

**NO GROSS NATIONAL HAPPINESS  
FOR BHUTANESE REFUGEES**

**Report of the media mission to Nepal  
11-14 December 2006**

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## EXECUTIVE SUMMARY

In December 2006, a three-member mission visited Nepal to meet with Bhutanese refugees and community leaders, the media in Nepal and other stakeholders in the Bhutanese refugee issue. The mission comprised Ms Pamela Philipose, associate editor, The Indian Express, Mr Kuldip Nayar, human rights defender and senior journalist whose columns appears in various newspapers in India and abroad, and Ms Jacqueline Lyman, Communications Coordinator of SAHR.

The purpose of the Mission was to obtain an update of the Bhutanese refugee situation in Nepal and to attempt to focus the interest of the Indian media on the issue, not least because of the role that India can play in bringing about a solution to this protracted problem.

One-sixth of the population of Bhutan (going by the population figures provided by the 2005 census of the government of Bhutan) is displaced in India and Nepal. Of these, 107,431 live in Nepal as registered residents of seven UNHCR-run camps. Most of them came to Nepal in the 1990s following their ouster from Bhutan on the basis that they were non-Bhutanese.

The Mission found that in general, the refugees do not consider themselves anything but Bhutanese nationals, with a right to return to their homeland. However, they are victims of political apathy on the part of the Bhutanese government led by the King, who does not consider them Bhutanese nationals, has already redistributed their land to new owners and is not interested in ensuring their repatriation. The Nepalese government has, according to some of the people that the Mission met with, “erroneously” stepped in as a bilateral player and has held 15 rounds of talks with the Bhutanese government. Nepal has said it not in a position to assimilate them into the country and has in fact now made it quite clear that the problem is between the Bhutanese government and the refugees. India, which may have the most influence on Bhutan to push for a solution that might be amenable to the refugees, has steadfastly refused to get involved.

Given the protracted nature of the problem which has lasted more than 16 years, the USA has come up with a resettlement proposal which according to its Ambassador to Nepal is acceptable by a segment of the refugees in the camps. The UNHCR, which administers the camps, does not seem averse to the suggestion either. However, the proposal has sparked off a controversy amongst the refugees, several of whom told the mission that it has created confusion amongst the refugees, and what they want is a lasting solution to the crisis which sees their dignified and safe return to Bhutan and nowhere else.

Another issue of concern that emerged from discussions with various individuals was the fear that camps could become a fertile breeding ground for violence and terrorism, given

the adverse conditions there, including unemployment and lack of a proper education, gender-based violence, prostitution and trafficking, suicide, infant mortality and child malnutrition.

The report presented herewith concludes that what is required is a political solution, while recognising that the humanitarian solution proposed by the USA and other countries are welcome but as a temporary measure. In fact, there are two issues here: one related to ushering in democracy in Bhutan, and the second related to the situation of the refugees. In addressing the refugee issue however, what needs to be always borne in mind is that it is the democracy deficit in Bhutan that has resulted in the refugee issue in the first place.

India's role is crucial. As the biggest democratic nation in the region, with tremendous economic clout, it is certainly in a position to correct the great atrocities done to the Bhutanese refugees in the region. The issue of the Bhutanese refugees in Nepal is ultimately an issue of justice which demands that Bhutan not only does not get away with the expulsion of its citizens, but makes sure that the refugees get back their country and their right to live a normal life.

**Everyone has the right to leave any country, including his own, and to return to his country.**

*--Article 13(2) of the 1948 Universal Declaration of Human Rights (UDHR)*

**... States Parties undertake to ... guarantee the right of everyone ... enjoyment of the following rights: (d) Other civil rights, in particular: ... (ii) The right to leave any country, including one's own, and to return to one's country;**

*-- Article 5 (d) (ii) of the Convention on the Elimination of All Forms of Racial Discrimination (CERD)*

## **1. INTRODUCTION**

The prolonged exile of Bhutanese refugees living in Nepal and India is a major human rights deficit in the South Asian region, and attempts to resolve the issue on the part of many actors have resulted in little or nothing to alleviate the suffering of the Bhutanese refugees, most of whom are housed in UNHCR-organised camps.

In December 2005, a SAHR human rights fact-finding mission held consultations with Bhutanese refugees living in Nepal. The mission report highlighted the stalemate in the talks between the Bhutan and Nepal governments, the hopelessness of the refugees who are living in exile for the past 16 years, and the inconclusive nature of the joint nationality-verification exercise conducted by Bhutan and Nepal in 2003 to the exclusion of other independent parties such as the UNHCR. It also made a number of recommendations which pointed to the importance of ensuring that solutions are inclusive of refugees' concerns and reflective of their aspirations.

A second mission was conducted in December 2006 with the participation of two media personnel from India, Ms Pamela Philipose, associate editor, The Indian Express, and Mr Kuldip Nayar, journalist who writes for various newspapers in India. Ms Jacqueline Lyman, Communications Coordinator of SAHR, also took part in this mission.

The purpose of the mission was to obtain an update of the refugee situation in Nepal and to attempt to focus the interest of the Indian media on the issue, not least because of the important role that India can play in bringing about a solution to this protracted problem. Indeed, in many of the consultations, the mission sought to find reasons for the lethargy and reluctance of the Indian government to tackle this problem. There is an urgent need to make the Indian government realize that it must take a more responsive and responsible approach to human rights violations in the region, given its geo-political importance in South Asia.

The mission met the following groups and individuals in Kathmandu (see annex). A visit scheduled to the Khudunabari camp had to be called off due to bad weather and subsequent cancellation of flights.

1. The Bhutanese Movement Steering Committee (BMSC), which comprises mostly members of the National Front for Democracy (NFD), the Bhutanese Refugee Women Forum (BRWF), Youth Organisation of Bhutan (YOB), Women Organisation of Bhutan (WOB), and Bhutan People's Party (BPP).
2. Friends of Bhutan, a supporter group.
3. Mr K. P. Sharma Oli, Nepali Foreign Minister.
4. Mr James Moriarty, US Ambassador.
5. Mr Abraham Abraham, UNHCR Representative.
6. Editors of various English and local news media.
7. Bhutanese refugees protesting in front of United Nations House.

## **2. BACKGROUND TO THE REFUGEE ISSUE**

The Southern Bhutanese (Lhotsampas or people of the South) are of Nepali origin who settled in Bhutan in the 19<sup>th</sup> century, having been brought in as labour. They developed their skills and took up commercial ventures, received education and entered government services, and gradually became an integral part of the population and an influential ethnic minority. The majority are Hindus. This is in contrast to eastern and western Bhutan, where the majority population is Buddhist.

King Jigme Dorji Wangchuck (1928-1972) – who was instrumental in granting nationality by royal decree at the end of 1958 to all Southern Bhutanese -- undertook a development process to modernize Bhutan with education and public health facilities, road infrastructure, electricity, etc. in which the Southern Bhutanese contributed in terms of manpower.

However, there was an increasing view that the participation of the Southern Bhutanese population in the modernization exercise made them more confident and influential and this was seen as a threat by the establishment. Afraid of demographic and cultural dominance<sup>1</sup>, restrictive policies began to be adopted -- in terms of citizenship. King Jigme Singye, who succeeded King Wangchuck, passed a 1985 Citizenship Act superseding the 1958 and 1977 acts which were discriminatory and effectively excluded Bhutanese of Nepali origin from nationhood. The launch in 1989 by the government of a “one nation, one people” policy imposed a homogeneous (North) culture that was alien to the South, while the 1988 census<sup>2</sup> laid down several specifications which the Southern Bhutanese found impossible to conform to.

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<sup>1</sup> The 1988 census showed that 48% of the population was Buddhist, and 45% other religions, a high proportion of which was Hindu.

<sup>2</sup> The 1988 census also divided people into seven categories:

F- 1, genuine Bhutanese nationals, namely, those with 1958 land tax receipts;  
F-2, returned immigrants;

These led to resistance by the Southerners; people began raising their voices in Eastern Bhutan as well. Several were jailed, many went missing, rapes were normal, monks were arrested, and forcible evictions were commonplace. This clampdown by the government led to the exodus of refugees into India and Nepal in the early 1990s.

