

TIME RECEIVED
December 28, 2015 5:56:56 PM GMT+01 0041229068696
28/12/2015 17:17 permanent mission of India

REMOTE CSID
DURATION 125
PAGES 6
(FAX)0041229068696

STATUS
Received
P.001/006



**PERMANENT MISSION OF INDIA
TO THE UNITED NATIONS OFFICES
9, RUE DU VALAIS,
1202 GENEVA
Tel. : 022-9068686
Fax : 022-9068696**

NV.69/2015

28 December 2015

The Permanent Mission of India to the Office of the United Nations and other International Organizations in Geneva presents its compliments to the Special Procedures Branch of the Office of the High Commissioner for Human Rights (OHCHR) and has the honour to refer to their communication No.UA IND/16/2015 dated 15th December 2015.

The response from the Government of India to the above-mentioned communication is enclosed herewith.

The Permanent Mission of India to the Office of the United Nations and other International Organizations in Geneva avails itself of this opportunity to renew to the Special Procedures Branch of the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



**Office of the High Commissioner for Human Rights
Special Procedures Branch
Palais des Nations
1211 Geneva
FAX: 022-917 9008**

**Response by India to the Joint Urgent Appeal from four UN
Special Rapporteurs on 'Apparent blockage of vessels
carrying essential goods from entering Nepal'**

This refers to the Joint Urgent Appeal from four UN Special Rapporteurs on 'apparent blockage of vessels carrying essential goods from entering Nepal' dated 15 December 2015. India had officially conveyed that there is no blockade by Government of India at the UN Human Rights Council platform last month. The concerns expressed by the Special Rapporteurs seem to be based on misinformation. Obstructions and disruptions are on the Nepalese side of India-Nepal border by sections of Nepal's own disaffected population. Issues facing Nepal are internal to Nepal and political in nature. Nepal needs to address the underlying causes of protests through dialogue with the agitating forces.

2. India has always stood for a peaceful conclusion to Nepal's on-going political transition after decades of instability and violence. At times, and at the request of Nepali political parties, we have also actively facilitated that process. Throughout these years, India has provided unstinting moral and material support to Nepal in its efforts to establish a peaceful, stable and Constitutional democracy. India will continue to extend all assistance, in accordance with the aspirations of the people of Nepal, for peace, stability and socio-economic development of the country.

3. The information quoted in the above Appeal that "On 23 September 2015, a high level Indian authority in Nepal is reported to have proposed a 7-point amendment to Nepal's newly promulgated constitution" is false and misleading. In response to one such misleading media article, the Ministry of External Affairs of India has stated on 23rd September 2015 that "The article is incorrect. GOI(Government of India) has not handed over any list of specific Constitutional amendments or changes to the Government of Nepal. Without being prescriptive on specific clauses, and as already stated earlier, we continue to urge that issues on which there are differences should be resolved through dialogue in an atmosphere free from violence, and institutionalized in a manner that would enable broad-based ownership and acceptance." Further, any insinuation that the

victims of Nepal's devastating earthquake of April 2015 have been 're-victimized' due to any Indian action is totally incorrect.

4. There is no blockade by India, which has been clarified earlier in the UN Human Rights Council platform last month, and is being reiterated in this letter, of supplies going to Nepal. Obstructions are by the Nepalese population on the Nepalese side, in which the Government of India cannot interfere. There were incidents of violence resulting in death and injury in regions of Nepal bordering India following the promulgation of the Constitution. Our freight companies and transporters have also voiced apprehensions and complaints about difficulties of movement and of security within Nepal. A brief account of India's continued assistance and also the status of cross-border supplies across the border with Nepal is given in ~~the~~ **Annex-I**. India continues to abide by all its bilateral and international obligations.

5. Problems facing Nepal are political in nature and cannot be resolved through force or a security-based approach. As a close and friendly neighbor, India has consistently appealed to the Government of Nepal to address all challenges in a spirit of dialogue and reconciliation.

6. On 21st December, 2015, India's External Affairs Minister was informed by Nepal's Deputy Prime Minister and Foreign Minister Mr Kamal Thapa that the Nepalese Cabinet has taken some important decisions to address and resolve demands regarding the Constitution raised by agitating Madhes-based parties.

7. These decisions include amendments to the Constitution of Nepal on participation in the state organs on the basis of proportionate inclusiveness and delineation of electoral constituencies on the basis of population. The demarcation of provinces is also to be addressed through an appropriate arrangement in the Nepalese Constitution on the basis of political consensus. Similarly, others demands including citizenship are to be resolved through negotiations and consensus.

8. The Government of India welcomes the recent developments in Nepal as positive steps that would help create the basis for a resolution of the current impasse in Nepal. As a neighbour and well-wisher, India was deeply concerned at the unrest stemming from internal differences in Nepal on the Constitution. We have urged all Nepali political forces to now demonstrate the necessary maturity and flexibility to find a satisfactory solution to the Constitutional issues through constructive dialogue in an agreed timeframe.

9. The causes underlying the present state of confrontation in Nepal need to be addressed credibly and effectively by the political parties of Nepal and people of Nepal themselves.

10. Return to peace and normalcy in Nepal, including in the areas bordering India, would create a more secure and predictable climate for cargo movement and unimpeded commerce between our two countries.

11. In view of the above, which should clarify adequately the factual position in respect of the current situation in Nepal, it is hoped that the Special Rapporteurs concerns have been addressed.

Annex-I

Brief Account of India's Continued Assistance and Status of Cross-Border Supplies of essential Items

Since May 2014, Government of India has embarked on a rejuvenated partnership with Nepal, injecting a new sense of optimism in this vital relationship. When a devastating earthquake struck Nepal in April 2015, India was the first responder with its largest ever disaster relief operation abroad, appropriately called 'Operation *Maitri*' (Friendship). For the long-term rehabilitation phase, India's commitment of US\$ 1 billion (1/4th of which would be grant), was announced on 25 June 2015 in Kathmandu, which was the largest pledge among all international donors. It is over and above our existing commitment of another US\$ 1 billion, 40% of which would be grant, over the next five years. India will continue to extend all assistance, in accordance with the aspirations of the people of Nepal, for peace, stability and socio-economic development of the country.

2. As far as the issue of cross-border supplies of essential commodities is concerned, the Government of India has facilitated these supplies wherever possible. Several thousand cargo trucks remained stranded for weeks, waiting on the Indian side of the border crossings. The primary crossing of Raxaul-Birgunj, which accounts for two-thirds of our trade, remains closed from the Nepali side for three months. However, every day, several hundred cargo trucks have still been passing through those crossing points that are open and available. Despite constraints, Indian Oil Corporation has delivered POL supplies to the extent possible. 408 consignments of medicines were cleared for Nepal during November 2015, and 217 medical consignments in the first half of December 2015. We also assisted in re-routing vehicles carrying medical supplies through other available crossing points, as also airlift. But there are also logistical constraints and the best remedy remains a political solution leading to the end of the agitation.

3. Further, since 20 September 2015, Government of India has released financial assistance of NRs. 182.3 million towards a drinking water project in Dhading district and construction of 4 school buildings. Another NRs. 104.6 million have been released for various ongoing projects in different districts of Nepal which include up-gradation of roads, construction of school buildings, restoration of historical-cultural site, organization of diabetes and eye health camps, gifting of ambulances etc. Moreover, there has been no interruption in the flow of about 200 MW electricity from India to Nepal throughout this period. An estimated 6 million Nepalese continue to live and work in India without any impediment.
