra Poudel at his residence in Bohoratar, Kathmandu on Sunday, November 8, 2015. Mr. Poudel urged the ambassador to lift the restrictions on Nepal-bound vehicles carrying essential supplies at border points, Poudel's aide Chiranjivi Adhikari said. In response, Ambassador Rae assured Poudel of the Indian government preparing to release Nepal-bound goods without any hindrance at the border points which are free from protests, Adhikari said, according to the news posted on kathmandupost.ekantipur.com. <http://bit.ly/1kiuAnh>

This statement of Indian Ambassador Rae was a good enough evidence for India clearly blocking the Nepal-India border entry points.

Speaking at an interaction program held at the Reporters' Club in Kathmandu on November 10, 2015, Indian ambassador Ranjit Rae made it clear that the news quoting him stating the supplies from the Indian border would ease soon was not correct. "News about the border check points resuming are merely wild guesses," he said, according to the RSS news posted on the setopati.net on November 10, 2015

<http://setopati.net/politics/10142/News-about-blockade-easing-soon-merely-guesses:-Indian-ambassador/#sthash.vhNFOouf.dpuf>

Following the decision taken at the cabinet meeting held on November 9, 2015, the government of Nepal officially requested the government of India through the diplomatic channel for lifting the sanction on Nepal on Tuesday, November 10, 2015. "We have corresponded in line with the Cabinet decision through the Embassy of India in Kathmandu and Nepal's Embassy in New Delhi," said Spokesperson for the Foreign Ministry Tara Prasad Pokhrel. Earlier, speaking at a media interaction, Indian Ambassador to Nepal Ranjit Rae had said, "Once we receive such request from the Nepali side, we will take it up with the higher authority for needful consideration." The government of Nepal also urged the UDMF leaders to withdraw their cadres from the no-man's land to clear off the vehicles carrying fuel and other essentials to Nepal.

<http://thehimalayantimes.com/nepal/govt-corresponds-with-india-to-ease-supply/>
<http://setopati.net/politics/10129/Govt-formally-requests-India-to-lift-blockade/#sthash.aph43SJo.dpuf>

Now, the lawmakers belonging to the UDMF came back to attend the parliamentary session despite the threats of not abiding by the new constitution, and not attending the parliamentary session. However, their attendance at the parliament had been just to block the session. They forcibly stopped the parliamentary session on November 8 & 9, 2015 causing the Speaker to adjourn the session until November 22, 2015.

Speaking at an anniversary event held in Kathmandu on Monday, November 9, 2015 by the Ganeshman Singh Foundation to mark 101st birth anniversary of late Ganeshman Singh, General Secretary of NC Mr. Prakash Man Singh said that all parties should unite to explore alternatives to tackle the problems of the blockade on Nepal. Mr. Singh also said that mobilizing the locally available natural resources of Nepal might be an alternative. Ganeshman was the supreme commander of the People's Movement of 1990 that toppled the abusive Panchayat system, bringing together all political parties, according to the RSS news posted on setopati.net on November 10, 2015

See more at: <http://setopati.net/politics/10137/#sthash.7oHUZ711.dpuf>

Speaking to the reporters in Biratnagar on November 10, 2015, another General Secretary of NC Mr. Krishna Prasad Sitaula urged India to lift the blockade on Nepal, as it had adversely affected the people's lives. Mr. Sitaula called on all parties concerned to end the dispute through dialogue not to spoil the centuries old bilateral relations with India. Mr. Sitaula also said that the Tarai problem could be resolved through the parliament and the Madheshi political leaders attending the parliamentary session had done a good job, according to the RSS news posted on myrepublica.com.

See more at: <http://myrepublica.com/politics/story/30922/nc-leader-sitaula-urges-india-not-to-impose-blockade.html#sthash.1A6NsOHZ.dpuf>

The press release of the Office of the Spokesperson for the UN Secretary-General Ban Ki-Moon said in its daily press briefing in New York on Tuesday, November 11, 2015 that the UN chief has underlined the Nepal's right to the free transit as a landlocked country and urged the concerned side to remove any obstructions. UN Secretary-General Moon also said lifting the obstructions were vital for humanitarian reasons. The shortage of fuel has impacted deliveries of essential supplies such as food, warm clothes and shelter materials to the quake-affected villages and that humanitarian organizations working in Nepal urgently required fuel to ensure the deliveries before winter sets in cutting off remote quake-affected regions, according to the news posted on setopati.net on November 11, 2015.

See more at: <http://setopati.net/politics/10144/UN-calls-for-end-to-blockade-on-Nepal-without-delay/#sthash.nbB8W1Na.dpuf>

At a Deusi Bhailo event held by the Rautahat-Kathmandu Liaison Forum of his party in Bhaktapur on Wednesday, November 11, 2015, CPN-UML senior leader and former Prime Minister Madhav Kumar Nepal reiterated that the government must be bold enough to punish if needed even fire the State employees if they were found not cooperating in the imports of fuel from China while the entire country was facing hard times with the blockade on Nepal imposed by India. He also said that the China's support at such difficult moment was really appreciable. Nepalese should not cower in terror but should be strong to defend the Nepal's independence, territorial integrity and sovereignty, he said, according to the news on thehimalayantimes.com.

