

The Bhutan REVIEW

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AMNESTY RELEASES YEARLY REPORT

More than 1,100 Nepali-speaking southern Bhutanese were forced to leave the country and some of their houses deliberately destroyed," states Amnesty International Report 1995. The 353-page annual report was released simultaneously by the national sections of the London-based international human rights organization on July 6. Covering the human rights situation and events during 1994, Report 1995 has entries for 151 countries.

In the entry on Bhutan, the report notes that Tek Nath Rizal, Amnesty's prisoner of conscience, spent his fifth year in prison and that "more than 50 political prisoners, including possible prisoners of conscience, remained in detention without charge or trial." It acknowledges the "general improvement in detention conditions and the treatment of prisoners," and the fact that the International Committee of the Red Cross (ICRC) was given access to prisons in southern Bhutan. Amnesty International's concerns over alleged extrajudicial executions in southern Bhutan by vigilante "village volunteer groups" and the deliberate lack of government initiatives to keep them in check are also reflected in the report.

Report 1995 states that about 1,100 southern Bhutanese were forced to seek refuge in the camps in eastern Nepal during the year. As a typical case, the ordeal of Nirmal Gurung and his family who were forcibly expelled from Samchi District is covered in some detail. [See Page 3f]

HUROB REPRESENTATIVES ADDRESS AI NEPAL MEET

Amnesty International Nepal Section organized a two-day National Youth Conference in Chitwan on 28-29 July. Tibetan and Bhutanese refugee representatives invited as guest speakers spoke on "Refugees and Human Rights" on the opening day. Dr. Bhampa Rai and Kishore Rai, General Secretaries of the Human Rights Organization of Bhutan (HUROB) represented the Bhutanese refugee community at the conference.

Speaking on the occasion, the Bhutanese representatives briefly highlighted the human rights situation in Bhutan and the reasons that led to the departure of over 100,000 citizens from the country. "Injustice and gross human rights violations" in Bhutan led to the current political crisis and the consequent problem of refugees, the human rights activists from Bhutan said. "Whenever human rights violations occur, ordinary people often take the initiative to remedy the situation; sometimes they are successful but many a times they themselves become the victims and are even forced to leave their country," Kishore Rai stated.

Refugees are generally the victims of human rights violations who are further exposed to exploitation after being made homeless and stateless. Given this interrelation between human rights and refugees, the Bhutanese representatives called upon the meeting to accord due priority to the issue of protection and promotion of the right of refugees.

Sit-in protest in New Delhi by BCDR

The Bhutanese Coalition for Democratic Reforms (BCDR) organized a day-long dharna (sit-in protest) at Jantar Mantar in New Delhi on July 24, 1995. The picket protested the participation of Bhutan's non-elected Speaker and other selected "parliamentarians" in the SAARC Conference of Speakers and Parliamentarians, the first such meeting, which took place in the Indian capital from 22-24 July 1995.

The demonstrators drew the attention of the world community, especially the people and Government of India, to the false pretensions surrounding the Bhutanese National Assembly. All members of this body are either directly or indirectly selected by the Government. Elections are unheard of in the Kingdom. The Assembly is used by the government for its ulterior motives according to the regime's convenience. Although the Royal Government claims that the National Assembly is a democratic institution, members are allowed



to assemble only when it is convenient for the regime - the 73rd Session meets on August 10 after a gap of two years when, in fact, the Assembly rules state that there must be a minimum of two sessions each year. In the absence of institutional guarantees, people in Bhutan live in servitude while

those espousing fundamental freedoms and reforms are forced to leave the country.

Banners and placards displayed during the protest called for, among others, a written constitution, an elected and representative parliament and an independent judiciary. "Bhutan's

National Assembly is for the government, by the government, of the government," read one placard. Human rights activists and prominent personalities from other SAARC member countries extended support for the cause and participated in the protest programme.

BCDR DELEGATION ATTENDS PEOPLE'S SAARC CONSULTATION

The South Asian Association for Regional Cooperation (SAARC), a regional grouping of seven South Asian nations celebrates its tenth year of establishment this year. Over the period, at least 13 areas of cooperation have been identified and Technical Committees established to enhance cooperation in these areas. However, all activities are confined to the government level. The people of the region are yet to notice any impact nor has the general populace benefited from such cooperation. Against this backdrop, a consultation of representatives of various people's organizations of South Asian countries was held in New Delhi from 20-24 July 1995 to discuss an "Alternative Agenda for South Asian People's Solidarity".

