



Unofficial Blockade of Nepal

Issue Brief

Issue: Unofficial blockade of Nepal by India.

The unofficial blockade which began around September 2015 has led to a severe humanitarian crisis here in Nepal.

Traditionally a blockade was a method of economic warfare as it affected the relations between blockaded belligerent and neutrals. It was one of the tools employed by neutral countries to maintain their neutrality.¹ Post 19th century there have been very few practices of economic blockades, and most of them are directed against military operations and armed forces instead of the economy.²

But in the present Nepalese context, blockade is being used as an underhanded tool for continuing the rebellion by the “*Madhesis*” and as way of controlling the economy by the Indian Government. Hence, the present blockade can be analysed as a two pronged attacks on the economy; 1st the border blockade done by the agitating parties here in Nepal³; and 2nd the Indian Government withholding necessary supplies like fuel.

Effects of Blockade

The unofficial blockade has had a significant adverse effect in people’s day to day life in Nepal as fuel and medicines are becoming scarcer.⁴ The UNICEF suggests that more than three million

¹Wolff Heintschel von Heinegg, “*Blockade*”, Max Planck Encyclopedia of Public International Law, April 2009, Available at <http://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e252>, [Last accessed on 30 November, 2015]

²Ibid

³The Himalayan Times, Niroj Koirala, ‘*UDMF To Continue Border Blockade*’, November 30 2015, available at <http://thehimalayantimes.com/nepal/udmf-to-continue-border-blockade/>, [Last accessed on 1 December, 2015]

⁴ Annie Gowen, ‘*Nepal border protests have led to a dangerous humanitarian crisis*’, The Washington Post, 3rd December 2015 retrieved from <https://www.washingtonpost.com/news/worldviews/wp/2015/12/03/the-indian-blockade-of-nepal-has-led-to-a-dangerous-humanitarian-crisis/> [Last Accessed on December 6, 2015]

children under the age of five are at risk of death or severe disease due to lack of medicines and scarcity of fuel.⁵ The risks of hypothermia and malnutrition are severely heightened.

The recent events that have been unfolding in Madhesh require an independent and objective human rights monitoring. An open dialogue between the parties involved is the only effective way to reach a lasting agreement. Legitimate demands of Madhesh and other populations has to be taken into consideration. Amendments must be made to the existing constitution to address some of the legitimate demands of Madhesh and other populations. However, before any dialogues can take place, the blockade must be lifted in order to protect the integrity of any resolutions that are to be forged. If the blockade continues to persist the subsequent resolution will be regarded as the result of taking an entire population hostage. Such viewpoint cannot be conducive in solving the deep-rooted historical and ethical issues that exist in Nepal.

The situation in Saptari district in Eastern Madhesh is now out of control. Activists have been protesting and defying curfew for weeks. The unrests have taken a violent turn, that have already resulted in three deaths. These events have prompted many unconcealed reactions in the social media, giving rise to emotions that prevent the formation of an objective analysis of the situation. Lack of a political commitment on both sides, the government of Nepal and Madhesh based parties, to address the crisis is not only creating suffering for millions across Nepal, it is also pushing the country towards an ethnic conflict.

A simple analysis of the reportings of the recent events shows the emergence of two factions. On one hand we see reports of arbitrary arrests and detentions of protesters. Images that show Madhesh activists and their families as victims of police brutality and prejudicial treatments are followed by the appeals to 'Stop Killing Madhesi People'. These messages aim to suggest that the state is involved in massive extrajudicial killings of Madhesi population and appalling violations of human rights during the ongoing protest. Despite such atrocities, an entire society (hinting Pahadi population) has shown complete apathy to this situation and the legitimate cause of the Madhesi protesters.

On the other hand we are exposed to images of police officers being burned alive by the protestors; ambulances, vehicles carrying the sick and life saving medical essentials being vandalized; thousands of people queuing for petrol, cooking gas and food stocks; and the closure of hotels and businesses and other images pertaining an economic breakdown throughout the country. Conveying a message that the Madhesi protesters are cruel and inhumane, emphasizing a lack of regards for the most vulnerable and the suffering of an entire population as a result of the blockade. These images show complete apathy to the suffering of millions of people whose grievances are with political parties and the government.

In reality both sides are brutalizing each other; feeding the fires of hatred and animosity among different ethnicities. Such, attitudes are creating divisions in the country, having an inverse effect

⁵ UNICEF, *Nepal: 'Serious Shortage Of Essential Supplies Threatens Millions Of Children This Winter - UNICEF'*, November 30, 2015, available at <http://unicef.org.np/media-centre/press-releases/2015/11/30/nepal-serious-shortage-of-essential-supplies-threatens-millions-of-children-this-winter-unicef>, [Last Accessed on December 7, 2015]

on the peacebuilding efforts. It is essential for the government of Nepal to immediately start a genuine process of negotiation with the Madhesi parties. The only feasible option is to forge an agreement that would lead to the amendment of the constitution. It is my firm belief that the only way to protect the sanctity and integrity of any agreement that is to be forged, first the blockade has to be lifted. If not, it will always be seen that the agreement was forged through keeping the entire population hostage. In the long run, such view may not help in tackling the deep-rooted historical injustices that we are attempting to address.