<http://thehimalayantimes.com/kathmandu/madhav-k-nepal-demands-action-against-govt-staff-hindering-imports-from-china/>

Speaking at the Reporters' Club in Kathmandu on Tuesday, November 10, 2015, Indian ambassador to Nepal Mr. Ranjit Rae made it clear that the supplies through the Birgunj border point could be resumed only after the Madheshi political parties stopped the protests along the Nepal-India border. He said that the government of Nepal and the protesting parties should reach a political settlement through negotiations for regularizing the border situation. He also said that the Indian side was ready to reroute the trucks but rerouting the trucks alone wasn't a durable solution to easing the supplies particularly the fuel, as only the depots at the Birgunj checkpoint were well equipped and could store sufficient fuel required for the Nepal's major cities including the capital. "It is the Raxaul [Birgunj] depot which is specially-designed to supply sufficient fuel items to Nepal's major markets. At least 80 to 85 percent of fuel supplies come from the Raxaul depot," he said. "When supply from that depot stops, Nepal will naturally face acute shortage of the goods." (Source: myrepublica.com)

See more at: <http://myrepublica.com/politics/story/30959/supplies-via-birgunj-only-after-madhes-solution-rae.html#sthash.zzM1x5lu.dpuf>

Concerning the endorsement of the Indian sanction on Nepal by India in the joint statement of British Prime Minister David Cameron and Indian Prime Minister Narendra Modi during the latter's visit to Britain, the spokesman for the Ministry of Foreign Affairs of Nepal in a statement released on November 15, 2015 stated as follows.

"Attention of the Government of Nepal has been drawn to the reference to Nepal made in a recent Joint Statement between the UK and India.

Nepal has been able to promulgate a new democratic and inclusive constitution through an elected Constituent Assembly after a rigorous democratic exercise of about eight years. The promulgation of the new constitution marks the conclusion of the nationally-driven peace process initiated in 2006 and also institutionalizes significant democratic gains and aspirations of the people including federal and republican system.

Nepal respects the international community's support and goodwill for peace, stability and prosperity. However, Nepal strongly views that the constitution making is an internal matter of the country and Nepal is capable of handling its internal affairs on its own."

<http://www.mofa.gov.np/speech/spokesperson-s-statement-on-reference-to-nepal-made-in-a-joint-statement-between-the-uk-and-india>

Mr. Modi had been successful to sell his internationally illegal actions of imposing an undeclared blockade on Nepal to the British prime minister. The Indian snake charmer had been able to dupe the former British master to endorse his actions on Nepal. "The two prime ministers stressed the importance of a lasting and inclusive constitutional settlement in Nepal that will address the remaining areas of concern and promote political stability and economic growth," read the joint statement of Cameron and Modi, according to the news posted on thehimalayantimes.com on November 14, 2015. Mr. Modi made a State visit to the UK from November 12 to 14, 2015.

<http://thehimalayantimes.com/nepal/nepal-statute-figures-in-india-uk-statement/>

The government of India dissolved the governing board of the Jawahar Kala Kendra (arts centre) when somebody must have spotted Anish Kapoor that had harshly commented on the Modi government for its intolerance. Instead of firing Anish Kapoor alone, the government sent home all the members of the governing board. Some of them would come back except for Anish Kapoor, probably. Anish Kapoor wrote in theguardian.com on November 12, 2015 as follow. A Hindu version of the Taliban is asserting itself, in which Indians are being told: "It's either this view – or else." A friend told me: "There is huge

oppression of anyone who's different." The author's comment: Clearly, the democracy in India had been backsliding under Prime Minister Narendra Modi.

British-Indian sculptor Anish Kapoor along with other 11 members has been fired from an arts panel in the northern Rajasthan state. The BJP-run state government had nominated him and 11 others as members of the governing board of the Jawahar Kala Kendra (arts centre) on Tuesday, (November 17, 2015). But the government has now dissolved the board, citing official lapses. Mr. Kapoor had recently written a scathing article against Prime Minister Narendra Modi and his BJP party over cases of intolerance in India. "Nomination of all the 12 members has been cancelled last night. I had no idea of the nomination earlier," the PTI news agency quoted Rajasthan Tourism minister Krishnendra Kaur. Mr. Kapoor stated in his article that the "Hindu Taliban" had been running the Indian administration. "Of late, Modi's regime has effectively tolerated - if not encouraged - a saffron-clad army of Hindu activists who monitor and violently discipline those suspected of eating beef, disobeying caste rules or betraying the 'Hindu nation'," he wrote. Indian media reports suggested that some members of the BJP were not happy with Mr. Kapoor's nomination on the panel of the arts centre.

<http://www.bbc.com/news/world-asia-india-34876525>

So, the government of Nepal had to effectively tackle the BJP activists rather than a bunch of the so-called cadres of the Madheshi political parties blocking the Nepal-India border points demanding an amendment to the new constitution in addition to the unannounced sanctions Modi had imposed on Nepal.

November 20, 2015