To strengthen the forces of the region which seek to contribute to human rights and democracy, peace, freedom and equality, and to emphasize the need for people to people cooperation, the concept of People's SAARC has been discussed over the past few years. After 5 days of extensive

consultations in New Delhi, the meeting came up with a number of recommendations. Stressing the need to maintain and promote the long cherished ideal of "unity in diversity" in the South Asian region, the recommendations assert that "the principle of sovereignty cannot be used to legitimize the violation of human rights." The set of recommendations also calls for equality of women, end to child and bonded labour, and urges the states to "show their commitment to the Universal Declaration of Human Rights" and to commit themselves to "democratic decentralization."

The meeting devoted a full session to discuss the political crisis in Bhutan and the problem of Bhutanese in exile. The 8-member BCDR delegation briefed the meeting and sought the solidarity and support of all the people of the region.

On the final day, on behalf of the participants of the consultation, the country coordinators submitted a memorandum to the SAARC Speakers who were in New Delhi for the Conference of the SAARC Speakers and Parliamentarians.

The memorandum called upon the SAARC governments to "urge the Royal Government of Bhutan to respect the democratic aspirations of the Bhutanese people and to constitute an elected and truly representative Parliament in Bhutan." It further called upon the Government of Bhutan to create a congenial atmosphere in the country in order to facilitate the immediate return of all Bhutanese refugees to their own homes.

The Consultation was co-convened by Pakistan Institute of Labour Education and Research (PILER), Nepal's Informal Sector Service Centre (INSEC), Indian National Social Action Forum (INSAF), People's Plan for the 21st Century (PP21), Bangladesh, and the Bhutanese Coalition for Democratic Reforms (BCDR). Karamat Ali (Pakistan), Sushil Pyakhurel (Nepal), Anand Swaroop Verma (India), Mohiuddin Ahmed (Bangladesh), Sarath Fernando (Sri Lanka) and Tenzing Zangpo (Bhutan) are country coordinators of the Consultation.

U.S. HUMAN RIGHTS ADVOCATE MEETS BHUTANESE DISSIDENTS

Charles H. Norchi, Executive Director of the New York based International League for Human Rights who was recently in Nepal, met with representatives of the Bhutanese dissident community in Kathmandu. Dr. Norchi who is also a member of the graduate faculties of Political Science and International Security Studies at Yale University as well as a Fellow of the Kennedy School of Government at Harvard University led a Round Table discussion on "Strategies for Human Dignity: Building Coalitions" in which twelve Bhutanese dissidents representing various groups participated. The programme was organized by the United States Information Service (USIS) office in Kathmandu.

The meeting recognized the goal of Bhutanese in exile: reforms in Bhutan to guarantee and safeguard the rights of all citizens and the safe return of all refugees. Among the issues discussed were possible reasons for eviction of people from Bhutan by the regime and the methods employed, and various options open to dissidents, His Majesty's Government of Nepal, and the international community to enable an early repatriation of all Bhutanese refugees.

The International League for Human Rights which holds consultative status with the United Nations, UNESCO, the ILO and the Council of Europe is reportedly preparing a report on the Bhutanese crisis and is also planning to raise the issue at the forthcoming session of the UN sub-commission on Human Rights in Geneva.

HUROB welcomes Nobel laureate Aung San Suu Kyi's release

The Human Rights Organization of Bhutan (HUROB) has welcomed the unconditional release of Burma's most popular leader and 1991 Nobel Peace Prize winner Aung San Suu Kyi. In a Press Release, HUROB has noted that international support and the pressure which built up over the years has been instrumental in the Nobel laureate's release. In her non-violent struggle for democracy in Burma, Suu Kyi has symbolized the cause of millions all over the world struggling for human rights and democracy. Her release gives others courage and hope, the release states.

In celebrating the new found freedom of Aung San Suu Kyi who remained in detention for almost six years, HUROB drew the attention of the world community to the neighbouring Kingdom of Bhutan. Tek Nath Rizal who was championing the cause of human rights in Bhutan was abducted from Nepal in 1989. He will be completing six years of imprisonment in November this year. For much of this time he was kept shackled in solitary confinement. Along with Rizal there are many more little known political prisoners in the country. Encouraged by the release of Nobel laureate Aung San Suu Kyi, HUROB urges the freedom-loving community across the world to call upon the Royal Government of Bhutan to release Tek Nath Rizal and all other political prisoners unconditionally.

The Bhutan REVIEW

SIMILARITIES AND DIFFERENCES

On July 10, the Burmese military junta finally relented: Daw Aung San Suu Kyi, 50, Burma's high-profile dissident, confined to her family's lakeside bungalow in Rangoon for the last six years, was free. There was no indication as to precisely what factors led to the sudden and unexpected decision, or what other changes or reforms might follow, but one thing was clear: international pressures, diplomatic and economic, work.

