

ANNUAL REVIEW OF INDIA-NEPAL RELATIONS

By Dr. Pramod Jaiswal

India and Nepal are bonded in deep-rooted historical, political, geographic, economic and socio-cultural ties. Hence, both the countries are more than just neighbours. They share an open border of over 1850 km and cross border marriages are quite common. Strong people-to-people relations have continued since centuries, which were further consolidated with the 1950 Indo-Nepal Treaty of Peace and Friendship. Under the provisions of this treaty, the people of both the countries have enjoyed special privileges.

India is Nepal's largest trading partner and has significant contribution in the development of Nepal. It has played a crucial role in the major political transitions of Nepal; be it the overthrow of autocratic Rana regime, introduction of democracy, restoration of democracy in 1990, abolition of Monarchy, or mainstreaming the Maoists. However, the blanket of strong anti-India sentiments in Nepal signifies that India has failed to manage the public perception in Nepal.

In 2014, Nepal figured prominently in India's foreign policy, especially after Narendra Modi got elected as the new Indian Prime Minister. He was the first Indian Prime Minister in 17 years to pay a visit to Nepal in August 2014, followed by the next visit immediately in November 2014 for the 18th SAARC summit. However, there were ups and downs in the relations of the two unique neighbours in the year 2015.

Operation 'Maitri'

The devastating 7.9 magnitude earthquake of 25 April 2015, followed by the powerful aftershock of 7.4 magnitudes on 12 May 2015 caused massive destruction and claimed thousands of lives in Nepal. Within hours of the calamity, Indian Prime Minister Narendra Modi spoke to the Nepalese Prime Minister Sushil Koirala and Nepalese President Ram Baran Yadav assuring them of India's commitment to help Nepal at this tragic moment. Within six hours, India dispatched 16 National Disaster Response Force (NDRF), 39 IAF (Indian Air Force) aircraft sorties with 571 tons of relief material including, rescue equipment, medical supplies, food, water, tents, blankets, and tarpaulin. India played a significant role in the rescue and relief efforts in Nepal.

Indian medical teams were deployed in different parts of Nepal. Indian helicopters, round-the-clock and in close co-ordination with the government of Nepal, worked to deploy rescue teams, medical teams and relief material in the interior areas and evacuate casualties. India's total relief assistance amounted to USD 67 million and it committed another USD 1 billion (one-fourth as grant) at the International Donors' Conference held in Kathmandu on 25 June 2015. Though, India's swift response was highly appreciated, Indian media was severely criticised for being insensitive and arrogant during the reporting of the tragedy.

Controversy Over Lipu-Lekh Pass

A major controversy emerged between India and Nepal when Nepal claimed that the Lipu-Lekh Pass is a disputed tri-junction in which Nepal has an equal share. Lipu-Lekh was mentioned in the joint statement of India and China during Indian Prime Minister

Narendra Modi's visit to China in May 2015. The joint statement reads: "the two sides agree to hold negotiation on augmenting the list of traded commodities, and expand border trade at Nathu La, Qiangla/Lipu-Lekh Pass and Shipki La." Nepal, under the pressure of media, civil society and opposition party, demanded that China and India should withdraw the mention of Lipu-Lekh in their joint statement. Nepal argued that the mention of "Lipu-Lekh Pass" in their joint statement is disrespect to Nepal's sovereignty and a threat to its territorial integrity. However, Indian experts counter-argued that both China and India have been mentioning Lipu-Lekh Pass as one of their border trading points since 1954. It has been mentioned in the agreement on trade and intercourse with Tibet signed in 29 April 1954 as well as during the signing of a Protocol of Entry and Exit procedure for border trade between India and China in July 1992. Indian experts point out that Nepal's position on Kalapani and Lipu-Lekh Pass appears to be politically motivated and the ultra-nationalist groups have been spreading anti-India sentiments and demanding a 'Greater Nepal' to gain political mileage.

Episode after New Constitution

India has facilitated the peaceful transition of Nepal since the signing of Comprehensive Peace Accord. It has played a major role in mainstreaming the Maoists, which brought the end of decade long insurgency. Similarly, India has always believed that only an inclusive Constitution with the widest possible consensus by taking the major political force on board would bring lasting peace and security in Nepal. The Indian Prime Minister reiterated the same during his visits to Kathmandu in 2014. However, Prime Minister Modi, who enchanted Kathmandu in 2014, had to face major blow up in 2015 with the rising anti-India voices in Kathmandu since the promulgation of constitution in September 2015

The Constitution of Nepal did not follow the proper procedure and does not address the legitimate rights of the marginalised group. It was an outcome of fast-track mechanism without a proper consultation of all the 601 Constituent Assembly (CA) members. The CA members had to abide by their party's dictate; else they would be liable to face disciplinary action, also leading to expulsion from the party membership.

What is notable is the fact that the Nepali Congress (NC), one of the architects of the Constitution, decided to table the amendment two weeks before it was promulgated. It is also significant to mention that the Unified Maoists and other parties approved the Constitution by formally registering their dissenting opinions on several provisions of the new Constitution. In reality, five most influential leaders of each of the three major political parties – NC, Communist Party of Nepal- Unified Marxist-Leninist (CPN-UML), and Unified Maoists drafted the new constitution overlooking the dissenting voices of the Madhesis, Tharus, women groups, Janajatis (indigenous people), and other marginalized groups such as the Dalits and Muslims. All of these leaders, with the exception of one Hill Janajati, come from the dominant hill high caste Brahmin/Chhetri. Therefore, not even a single influential Madheshi and Janajati CA member from any major political party has publicly defended the Constitution.