Today, 16 years since the first refugees left in 1990, the situation seems hopeless, not merely from the point of view of the refugees themselves, but also in terms of the ‘fatigue’ on the part of the various actors who have been working tirelessly for a solution.

### **3. PROFILE OF THE BHUTANESE REFUGEES IN NEPAL**

One-sixth of the population of Bhutan (going by the population figures provided by the 2005 census of the government of Bhutan) is displaced in India and Nepal. Of these, 107,431<sup>3</sup> live in Nepal as registered residents of seven UNHCR-run camps. These are as follows:

Beldangi I	-- 18,384 persons;
Beldangi II	-- 22,502
Beldangi II ext.	-- 11,807
Goldhap	-- 9,558
Khudunabari	-- 13,408
Sanischare	-- 21,293
Timai	-- 10,479.

Ninety eight percent are Nepali-speaking Lhotsampas and the rest comprise indigenous groups from the North and East of Bhutan.

According to the BMSC, the refugees settled in the camps in Nepal can be divided into 3 categories:

- i. Older people (who lived in Bhutan at one point and know the country)
- ii. Youth (who travelled into exile and not very aware of the problem)
- iii. Children and teenagers (there are 40,000 children born in exile and educated in the camps).

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F-3, drop out cases i.e. those not present at the time of the census;  
F-4, non-national wife and Bhutanese husband;  
F-5, non-national and Bhutanese wife;  
F-6, legal adoption cases;  
F-7, non-nationals i.e. migrants and settlers.

<sup>3</sup> January 2007 data, UNHCR Nepal

#### **4. MEETING WITH PROTESTORS ON 12 DECEMBER**

The media mission had initially scheduled to visit the Khudnabari camp but was unable to proceed due to inclement weather. However, they met up with a group of refugees representing all 7 Bhutanese refugee camps in Nepal. Organised by the BMSC, these individuals have been holding a silent 7-month-long protest in front of the United Nations House in Kathmandu. Groups of about 10-12 refugees take turns for 1-2 months, seated across the road in front of the UN, sheltered by cloth and rattan structures and seated on thin mattresses which are all they have to protect them from the cold.

The media mission talked to the group. Most of those interviewed revealed that they left had left Bhutan due to the anarchical nature of the government and its functionaries, who tortured, raped and killed many people including their relatives, and looted their property.

It happened quite suddenly while they were peacefully rallying in Suntaley (Dagana) for the right to follow their own religion (Hinduism), dress, culture and Nepali language. These rights were denied them and before they knew it, they were forced out of the country.

It is important to note that those who had participated in the rally, whether bonafide or not, were discriminated. The government got to know whether a citizen is 'bonafide' Bhutanese or not, through district officers who got information on dissidents and passed it on to the government.

According to the protestors, the balance of power lay with a 15% minority group that had been following policies designed to oust Southern Bhutanese over a period of time. This group was now scared that if the refugees came back they would themselves be exposed and expelled.

Their children get some education assistance till class 10. Some get additional grants if they pass with first class, otherwise they are on their own.

The UNHCR allowance given to refugees was deemed by them to be insufficient. They now get a reduced quota of 4.8 kg per head of rice every 15 days. Families of 1-24 members are given 1 litre of kerosene a month.

Families with small children are relatively better off, but those with older children find existence difficult.

Asked how they manage, the protestors said refugees eat only one meal a day. Sometimes donor agencies provide assistance, but this is rare. Nepali government has only given them the right to live in the country. Some first aid is received from AMDA Nepal (Association of Medical Doctors of Asia). Provision for clothing was inadequate. Till 1992-93 they said they received sufficient assistance, after that there was a reduction.



According to the protestors, UNHCR say they can only provide two facilities: offer some security and a long-term durable solution to the problem (which according to the protestors they are not doing).

The protestors demand from the UN all facilities until they are resettled in Bhutan. They do not want to go to the US. The refugees interviewed expressed their extreme reluctance to be resettled in the US. They saw the proposal as not practical as it will result in the division of their families. Many of their family members are still in Bhutan, and they are fearful that if they accept the US proposal and resettle, the remaining family members will also be thrown out of the country.

If, however, resettlement is the only viable option, the refugees want an assurance that their right to return to Bhutan would be protected, should democracy be restored.

Living conditions for the refugees are, from all accounts, extremely difficult. Typically, a nine-member family lives in a hut measuring 14x18 feet. As the family expands, it continues to live in the same hut, with sometimes 15 members squeezing into the same space. There are cases of four to five families sharing the same hut. They use it only to sleep in. Most of the day is spent in the open.

Medical facilities are extremely basic. There is no trained mid-wife, nor is there a hospital.

The protestors said there was poor response to their current protest, but they would continue their demonstration until their demands were met i.e., an honourable return to Bhutan.

## **5. ISSUES TO BE CONSIDERED**

### **1. The Bhutanese constitution**

In March 2005, a draft constitution was presented by King Jigme Singye, which according to the NFD, was prepared by a group of people who were handpicked by the king, including some Indian legal experts who were consulted for a few months. It has not been passed by the assembly, and since there are no political parties, the constitution is merely the king's 'legacy', according to Thinley Penjore, chairman of the National Front for Democracy-Bhutan. A second draft was readied in August 2005.

The draft constitution gives wide powers to the King: all MPs and office holders, including the Chief Justice and heads of defence forces are to take an oath of allegiance to the King. The judges to the superior judiciary will be appointed by the King.

Of specific concern to the NFD are Articles II 16, and II 16E, reproduced hereunder:

*“Article II*

16. *The Druk Gyalpo, in exercise of His Royal Prerogatives, may:*
- (a) Award titles, decorations, dar for Lhengye and Nyi-Kyelma in accordance with tradition and custom;*
  - (b) Grant citizenship, land kidu and other kidus with copies of all Kashos for kidu forwarded to the National Council for reference and record;*
  - (c) Grant amnesty and reduction of sentences;*
  - (d) Command Bills and other measures to be introduced in Parliament;*
  - and*
  - (e) Exercise powers relating to matters, which are not provided under this Constitution or other laws. ”*

Another point contained in the draft constitution relates to the declaration of abdication in 2008. Even though retirement is at 65, this proviso means the King would be abdicating at the age of 53. There was some confusion amongst NFD/BMSC members meeting with the mission as to the legitimate successor to the king, as he has four wives, with 5 sons and 5 daughters. It is now clear that the fourth king would be the third queen's son. This could be the cause of controversy and tension in the future.

For the NFD, the draft constitution is not acceptable as it does not reflect the views of the political parties in exile or the refugees who constitute one-sixth of the population.

Indeed, the refugees have suggested certain amendments which impinge on their situation, after studying the constitutions of various countries, including those of the UK, India and Thailand. A principal issue is that since refugees are considered 'non-Bhutanese', those deemed to be citizens as of 1985 should be repatriated.

## **2. Repatriation vs. resettlement – the US proposal**

Given the protracted nature of the refugee issue, the US has, as a solution, proposed a resettlement package. It is not against repatriation, but given the intractability of the problem, resettlement is a viable alternative. Further, it does not want the camps to be a destabilising factor in South Asia.

However, the US has not officially presented this proposal to the Nepal government or to the refugees. The idea is to take 60,000 refugees in groups of 10,000-12,000 over five years.

Other countries like Canada have also said they would consider resettling 5,000 refugees and Australia even more.

According to the US Ambassador to Nepal, Mr James Moriarty, the feedback his embassy has received is that the camps are open to the offer. In the last visit to the camps he made on November 24, sponsored by UNHCR, the vast majority expressed their views in favour of resettlement. He believed that while initially the refugees were dismissive of the proposal, thinking that they would be going into yet another refugee camp upon their arrival in the US, they have become increasingly receptive to the idea once it was explained to them that they would be free to take up employment and residence anywhere in that country. The old leadership however, is still resistant to the idea.