To the average Bhutanese, Burma might as well be millions of miles away - and vice versa - as the two countries have never had direct trade or diplomatic relations. But there is a connection, and Suu Kyi is both a link in the limited interpersonal relationship that exists between Bhutan and Burma as well as the common denominator highlighting similarities in the prevailing political situations in the two nations, as also in underscoring the often glaring dissimilarities in the way the world has ventured to view the two parallel situations.

Suu Kyi spent a year in Bhutan in 1971-72 and worked as a general research assistant in the then Department of External Affairs. Her husband Michael Aris, a renowned scholar of Tibetan and Bhutanese history and author of several books on Bhutan, whom she married in 1972, was a royal tutor and government translator in Thimphu between 1967 and 1972. But Suu Kyi's ties to Bhutan go back much earlier as her family had known the Dorji family in Kalimpong, India, since the late nineteenth forties. This relationship was further strengthened when Suu Kyi's mother Daw Khin Kyi served as Burmese ambassador to India from 1961 to 1967.

In 1948, six months after the assassination of Suu Kyi's father General Aung San, national hero acknowledged as the father of the nation, Burma which was made a part of the British Empire in 1885 became an independent republic. The country had a parliamentary democracy until 1962 when the elected government of U Nu was overthrown by a group of army officers led by Ne Win, the commander-in-chief. Since then, Burma has been under army rule.

The announcement by Ne Win in July 1988 of his retirement and his promise of a referendum for Burma's political future was followed by an upheaval when his party refused to relinquish control. Suu Kyi, visiting her ailing mother, was drawn into the struggle for reforms and became the focal point of the dissident movement. Exactly a year later in July 1989, she became a prisoner in her own house. Her party, National League for Democracy, won the May 1990 general elections with a massive margin but the military junta refused to transfer power. In 1990 Suu Kyi was awarded the Thorolf Rafto Prize for Human Rights in Norway and the Sakharov Prize for Freedom of Thought by the European Parliament. In 1991 she received the Nobel Peace Prize.

The Bhutanese crisis also surfaced in 1988 with the petition submitted to the King by Royal Advisory Councillors Tek Nath Rizal and B.P. Bhandari in April. The petition was deemed seditious and treasonous; Rizal was arrested, forced to sign an agreement-cum-confession before his release on June 4, and removed from his elected position. Unable to abide by the restrictive conditions of the agreement, Rizal fled the country in July 1988. Rizal was abducted from Nepal by agents of the Royal Government and brought back to the country on November 16, 1989. For four full years, Rizal was kept in continuous solitary confinement. For two years, from the date of his arrest until October 10, 1991, he was continuously kept in iron shackles. In January 1993, three years after his abduction, Rizal was brought before the High Court charged with crimes based on the National Security Act promulgated only in 1992. He was found guilty and sentenced to life on November 16, 1993. Three days after this verdict the King granted Rizal a bizarre conditional amnesty, promising to free him after the crisis in the country was resolved. The problem remains, and so does Rizal's fetters.

Both Suu Kyi and Rizal were compelled by circumstances, coincidentally at about the same time, to throw themselves into the struggle against state injustice and repression; both were incarcerated at around the same time; both spent six long years away from family and friends. The uncanny similarities in the two cases has now ended - only one is free.

There are other disturbing dissimilarities. While one has received scant international attention, except for the untiring efforts of Amnesty International whose adopted prisoner of conscience he is, the other has remained in focus and received international recognition and awards. Consequently, while one government has faced the heat and felt the pressure - enough to effect a release, the other regime continues to be let off relatively easily - and therefore still holds the dissident. In the eyes of the world, is it Rizal and his struggle which are unworthy of concern, or is it Bhutan that does not merit attention? Either way, Rizal is losing out.

Postscript: A friend was in Burma recently. Complaining about the excessive and stifling government controls in the country, he was surprised and shocked when a Burmese who served as a UN volunteer in Bhutan and an expatriate who worked for the Royal Government both stated that Burma, compared to the mountain Kingdom, was a free country. "I've appreciated and understood your struggle so much more ever since," he says.

BEYOND HUMANITARIANISM

My basic premiss is that the refugee problem is a worldwide phenomenon, and that it is inextricably linked with other major international problems of the present time. Hence, because it can no longer be seen as a problem particular to a country or region, a common, global approach to it has become imperative. The refugee problem should therefore be of concern to governments and people everywhere, and its solution should be considered to be in the interests of all states.

My second premiss is that the law relating to the contemporary refugee situation must amount to more than a law relating to the legal status and protection of refugees - it must be a law encompassing the refugee problem as a whole. The primary concern of this law should be the refugee or asylum-seeker - the victim of persecution or violence. I call this a victim-orientated approach. The needs of the victim should guide the search for appropriate solutions.

My third premiss is that the refugee problem concerns not only the individuals in their relations with states, but also the states in their relations with one another. As long as the emphasis is put on the former, the refugee problem is bound to remain on the periphery of international relations. