

## South Asian Members of FORUM-ASIA Welcome Nepal's New Constitution and Condemn Unofficial Blockade Imposed by India

(Kathmandu, 7 November 2015) - We, the undersigned human rights organisations from South Asia who gathered in Kathmandu on 5<sup>th</sup> of November 2015 to participate in the South Asian Members' Meeting of the Asian Forum for Human Rights and Development (FORUM-ASIA), welcome the new Constitution adopted by Nepal's Constituent Assembly on 20<sup>th</sup> of September 2015. At the same time, we express our utmost anguish towards India's response to Nepal and her people after the adoption of the Constitution.

India has imposed an unofficial blockade along the Indo-Nepal border, halting the supply of goods and services, including such essential goods as cooking gas, petrol, diesel and basic medicines. This act of India, which India itself has made reference to indirectly during the recent Nepal's Universal Periodic Review (UPR) process at the UN Human Rights Council (UNHRC), has added badly to Nepal's suffering from the devastating earthquake and its aftershocks last April and May. The blockade of the transport of construction materials and industrial inputs has brought post-earthquake reconstruction to a complete standstill. In essence, the overall situation has brought Nepal to the brink of a humanitarian catastrophe.

In Kathmandu, we had the opportunity to hear about the participatory process that led to the drafting and promulgation of the new Constitution. People of all walks of life, including women, representatives of various marginalised communities including the community of differently abled people, thoroughly participated in the constitution making process. Each of the 308 Articles of the new Constitution were debated and voted on article by article. The voting followed an extensive discussion on all provisions at committee levels, and collection of comments and feedback on the draft from a wide cross-section of the population. Out of the 598 members of the Constituent Assembly, 507 voted in favour, 25 voted against, and 66 abstained. This demonstrates the Constitution has had widespread acceptance across Nepal.

We welcome the human rights provisions and progressive policies, including 33 Articles devoted to fundamental rights, which range from the right to education to housing for the poor. It is inspiring to note that the Constitution incorporates all human rights standards contained in the 25 international treaties and conventions Nepal is party to ensuring equality, social justice, non-discrimination and the protection of minority rights.

We note with concern the ongoing violence in some parts of Tarai-Madhes that has led to deaths and injuries of several people. We urge the Nepali authorities to investigate the circumstances involved, provide justice to the victims, and hold those responsible to account.

We are aware of the longstanding friendly relationship between the Indian and Nepali people and the coexistence they have maintained over time. We are concerned the blockade by Indian authorities runs the risk of upsetting this relationship. Which may result in damaging consequences that maybe difficult to repair. We understand the unofficial blockade violates several treaties between India and Nepal as well as the UN Convention on Laws of the Sea. The continued delay in lifting the blockade will be only to the detriment of India. As such, we urge Indian authorities to immediately lift the blockade, and be part of Nepal's post-conflict transition and development process as expected of any friendly neighbour.

At this difficult time, we reiterate our commitment to stand by the people of Nepal. Finally, we would like to draw the attention of the international community to the need for immediate action, both humanitarian and diplomatic, to ease the crisis faced by the people of Nepal. In particular, we appeal to the Prime Minister of India to take all necessary action to bring this crisis to an immediate end, and ease the suffering of the Nepali people.

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Human Rights Commission of Pakistan (HRCP), Pakistan  
INFORM Human Rights Documentation Centre (Inform), Srilanka  
Informal Sector Service Centre (INSEC), Nepal  
Law and Society Trust, Srilanka  
Madaripur Legal Aid Association (MLAA), Bangladesh  
National Commission for Justice and Peace (NCJP), Pakistan  
Odhikar, Bangladesh  
People's Watch, India  
Peoples' Vigilance Committee on Human Rights (PVCHR), India  
Potahar Organization for Development Advocacy (PODA), Pakistan  
Society for the Protection of the Rights of the Child (SPARC), Pakistan  
South India Cell for Human Rights Education and Monitoring (SICHREM), India