It is not unprecedented for the US to make this offer, Mr Moriarty explained. The US has a refugee law that requires the administration to bring in large numbers of refugees each year (70,000). According to Moriarty, the Bhutanese are well-educated, and the community already in the US is well-assimilated.

The US proposal has sparked off quite a debate among different groups.

**Refugees:** Many refugees and supporter groups, like the Friends of Bhutan, are opposed to this proposal saying it causes confusion and could possibly divide families. They also fear that such a move would encourage Bhutan to expel even those who are currently living in that country and act as a destabilizing force. Many of those the mission talked to said the proposal was basically flawed because it fails to address the larger issue of lack of democracy in Bhutan, which was the reason for the refugee situation in the first place, and the right of the refugees to return to their homeland, as espoused in international human rights law. Even if they were to accept the resettlement option, they want a firm assurance from Bhutan that their right to return to Bhutan is protected and that they will be allowed to go back once democracy is restored in the country.

According to the BMSC, a few hundreds, aged between 40-50 years, as well as some of the educated people, are willing to resettle in the US, and are mobilising others, but most of the refugees are not willing to go anywhere else but Bhutan.

Older people (those in their 70s and older) are afraid of the community being divided should the US proposal go through. They believe that their 16-year old struggle will collapse as a result of this proposal.

Many of the refugees with whom the mission spoke are suspicious of those advocating the resettlement solution, and wonder if they are acting at the behest of the Bhutanese government in order to divide the refugee community.

**Nepal:** Host country Nepal's position on third-country resettlement, reiterated as recently as December 11, was that it would not oppose such a move. While voicing this, however, Nepali Prime Minister Girija Prasad Koirala put forward the suggestion that should the refugees be taken to the US, they must first be allowed to visit Bhutan, even if only for one night, in order to establish their claim to the land of their birth.

Nepali Foreign Minister K.P. Sharma Oli told the mission that he was in favour of repatriation, although his party has not made an official statement for or against this stance. According to Sharma Oli, 15 rounds of talks have been held with little result. Meanwhile an entire generation has emerged in these camps, even as many in the earlier one were passing away. He emphasized that while Nepal would like to assist, it cannot accept what the refugees themselves reject. Nepal, he said, will not drive the refugees out of its territory, although it also does not have the resources to support them indefinitely, being a poor country itself. Even as Nepal continues to hold bilateral talks with Bhutan on the issue, Oli fears that Bhutan is not willing to accept the repatriation of the refugees.

**UNHCR:** UNHCR also views the refugee issue as one that demands a political solution. While repatriation would be ideal it feels that, given the existing circumstances, resettlement is an option that could be considered. People in the camps face several adverse conditions, including gender-based violence, prostitution and trafficking, suicide, infant mortality and child malnutrition, besides the larger problem of social violence and unrest due to unemployment and lack of a proper education.

### **3. India's role is crucial, but it has remained indifferent to the issue**

For the BMSC and NFD, India's involvement is crucial, given its importance in the region and the fact that it is a multi-party democracy. The refugee issue cannot be solved without democracy. In fact, many of those the mission spoke with felt that the refugee issue is a secondary one, and is the outcome of the lack of democracy in Bhutan.

According to the groups the mission spoke with, India has not been officially asked, either by Nepal or Bhutan, to intervene and help resolve the issue.

All groups and individuals questioned India's apparent backing of the regime in Bhutan and its lack of concern in ensuring that the protracted refugee situation is resolved. All the parties expressed the sentiment that without the active involvement of India, there will be no forward movement. After all, they point, even 15 rounds of bilateral talks between Bhutan and Nepal have achieved very little by way of solutions or alternative strategies to end the present impasse.

India, it is speculated, is reluctant to intervene possibly because of the help Bhutan had rendered it, by cracking down on the camps of the United Liberation Front for Assam (ULFA), which has long been agitating for an independent Assam, on its territory. However, according to Tek Nath Rizal, the connections between the ULFA and Bhutan's rulers still endure, often reinforced through marriage. One senior editor the mission spoke to said that India could be shielding Bhutan as it has played a "very useful" role for India. It is the one country that consistently votes in favour of India at UN forums. It also provides hydropower to India's northern grid through a dedicated power line.

One of the suggestions put to the mission was to explore the possibility of the SAARC process being accessed to resolve the refugee problem. However, it was not found to be a

useful approach because of the limitations inherent in the SAARC charter, which disallows bilateral or contentious issues being brought up at its forums.

Penjore of the NFD however proposed that if Bhutan does not wish to negotiate directly with the refugee leaders, India could perhaps play the role of a mediator. India, he said, has to support and push for a democratic movement in Bhutan.

#### **4. Role of UNHCR**

The UNHCR is the only UN body mandated by the UN General Assembly to carry out third-country resettlement as part of any repatriation programme.

Mr Abraham Abraham, UNHCR representative in Kathmandu, told the mission that his organization remained committed to the Bhutanese refugees. He said that he has clearly informed the refugees that the agency would never abandon them and that they deserve all the rights inherent in their situation. UNHCR's assistance to refugees is in the form of therapeutic and supplementary food provided by WFP; shelter; water pumped to camps; fuel in the form of briquettes (kerosene was found to be expensive); support to women and children (the organization had even commissioned a study on prostitution and trafficking).

The agency is in favour of repatriation, but believes that it is an onerous task. Any move made by the UNHCR on repatriation has to be consistent with international standards. As long as the agency has no presence in Bhutan, it has no way to monitor the return of the refugees with dignity and safety (the regular function and mandate of the agency), and would therefore find it difficult to engage in any repatriation exercise.

According to Abraham, the country of asylum also cannot do this, even though it has engaged in a number of talks with Bhutan. Furthermore, Nepal has its own very serious problems to address in terms of the welfare of its people.

Given this, third country resettlement -- as proposed by the US and other countries -- would seem a viable alternative, although the UNHCR understands the worries of the refugees about their future, and their confusion over the US offer.

Political goodwill is needed. According to Abraham, India should play a more assertive role than it is doing at present. It is eminently capable of doing this. In fact, if India does not step in, he believes, the situation will remain hopeless.

#### **5. The status of talks**

So far 15 rounds of talks between Bhutan and Nepal have taken place, with no resolution of the problem. A 16<sup>th</sup> round of bilateral talks was scheduled for November 2006 but was postponed indefinitely. According to Deputy Prime Minister and Foreign Minister of

Nepal, K. P. Sharma Oli, the Nepal government has spoken to the Bhutanese foreign minister on the sidelines of international meets, such as SAARC ministers' meeting in Dhaka, and the 61st General Assembly of the UN, but to little avail.

When the 16th round of talks is decided upon, it is Oli's hope that it will be the final round of talks. He would want a concrete programme and method to emerge from these talks. If Nepal is forced to draw the conclusion that Bhutan will not accept its expelled citizens, then it will be forced to explore other solutions.

## **6. Spawning violence?**

The various parties that the mission met expressed the concern that the situation in the camps is far from stable. The lack of forward movement on the refugee issue, the long number of years spent in the camps and, more recently, the US resettlement proposal, have helped to create an atmosphere of 'confusion'. This in turn could encourage violence. There is also the fear that terrorist groups could take advantage of the impasse and strike roots here.

The camps represent a security threat to Bhutan and India. Both Bhutan and India recognize this. There is the distinct possibility that Maoist groups may attempt to influence the youth in these camps and create conditions that could encourage violence.

This instability and its security ramifications may, many believe, provoke the Government of India, as indeed the Nepal government, to respond. Both countries have had to contend with Maoist insurgencies within their borders.

## **6. CONCLUSION: ADDRESS THE DEMOCRACY DEFICIT IN BHUTAN**

The joint verification exercise -- more specifically the categorisation used for the purpose -- conducted bilaterally by Nepal and Bhutan in 2003 revealed that Bhutan is not keen on repatriation. Apart from the fact that this exercise is incomplete (only the status of some 12,000 has been verified), it effectively categorized a large majority of refugees as non-Bhutanese<sup>4</sup>. Further, the few that were identified as Bhutanese have still not been repatriated.