Women, who account for more than half of Nepal's total population, also came out on streets to protest the discriminatory clause on the citizenship. Unlike the interim Constitution, the promulgated Constitution does not grant equal citizenship rights to men and women. Women marrying a foreigner are not given equal citizenship rights

compared to women marrying Nepali men. Hence, the discrimination is strongly objected by the women groups. Similarly, the passing of the new Constitution was not welcomed by the Janajatis (who constitute one-third of the total Nepalese population), as their demand for proportional and inclusive representation, identity-based federalism, etc., were not accommodated. The strongest dissent came from the Madhesis and Tharus, who also comprise of one-third of the total Nepalese population. They are protesting against the unjust Constitution since more than four months. The state has tried to suppress them through violent action that has resulted in the loss of more than 50 lives and injured many.

'Unofficial Blockade'

The stalemate over the acceptance of the new Constitution and unrest in Madhes, a region bordering Indo-Nepal border, has propelled anti-India sentiment among the ruling elites. Madhesis are waging a 'non-cooperation movement' on the India-Nepal border, which has halted the entry of fuel and other essential supplies to Kathmandu from India. The ruling elites of Kathmandu blames that the 'blockade' is imposed with Indian support as India didn't welcome the non-inclusive constitution.

However, the leaders of the United Democratic Madhesi Front (UDMF) that consists of four major Madhesi parties: the Upendra Yadav-led Federal Socialist Forum-Nepal, Mahanta Thakur-led Terai Madhes Democratic party, Rajendra Mahato-led Sadbhawana Party, and Mahendra Raya Yadav-led Terai Madhes Sadbhawana Party, have publicly acknowledged it as their blockade and would be lifted only after the legitimate demands of Madhes are addressed in the new constitution. India has rejected the allegations of Kathmandu, stressing that the tension at the border is a result of internal protests in Nepal, highlighting that the Nepalese government should urgently resolve to create a sense of 'security and harmony' in the Terai region and ensure 'uninterrupted commerce'.

According to the Madhesi leaders, the current unrest is due to the non-implementation of the past agreements signed between the Nepalese government and the Madhesi parties in 2007 and 2008, while drafting the country's new Constitution. The new Constitution does acknowledge some of the points included in the past agreements, but there were four major demands that have been ignored – electoral constituencies based on population, proportional representation of Madhesi in government bodies, autonomous identity-based provincial demarcation, and equal citizenship provision for women marrying foreign men.

The Government of India has expressed serious concern over the ongoing protests and has urged the Government of Nepal to make efforts to resolve all issues through a credible political dialogue. India has clearly stated that only an inclusive Constitution with the widest possible consensus taking due consideration of all the stakeholders would yield lasting peace and stability in Nepal.

India fears that if Nepalese government fails to accommodate the concerns of all sections of the society, it will burst into conflict and instability in the region, which will have larger implications for India's own security. Reports state that if the demands of the Madhesis are not urgently addressed in the Constitution through a proper dialogue for a peaceful outcome, three kind of scenarios may evolve: one, Madhesi youth will get radicalised resulting in violent armed action; two, the demand for a separate state will

gain momentum rather than current demand for an autonomous province; and three, progression towards communal violence between the hill people and the Madhesis. Alongside, there will be escalation in cross-border crimes such as, arms smuggling, fake currency trade, human trafficking, as well as terrorist activities. The continuous intensified tension will draw the attention and consequent role of other players like the EU, the US, China and Pakistan. These will have far deeper and lasting implications for India-Nepal relations and in specific for India's security.

Conclusion

Sourness in India-Nepal relations although temporary, may linger on for few more months. The current anti-India slogans in Kathmandu will prevail till the Madhesis continue their protest by imposing blockade along the India-Nepal border. New Delhi has long enjoyed tremendous leverage in Nepal. It should use it to bring the Madhesi and other political parties together on the table for the inclusive Constitution, which will resolve the present deadlock. India should not shy away from its responsibility as it has been the witness to the agreement between the Madhesis and the Government of Nepal in 2008.

Indian experts believe that Prime Minister Modi's present policy towards Nepal is well calculated. Although it is perceived that India is losing its hold in Nepal, the reality remains that it will have gains in the long term. However, if India lose patience and alter its policy, it will have to deal with a more complicated crisis. Madhes will become the fertile land for ethnic conflict and will have spill over effects on India's security.

The reports of China taking advantage of this situation do not have ground as Nepal has already exhausted its 'China Card'. Besides, China has no interest to enter into the complicated political chaos of Nepal. Moreover, China is not in a position to replace India. Rather, it is more plausible to state that the dark clouds of anti-India sentiments will vanish with the change in the present communist led regime of KP Sharma Oli, whose political ideology survives on India bashing. India should, however, learn to manage Nepalese media and public perception in Nepal to contain anti-India propaganda on rise.

Though the first half of 2015 was a good year for India-Nepal relations, the later half was not so rosy. It is expected that the relations between the two nations will again meet its new height in 2016 as soon as the current crisis is resolved.

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