There are two issues here: one related to ushering in democracy in Bhutan, and the second related to the situation of the refugees. In addressing the refugee issue, what needs to be always borne in mind is that it is the democracy deficit in Bhutan that has resulted in the refugee issue in the first place. The refugee issue therefore is as much an issue of democracy, as it is a case of human rights. This is an opinion that was expressed by most

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<sup>4</sup> 1. Bonafide Bhutanese citizens evicted forcefully; 2. Bhutanese who emigrated; 3. non-Bhutanese who came to the refugee camps and stayed, and who would not be accepted by Bhutan; and 4. Bhutanese who committed criminal acts, who would be tried in Bhutanese courts. 2.4% reportedly fell in category 1 and more than 70% categorized as voluntary migrants.

of the groups that the mission met. It is also one of the reasons why the US resettlement proposal has met with such resistance: the US has simply equated the refugee issue with rehabilitation. However, according to the refugees and their representatives, the issue is political and related to democracy.

One conclusion that emerged from the talks the mission had with refugee groups and leaders was that the refugee problem is not one between the governments of Nepal and Bhutan, but between refugees and their country, Bhutan. Many in fact stated that the Government of Nepal had ‘erroneously’ stepped in as a bilateral player alongside Bhutan, when its role should have remained that of being a mediator and facilitator only.

The countries of South Asia have differing levels of democracy. Nonetheless, the idea of democracy remains an attractive one and has thrown up various groups prepared to wage a struggle for achieving democracy. That, however, is not the case with Bhutan at the moment. And the Bhutanese refugees, who are doubly marginalised – rendered both ousted and stateless -- lack the resources and wherewithal to take their case forward. They need the help of the countries of the region, especially India, to get their rights back, and to ensure that Bhutan adopts a democratic dispensation. As one individual that the mission met put it: “The democratic movement in any country is created by the exertion of international pressure. This is today's reality. The Bhutanese people cannot do this by themselves.” His words were echoed by a senior editor who said that “the Bhutanese refugees, who started coming into Nepal in 1990, have entered into a time warp. They do not have the ability to project the injustices done to them to the world. What has made things worse is the fact that over the past decade or so, there was political instability in Nepal. It is important that Nepal uses its goodwill with India to address this issue.”

In this respect, some of the questions raised by the National Front for Democracy seem pertinent: How can Bhutan be held accountable for the refugee issue? Can their case be taken up before the international court of justice? Can Bhutan be pressurized to terminate its land allocation policies and make land available to the common people? All land in that country is currently occupied by the elite section that rules Bhutan today.

India's role is crucial. As the biggest democratic nation in the region, with tremendous economic clout, it is certainly in a position to correct the great atrocities done to the Bhutanese refugees in the region. This is ultimately an issue of justice. Justice demands that Bhutan does not get away with the expulsion of its citizens. Justice demands that the Bhutanese refugees get back their country and their right to live a normal life.

Annex 1

**NOTES OF MEETINGS WITH VARIOUS GROUPS REGARDING BHUTANESE REFUGEES IN NEPAL**

**1. Meeting with members of the Bhutanese Movement Steering Committee (BMSC), Bhutanese Refugee Women Forum (BRWF), Youth Organisation of Bhutan (YOB), Women Organisation of Bhutan (WOB), Bhutan People's Party (BPP), SAHR Nepal**

**KESHAB MATHEMA, SAHR Nepal:** We are here to understand issues related to the Bhutanese camps. It is a situation that has gone on for 16 years. We need to understand the reasons why things have not moved in the past 16 years. This, in fact, is the first group from India to do this.

The refugee issue is secondary. What happened and is happening in Bhutan is what is important to understand. Initially, the international community saw it as a mass cleansing. In reality it is not ethnic cleansing, but the eviction of people after people first raised voices of dissent in southern Bhutan in 1989.

Although the king says that the process of democracy is on, in reality it is just hollow. Thimpu is only a little bit of a showcase. The rest of the country is under the grip of an authoritarian order. In 1997, other regional populations raised their voice. Repression followed and even monks were killed.

In 1997, about 200 people left Bhutan and entered Nepal following attacks on the southern Bhutanese communities.

Today there are 106,000 Bhutanese refugees who are registered. There are, in addition, some 50,000 unregistered refugees.

The Nepal-Bhutan dialogue process got derailed in 2002 and Bhutan took advantage of the situation. While the king declared willingness to usher in democracy, he made sure that the relatives of refugees and those belonging to dissident groups were excluded from the process.

If the American proposal to take 60,000 refugees succeeds, Bhutan will make another eviction. A year and a half ago, the Bhutanese government already made a declaration that there were 60,000 non-nationals in the country.

**THINLEY PENJORE of BMSC** thanked the team for coming to Nepal saying this was the first time a delegation of this stature was coming from India to look at the 17-year long refugee issue. He said the refugee issue was essentially caused by royal-sponsored sectarian politics.



According to the Bhutanese King, the process of democracy is underway in the country, but Penjore said only Thimpu has some 'showcase development'. Existing TV and cable channels do not provide good political or human rights information, and not even sports are featured.

In 1997 people began raising their voices in Eastern Bhutan. People were jailed. Several went missing, rapes were normal, monks were arrested. About 200 people fled the country and entered Nepal. At present there are 106,000 registered refugees, 98% of whom are Nepali-speaking Lhotsampas and the rest comprising indigenous groups from the North and East.

When talks between Bhutan and Nepal derailed in 2000, Bhutan declared willingness to enter the democratic process.

The country is ruled as an 'animal farm'. People are looked on as part of royal estate, given a code of conduct which teaches people how to live, dress, behave, etc. There is categorization along ethnic lines.

If there is no change in the situation, there is the likelihood of suppression and eviction.

The experiences of the last 17 years have been staggering. The international community views the king as a modern monarch – handsome and educated. In 1972, Bhutan was admitted to the UN. At that point, Bhutan claimed to have a population of 1.3 million. In 1972 the old king passed away, and the current king was guided by 4 aged ministers who should have retired after their due terms. However, the king nullified this and made them almost permanent.

The present king is married to four queens who are themselves involved in Bhutan's affairs. In 2005, the King declared that the present Crown Prince would take over the throne in 2008 and he would abdicate. The King has 5 sons and 5 daughters. The question is who is the legitimate successor? These proposals brought with them a wave of fear. We fear something is going on within the family.

The Draft Constitution itself is a total farce. Declaration of draft constitution (people were handpicked to draft constitution, some Indian legal experts were consulted) not passed by assembly – vide Article 2:16 which shows that the Parliament has been given no power. Decisions will be taken through referendums. No political parties exist so the constitution is merely the king's 'legacy'.

Our suggestions have not been officially acknowledged. We had, in fact, done extensive research after studying the constitutions of various countries (including UK, India and Thailand). We argue that the 1985 Citizens' Identity Card be accepted as proof of citizenship. We also want the participation of political parties, who are now in exile, in this process.

What made the king usher in this process? We believe it is not just pressure from outside but pressure from within the kingdom.

Here too we look at India to give justice to this side. We are clear that unless there is democracy in Bhutan, the refugee problem will not be solved. Bhutan succeeded in getting America to take an initiative but the move will not benefit the refugees.

Penjore explained there are three groups of refugees in the camps.

- a. older people (lived in and know Bhutan)
- b. youth (travelled into exile, not very aware of the problem)
- c. children and teenagers. 40,000 are children (born in exile and educated in the camps).

The US proposal is not official, not been conveyed to Nepal government or to Bhutanese refugees. The idea is to take 60,000 refugees in groups of 10,000 per year.

There are fears, particularly in India, that terrorism could be fomented in camps. Until now, we have educated our children against this kind of mobilization. However, if America succeeds in taking our children, the money they will gain could possibly be used to fuel insurgencies in India.

How can Bhutan be held accountable to refugee issues?

Can USA influence to get Bhutan into the international court?

Can they influence Bhutan to terminate land allocation in Bhutan which is currently occupied by royalty or by common people in the name of resettlement?

The BMSC has been asked what they would like to have, to enable USA to take the 60,000 refugees.

Nepal's position on 3rd country resettlement: They had met the Nepali PM on 11th morning who bluntly said he would not oppose resettlement but thought refugees should be taken to Bhutan for at least one night before going to the USA so that the connection between the land and the people is re-established.

Penjore said if Bhutan does not want to talk directly to refugee leaders then India could perhaps be the mediator.

There have already been 15 rounds of talks between Nepal and Bhutan on the issue. The 16th round is coming up. We want this round to be final and decisive. If this does not work, then India should use its good offices to get Bhutan to settle the issue.

We have been suffering so much for the last 17 years and Bharat sarkar has ignored the issue. It has always maintained that it is a matter between Nepal and Bhutan.

**TEK NATH RIZAL** said he suffered for 17 years. India has ignored the problem saying it is a matter to be solved between Bhutan and Nepal, when India has also cooperated with Bhutan by pushing refugees into Nepal. The king was also invited by India to participate in the Republic Day parade (taking the salute).

It is the Bhutanese of Nepali origin that spearheaded Bhutan's development, now King has turned around and said we are not Bhutanese. Even land and property owned by refugees have been taken over by King and distributed to other citizens.

Rizal recounted his personal ordeals where he spent 10 years in jail in Bhutan, after having been an MP for 4 years. While in jail he was forced to work as a field hand surrounded by gun-toting guards, from morning to sunset. He has seen his own comrades and relatives tortured (forced to lick wheat flour and salt as food) and killed (some by head under water).

Into this picture USA has entered “like a jackal wanting to steal chickens”.

Rizal said if it is difficult for India to take action directly to see if the SAARC process could be used.

India could perhaps be obliged to Bhutan as it helped to throw out ULFA (agitating for independent Assam) from its territory. But Rizal said actually Bhutan has hoodwinked India as connections between ULFA and rulers still exist, especially through marriage.

## **2. Meeting with Friends of Bhutan (Ram Shethra and Dhruva Joshy)**

How can they (the Bhutanese ruling class) think of establishing democracy on the basis of their own ethnicity?

We have to identify what we need for Bhutan's refugees. We have to think of a way by which India and Nepal can work sincerely together to evolve a framework. We believe that all the players and opinion builders need to come together and decide on how to coordinate their activities.

India has the requisite experience and has played a role in the development of Bhutan. So why has it allowed this situation to continue? We are simply puzzled why India is not playing a role in doing this. Today it has emerged as a major democratic force in the world, so it should take more interest in this issue.

India takes a great deal of interest when there is a coup in Fiji, but it continues to ignore the violations against the Bhutanese people. Regarding the refugee situation, we feel it is not just Nepal's problem but a problem between the Bhutanese government and its own nationals.

Everybody knows that refugees were brought here through India's involvement.

The common Nepalese are not so aware of the facts of the situation. We, as Friends of Bhutan, are trying to raise awareness, by highlighting these issues publicly. Also, we cannot accept the Indian position that this is an issue between Nepal and Bhutan. In any case, why is India betting on the wrong horse?

There are several reasons why we have taken up this particular issue. It is an issue of human rights, and assumes importance when you talk of democracy globally. After all, when anything happens in the world it affects each country.

The democratic movement in any country is created by the exertion of international pressure. This is today's reality. The Bhutanese people cannot do it by themselves.

We don't want to advertise our work, but when Rizal was released, he first settled in Siliguri. A Bhutanese group then contacted us about him, and we asked him to come to Nepal and extend his activities. Two years ago, he came.

We should look at the democratic movement in Bhutan and help it along. I don't think it is difficult to do this but everybody should cooperate. India stands to lose the sympathy of the smaller states in this region, if it does not address this issue. India thinks Bhutan is its protectorate, but it should learn from the American fiasco in Iraq.

Yes, the Americans have offered to take 60,000 refugees. True, everybody wants to go to the US. When America says you are doing this on humanitarian grounds, we cannot but say okay. But then do they realise that when this happens, the lives of the 1,50,000 Bhutanese of Nepali origin still in Bhutan gets more vulnerable. They too could get driven out. Have the Americans thought about that?

As it is, they are manipulating the numbers. For the 2008 election, Bhutan is carrying out a census. They have projected a population of 400,000 only. Yet when Bhutan joined the UN, they claimed a population of 1.3 million. The Americans understand the refugee issue only in terms of rehabilitation. Its approach is itself wrong. This should be made very clear. As for the UN, these refugees have been camping outside the UN offices here, but nobody even had the courtesy to ask what the protest is about. It is time to sit together and sort out the issue once and for all.

India has to support democratic movement in Bhutan. If the issue is not settled peacefully, then violence and terrorism will be used. Our message to the UN and the USA is that Nepal is concerned about violence.

### **3. Meeting with Mr K.P. Sharma Oli, Nepali Foreign Minister**

Mr Oli is himself in favour of repatriation though his party has not made official statement for or against the idea.

Refugee problem is not between government of Nepal and Bhutan, but between refugees and their country.

We provided shelter even if we do not share a common border. But the refugees crossed India, how or why we do not know. Trying to draw a distinction between the refugees who are of Nepali origin, Sharma Oli said origin of language is one, nationality is another. There are Nepalese-speaking people in Darjeeling etc. but that does not make them Nepali. Nepal is multi-linguistic, multi-religious.

From humanitarian point of view we provided shelter. We are friends of Bhutan – friend and neighbour who wanted to see the refugee problem resolved as soon as possible.

So far 15 rounds of talks have taken place, but with little hope. Sometimes it seems there is progress, but not really. No genuineness on the part of Bhutan to end the problem.

We have talked to the Bhutanese foreign minister alongside international forums such as the SAARC ministers meeting in Dhaka, and 61<sup>st</sup> General Assembly of the UN, but conclusion is that Bhutan is not ready to accept repatriation, which Oli believes is real solution.

If Bhutan is not ready to do this we cannot wait for generation to generation. One generation has emerged in the camps, one is passing. What is sure is that more rounds cannot be held. We want to assist, but we cannot accept what refugees cannot accept. We cannot drive them out, only accept or repatriate. They were forcibly driven out but we cannot force them back. We are holding bilateral talks but fear that Bhutan will not be willing to repatriate. Nepal has also been insisting that Bhutan should talk with refugee leaders.

Hope is that talks will happen in the near future. It will not be the 16<sup>th</sup> but the final round of talks for which a firm date, concrete programme and method should be fixed. If nothing happens even during this round, other solutions will have to be explored.

Nepal is not in a position to assimilate or integrate the refugees, as it is itself a small country with its own set of problems (insufficient shelter and food for its own people). It also has a new law about citizenship which does not apply to refugees. So people born here are not Nepali.

Third country resettlement has not been talked of seriously; we have heard that USA and others have shown interest.

Bhutan will be happy with US offer but should understand that Bhutanese refugees love their country even if they are in USA.

#### **4. Mr James Moriarty, US Ambassador to Nepal**

Asked how he perceived the problem, Mr Moriarty said it was a humanitarian tragedy and a tremendous waste of resources. Even though camps were well administered, they are 'parking spaces' for the refugees.

The USA, Canada and Australia interested in resettling refugees in their countries. USA got feedback that camps like the offer. The Ambassador had been to the Beldangi camp with congressional delegation and met with anti-repatriation group that asked lots of probing questions. His last visit was on 24 November, which was sponsored by UNHRC. The vast majority is in favour of resettlement.

The Ambassador has entered into talks with India too, but USA has no leverage in Bhutan.

There is little guarantee that future expulsions will not occur. Nepal government says it will not take refugees. Year 2007 is sacred year in Bhutan and nothing can and will get done.

According to the Ambassador, the refugees have been expelled because they are ethnically different and therefore more vulnerable. They were also active in pushing democracy.

The Communist party of Bhutan Maoists (Nepal-backed) is pro-repatriation. Bhutan is favourable to resettlement which removes the issue.

Is it unprecedented for USA to make this offer? Amb. Moriarty explained that US has a refugee law that requires that administration brings in large numbers of refugees each year (70,000). Bhutanese are well-educated, and the community already in USA is well-assimilated. Resettlement will be done in waves of 10-12,000 each year over 5 years.

Canada may take 5,000, Australia even more.

A US researcher doing an academic paper on refugees in March 2006 said that initially the refugees said they were not interested in going to USA, believing they would be merely shifted from camps in Nepal to camps in the USA. When explained to them that they would be free to take up employment and residence anywhere in the country, they said they would be willing. Old leadership having tough time with transition

US is not against repatriation, but given length of problem, resettlement is a viable alternative. Do not want camps as destabilising factor in South Asia. During August visit the Ambassador saw that police have gone back into the camps.

#### **5. Mr Abraham Abraham, Representative, UNHCR**

The refugees are worried about the future and confused with the US offer. In this context, the media mission asked Mr Abraham to define UNHCR's commitment to the issue.

Mr Abraham said that this agency has clearly told refugees it will never abandon them. For us, refugee situations hit at the heart of human welfare. They deserve all rights attached to their situation – we see what the best solution is. We would like to see them repatriated, but difficult.

UNHCR is a humanitarian agency, and do not want to get into political problems – what is effectively needed is a political solution. They were evicted and that needs to be looked at.

It is not for the country of asylum to do this. UNHCR has dialogue but it has to be consistent with international standards. As long as we have no presence, we have no way to monitor return (which is the regular function and mandate of the agency) with dignity and safety. We have not been invited by Bhutan, nor do we have a presence there to be able to accompany them to country and assimilate them, unlike a similar programme in Rwanda.

Repatriation is normally tripartite:

- (a) to country of origin i.e. return with dignity and safety
- (b) To country of asylum – up to the decision of local government. In the case of Nepal, we cannot ask.
- (c) UNHCR (only UN agency mandated by UN General Assembly) for third country resettlement.

According to Mr Abraham, Bhutan has not responded at all, saying they are dealing with the problem on a bilateral basis. Nepal does not want any solution but repatriation. India should play a role and capable of doing so, if not, hopeless. Political goodwill is needed.

Both Bhutan and India say it is a bilateral issue.

Resettlement is applied as a tool. Where security might be an issue, best way is to remove them from dangerous situation. In the camps, gender-based violence, children's issues are problems.

If local settlement is a burden, then resettlement is an option. UNHCR appealed to countries and they responded. They support US offer of 60,000. Others will announce figures. UNHCR is now carrying out census of 7 camps.

Their assistance to refugees is in the form of therapeutic and supplementary food provided by the World Food Programme (WFP); shelter; water pumped to camps; fuel in the form of briquettes (kerosene was found to be expensive); support to women and children (commission study on prostitution and trafficking).

Their allocation for refugees in 2006 was \$ 6.3 million which will increase to \$ 6.8 million in 2007, but still refugees feel that their needs are not met.

294 bonafide people were found in Khudnabari camp. Bilateral agreement to repatriate but what was agreed in previous talks not done. 3 years have passed and nothing has happened.

Refugee issue to be viewed within political framework and ushering in of democracy.

## **6. Meeting with Bhutanese refugees**

Names of refugees protesting outside United Nations House, Kathmandu

T.V. Khativoda	Garjammar
Lal Maya Khenga	Kulchendra
Pabitra Gautama	Dadi Ram Basnet
Kamal Pati Rimal	Jogemdna Dhugyel
Hema Devi Uprety	Hom Nath Ghimere
Keshab Goutam	Indra Maya Rai
Chandra Maya Rana	Ram Chandra Dulal

We came in 1992, all in the space of two months. First we came by truck. Why did we come? Repression became very manifest. People loyal to the Bhutanese government killed our relatives, raped the women, and imprisoned the innocent. Houses were torched and homes looted.

In 1990, some of us had taken part in a peaceful rally in Suntalay, Dagana district of southern Bhutan. After that the repression grew stronger.

During the 1990 census, every family was classified in 7 ways. We consider ourselves from Category 1. Yet we want to follow our own religion (Hinduism), and ways of life. In Bhutan there are 2 religions: Buddhism and Hinduism. Mostly Hindus were affected, but some Buddhists too.



The government is worried that we will come back to cause problems and confront the authorities. Actually, today the situation is that those ruling the country belong to a community that accounts for only 15 per cent of the Bhutanese population.

Somewhere our voices are reaching but in a very slow manner. We will continue to agitate until they take us back in our country. We are representatives of all 7 camps.

### **Life in the camps**

We get education only up to 10th grade for everybody. Then only those with 1st division marks can carry on studying. We are given 4.8 kg of rice per head per fortnight, and 1 litre of kerosene per family a month. Families can vary from a few members to even 24 members. At least half the rice we get is of bad quality. Somehow we manage, sometimes making do with one meal, sometimes eating with other families.

The Nepal government has allowed us the facility to reside in the country, but it does not help us in any other way. We get first aid only.

We've been through hard times, sometimes treated like animals. Initially things were better, but over the years they have deteriorated. The UNHCR says that they can provide only 2 facilities: protection and long term durable solution.

We are anxious to know what the UNHCR plans to do next. We want them to continue giving us these facilities until we are settled permanently.

How do we spend the time? We sit around and crack our knuckles. No question of holding a job. We are lodged in huts measuring 14X8 per family. Even if the size of the family increases, the measurement of the hut remains the same. We use the huts only to sleep in; the rest of the time -- rain or shine -- we spend outside.

We are trying handicrafts, but there is no formal market. We are not allowed to sell our produce in the market. We are eager to do something within the camp. Earn something. But it is not possible.

### **Brief cameos of the people the mission spoke with**

**T. B. Khatiwoda** studied until grade 6 in Bhutan, subsequently was exiled in Nepal where he completed his degree in Kathmandu. He speaks a little English and like all other refugees, is not employed. Refugees cannot be employed outside the camps.

**Hema Opreti**, 15 year old girl, dropped out from school when her father died. Her mother is continually sick.

**Kamlapatty Rimal, 78**: Given up land and given up everything that gave life meaning. His grandfather had gone to Bhutan along with his father. He is not from Nepal, but Sikkim. Kamalapati had cattle, ploughed land, but had to leave everything. India sent him back, so he came to Nepal. He said he would like to return to his country.

Today he is a confused man: "I don't want to go to America. I don't want to go anywhere but Bhutan. I want to die where I was born."

The general consensus was that none of the protestors wanted to go anywhere but Bhutan. The American solution will divide families. The older people particularly are very depressed. They think their children will now abandon them and go to America. They fear their 17-year struggle will be broken. It will only help the Bhutanese government.

We want a dignified repatriation and this is not possible if we go to Bhutan. If we got to America we will only continue as refugees. We have citizenship but we have been evicted. We want assurance from the Bhutan government that once democracy is restored in Bhutan, we will be taken back. But it must be done in a transparent manner. A few hundred may want to go to America but most of us want to stay here. We want to die in the land of our forefathers.

## **7. Meeting with editors of local media**

**Kanak Mani Dixit, Editor, Himal magazine:** As far as the media in Nepal is concerned, they have been writing about the Bhutanese refugee issue for years. But it is like preaching to the converted. It is the Indian media that has failed to do this. Indian journalists have been charmed by the Bhutanese government. The government flies journalists into Thimpu on Druk Airlines and looks after them very well.

Of course, many activists in Europe and India have shown serious interest in the issue, but over time even they moved on to other issues.

Meanwhile the Bhutanese refugees, who started coming in by 1990, have entered into a time warp. They do not have the ability to project the injustices done to them to the world. What has made things worse is the fact that over the past decade or so, there was political instability in Nepal. It is important that Nepal uses its goodwill with India to address this issue.

India is suffering from a '1962 syndrome'. The general approach is, do not touch any issue unless it becomes a hot potato. But the refugees do not have the power to make the issue a "hot potato". The way of the bureaucrat is to let things be. Besides, Bhutan is very useful for India. It is the one country that votes for India at UN. It also provides hydropower. There is a dedicated power line connecting Bhutan to India's northern grid.

**(Other journalists):** Bhutanese refugees lack a find of fashionable figure to project their cause. They have no resources to keep the issue going.

**Yubraj Ghimre, Samay Weekly:** Sitaram Yechury (Communist Party of India -Marxists politburo member), did, in a recent visit, touch upon the problem. This could indicate a change of attitude among Indian policy makers.

Annex 2

Meeting with SAHR Nepal and Bhutanese groups  
11th December 2006

<b>S.N</b>	<b>Name</b>	<b>Organization</b>
1.	Prof Novel Kishore Rai	SAHR Nepal
2.	Tek Nath Rijal	Bhutanese human rights leader
3.	Kamal Rijal	Bhutan
4.	Deo Maya Giri	Bhutan
5.	Jasoda Budathoki	Women Organisation of Bhutan
6.	Jagir Man Lama	Bhutan
7.	Thakur Pd Mishra	Bhutan
8.	Balaram Poudyal	Bhutan People's Party
9.	Keshab Mathema	SAHR Nepal
10.	Ashish Thapa	SAHR Nepal
11.	Divye Jha	SAHR Nepal
12.	Vijay Singh	SAHR Nepal
13.	Mohammadi Siddiqi	SAHR Nepal
14.	Thinley Penjore	NFD-BMSC
15.	Binu Chaulagain	SAHR Nepal
16.	Raju Thapa	HR Home
17.	Redar K.C.	HR Home

Annex 3

Interaction with Editors  
13th December 2006

<b>S.N</b>	<b>Name</b>	<b>Organization</b>
1.	Thinley Penjore	NFD-Bhutan
2.	Nimesh Regmi	Nepal Samacharpatra Daily
3.	Narayan Wagley	Kantipur Daily
4.	Yubraj Ghimire	Samay Weekly
5.	Prateek Pradhan	The Kathmandu Post Daily
6.	Kanak Mani Dixit	Himal
7.	Rajendra Dahal	Press Council Nepal
8.	Balram Pouydel	Bhutan
9.	Taranaath Dahal	Freedom Forum
11.	Tek Nath Riaal	Bhutanese human rights leader
12.	Janak Tiwari	Himalayan Times
13.	Sarad Aryal	Radio journalist
14.	Ram Pd. Sharma	Student
15.	Ram Pd Humagain	Gorkhapatra
16.	Krishna Khadka	Nepal News
17.	Robbin Thapa	The Perception
18.	Binu Sharma	SAHR Nepal
19.	C K. Lal	SAHR Nepal
20.	Novel Kishor Rai	SAHR Nepal
21.	Santosh Bhattarai	
22.	Keshab Mathema	SAHR Nepal
23.	Novel Kishor Rai	SAHR Nepal
24.	Vijay Singh	SAHR Nepal
25.	Divye Jha	SAHR Nepal

## Annex 4

### **SAHR calls for justice to Bhutanese refugees**

Press Release

Kathmandu, 14 December 2006

Despondency and despair marked the faces of the refugees seated in protest in front of the United Nations House. Members of a fact-finding mission of South Asians for Human Rights (SAHR), led by renowned Indian journalist and author Kuldip Nayar, and Pamela Philipose of the Indian Express, were in Kathmandu to understand more about their situation.

Said 26 year-old T. V. Khatiwoda, who came to Nepal when he was 11, “We have spent 17 years doing nothing. Our future remains a blank and the world has forgotten us.”

Through this mission, SAHR hopes to focus the attention of media on one of the biggest human rights violations in the region and of our times: sixteen years after they were forced out of their country, Bhutan’s 106,000 refugees (official figures) continue to languish in a ‘no-man’s zone’, in the seven refugee camps in southeast Nepal.

Members of the mission met a wide spectrum of people involved in the issue, ranging from the refugees themselves and their community leaders including Mr T. N. Rizal, to the Foreign Minister of Nepal, Mr K. P. Sharma Oli, UNHCR Representative, Mr Abraham Abraham, and US Ambassador, Mr James F. Moriarty.

Mr Sharma Oli indicated Nepal’s desire to settle the issue with Bhutan on a permanent basis, but added that he did not see “any willingness on the part of Bhutan to solve the problem.” According to him, the real solution lies in repatriation.

Mr Abraham said that the issue needs a political settlement. He observed, “It is criminal to keep them in these camps for so long.”

Mr Moriarty put it this way. “What a tremendous waste. Basically, these camps are parking places for human beings.” He revealed that his government was serious about its offer to resettle 60,000 refugees in his country.

The American proposal has, however, been met with conflicting responses. Many Bhutanese refugee leaders felt that while the offer is welcome, USA should be exerting pressure on Bhutan to deepen democracy by taking back its nationals and restoring their dignity and right to be full citizens of that country. Others felt it is not a long-term solution to the problem and could in fact act as a destabilising factor within Bhutan and among the refugees.

All the individuals that the mission met, expressed the urgent need for India to take an active role in resolving the issue. With its tradition of multi-party democracy, its pluralistic society and its role as a leading economic power in the region, it was felt that

India could and should involve itself more closely in the issue and urge Thimpu to sit with its community in exile to resolve the issue.

Many fear that one of the biggest consequences of allowing the problem to fester is the possibility that dissatisfaction and unrest in these camps could lead, over time, to fomenting militant sentiments. This could create new conflicts in the region in the future. Countries like India could experience the negative fall-outs of this situation.

The SAHR mission sees the Bhutanese refugee issue as an important test of South Asia's desire to emerge as a region that values and strengthens human rights and democracy. This has become a moral imperative in these times.

As a regional movement of human rights activists, SAHR calls upon the Bhutanese government in the first place, as well as India and Nepal, to ensure justice to these forgotten and stateless people of South Asia.

## Annex 5

Forgotten on the other side of Shangri-la

Pamela Philipose

Posted online: Tuesday, December 19, 2006 at 0000 hrs (Indian Express)

Sixteen years on, the Bhutanese refugees languish in the camps of southern Nepal. India cannot, it should not, continue to ignore their predicament.

As Jigme Singye Wanchuck abdicates Bhutan's Golden Throne for his son, Namgyel Wangchuk, and asks his people to prepare for parliamentary democracy and elections in 2008, one difficult question remains unanswered. Will democracy in Bhutan be meaningful when one-sixth of its population remains in seven refugee camps in southern Nepal, as it has for 16 years?

Officially, they are 106,000 in these camps, but over the years the numbers have swelled. Ethnically, 98 per cent of them are Lhotshampas. Here lies the tragedy of Bhutan and indeed the entire region. Lhotshampas (literally 'those living in the south') are Nepali-speaking Bhutanese and largely Hindu, although there are Buddhists among them. They were forced out of Bhutan in 1990-'91 through a succession of citizenship and land laws, possibly because they were perceived as a threat to the "ethnically superior" Ngalops who, although a minority, have ruled the country.

Last week, a fact-finding mission conducted by South Asia Human Rights (SAHR), of which this reporter was a part, spoke to the refugees themselves, their leaders, and a wide group of observers in Kathmandu. Many among them, ranging from refugee leaders to the US ambassador to Nepal, James F. Moriarty, characterise the eviction of these people from Bhutan as "ethnic cleansing".

Tek Nath Rizal, once a Bhutanese bureaucrat and representative to the Royal Advisory Council, who was later imprisoned for 10 years in his country, put it this way: "These people built modern Bhutan. They worked in the fields, constructed roads, contributed to civil society over decades. Now they are termed as 'non-Bhutanese'. This is one of the biggest exercises in ethnic cleansing in the world and they have got away with it. No country, including India, has bothered to speak out against this crime against humanity."

Meanwhile the refugees live in the hope that somewhere, somehow, they'll finally go back to their homeland. Life in the camps set up by the UNHCR is basic. Deprived of their lands and property back home, these people are housed in hutments measuring 14X8 ft per family living on their allotted rations.

Today, after 15 rounds of dialogue between Nepal and Bhutan, nothing has changed. Nepal's foreign minister and deputy prime minister, K.P. Sharma Oli, was frank, "We have held talks with Bhutan but we do not see any willingness on its part to solve the problem. This issue cannot go on forever, already one generation has emerged in these camps. We believe in complete repatriation. The refugees should go back to their country. Nepal cannot assimilate them. We are not even Bhutan's neighbour. India lies

in-between. In any case, we are a poor country, and are not even able to provide for our own people.” He argues that it would be patently wrong to view the refugees as Nepalis, because they speak Nepali. “Language and nationality are two distinct things. People of Australia speak English, but they are not British, they are Australian. Similarly, these people may speak Nepali, but they are Bhutanese.”

The problem is locked in a bilateral grid. Nepal claims it is an issue between the Bhutanese government and the refugees. Bhutan claims that it is an issue between Bhutan and Nepal. India believes that it is a bilateral matter between Nepal and Bhutan. The US recently introduced a new dynamic by agreeing to take 60,000 refugees. Canada and Australia have made similar, although smaller, offers.

The US move has evoked sharply conflicting responses. Many believe repatriation, not resettlement, is the only way out. Resettlement in a third country would, they believe, not only blight any prospects of Bhutan becoming democratic and accountable, it would undermine the security of those Lhotshampas currently in Bhutan. Others, especially among the young, are in favour of the US offer and Ambassador Moriarty claims it is being viewed positively by the majority of refugees today. “These people will be given green cards and enjoy full citizenship rights.” He argues that his country is doing it for humanitarian reasons. “We have a law that requires us to provide refuge to 75,000 emigrants every year and the Bhutanese will, we believe, easily assimilate in the US.” When pressed, he added, “We do regard these camps as sites that could be susceptible to Maoist/terrorist influences.”

There are many in Kathmandu who maintain that strategic reasons — like getting a foothold in Bhutan (where the US does not even have an embassy) in a region dominated by China and India — is the real reason behind the US offer. But they reserve their greatest consternation for India’s continuing apathy. Even Abraham Abraham, UNHCR representative in Kathmandu, who is reluctant to speak of the political dimensions of the issue, was clear, “This is a crisis situation. India should and can play an important role in settling it. In fact, if India does not play a more assertive role, the matter is pretty hopeless.” Ram Kumar Shrestha, coordinator, Friends of Bhutan, is more unequivocal, “We are simply puzzled over India’s indifference. It is a major democratic and economic force in the world and so has a responsibility to get involved. In any case, this is India’s problem as well. Everyone knows that the refugees came to Nepal through India.”

Senior journalist, Kanak Mani Dixit, editor, Himal, believes that India’s reluctance to intervene is driven by what he termed as the “1962 syndrome”: “Indian policy makers do not touch such issues unless they become hot potatoes. And the refugees are too insignificant, too voiceless, to make the issue a hot potato. Besides, there are innumerable strategic reasons why India does not wish to make Bhutan unhappy — apart of course from a committed supply of hydro-power.”

But the situation in the region is plainly getting more unstable and India may no longer have the luxury of staying aloof. Said Tek Nath Rizal, “We have been suffering for so long and Bharat sarkar has ignored the issue. It has to exert pressure on Bhutan to take



back its people. If India doesn't take its responsibilities in this region seriously, it will have dangerous consequences for the security of the entire region.”

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## **Bhutan's refugees: India and Nepal are also responsible for their plight**

**by Kuldip Nayar**

NO school bus stops here to pick up children. No postman comes here to deliver the mail. Not even a curious visitor turns up to know anything about them. They are refugees from Bhutan who are sitting in protest in front of the United Nations House at Kathmandu.

Most of these refugees, over one and a half lakh, constituting one-sixth of Bhutan's population, are spread all over Nepal and India without much of shelter or succour. The UN gives most of them two square meals. "That is the maximum we can do," says UNHCR representative Abraham. "It is, however, criminal to keep them in camps for so long."

Reminiscent of the Afghan camps in Pakistan, over the years, children are born into refugee households that do not know other realities. The camps have become a base for pro-democracy dissent activity against the present Bhutanese establishment. The refugees are not radicals. They have never questioned the monarchy which is history in the country, Nepal, where they have sought refuge. But they do want to have a future.

It was not that the prospect of greener pastures attracted them. They were forced to leave their lands and homes. The Royal Bhutan government found them too insistent on the question of democracy and human rights, too restive against the king's occupation of large tracts of land. They still want to go back to the same setup, confident of overcoming the difficulties in Bhutan and work for the country's development. But neither Bhutan, nor any foreign nation, is bothered about their future.

A law was passed by what was known as Parliament overnight - some 16 years ago - to declare Bhutanese of Nepal origin non-citizens. They were born in Bhutan. Their fathers and forefathers had lived there for hundreds of years. Yet they were bundled out. The Bhutanese officials forced many to sign a document of voluntary migration.

About one lakh of them who could trace their ancestry to Nepal took shelter in the country, already in dire economic straits. They petitioned to Kathmandu which took up the case with Bhutan. After negotiations spread over months, Bhutan agreed to take back 600 families. Even they await repatriation.

The American government has volunteered to absorb 60,000 of them in the US. The proposal has, however, been met with conflicting responses. Many Bhutanese refugee leaders feel that while the offer was welcome, the US should be exerting pressure on Bhutan to deepen democracy by taking back its nationals and restoring their dignity and right to be full citizenship of that country.

Others feel that the proposal is not a long-term solution to the problem and could, in fact, act as a destabilising factor within Bhutan and among the refugees. US ambassador James F Moriarty to Nepal said it was a human problem which required immediate attention. He didn't react to the plea to remonstrate with Bhutan except to say: "We are in touch with India."

New Delhi should have been active. What is happening in Bhutan or the manner in which one and a half lakh citizens were pushed out should have made India to take some steps. An authoritarian regime which is solely dependent on it for defence should have been pressured to get refugees back to their homes. But New Delhi is afraid to even ask questions lest Bhutan should be annoyed and tilt towards next door China.

New Delhi should, however, recall how Bhutan sealed its border in 1950 when the Tibetans were running away for refuge elsewhere. It cannot afford to go near China. Bhutan, on the other hand, knows from its experience that India has never given it any room for grievance. In fact, New Delhi is revising the existing treaty for deleting any curb that Bhutan may be feeling. Diplomatically and economically, the two countries are close to each other.

Therefore, India's role becomes all the more important. The people or organisations with which I interacted at Kathmandu expressed the urgent need for India to take an active role in resolving the refugees' issue. With its tradition of multi-party democracy, its pluralistic society and its role as a leading economic power in the region, India is seen the only power in the region which could and should involve itself more closely and urge Bhutan to sit with its community in exile to resolve the issue.

But refugees have a difficult experience. T.N. Rizal, leader of Bhutanese refugees, said that even though he pinned his hopes on India, he was convinced that it would not step in to help. His own experience was not a happy one. When he reached India as a refugee, he was put in jail. The authorities threatened him either to leave India or spend the rest of his life in jail. He preferred to travel to Nepal because it allowed him to live freely and propagate the cause of refugees.

A report by the South Asian Human Rights (SAHR) organisation has put the whole thing in perspective: "A major human rights deficit in the South Asian region is the prolonged exile of Bhutanese refugees living in Nepal and India. Both host governments have often ruthlessly cooperated with the Bhutanese government in forced repatriation, arrest or denial of freedom of association and expression to the refugees. This tri-governmental alliance has demobilised the Bhutanese refugee population. Their visibility is low and all attempted solutions lack coherence."

My fear is that one of the consequences of allowing the problem to fester is the possibility that dissatisfaction and unrest among the refugees could lead, over time, to fomenting militant sentiments. This could create new conflicts in the region. India could experience the negative fallout of this situation. The Naxalites' strongholds are not too

distant from the refugee camps. Contact between the two is said to have been established on a regular basis.

Some day the militants may shut down the camps and move out. Bhutan would be more exposed to dangers than today. New Delhi will also get involved, willy-nilly. It is time that it develops South Asia as a region that values and strengthens human rights and democracy.

<http://www.tribuneindia.com/2007/20070129/edit.htm#6> (January 29, The Tribune, Chandigarh)

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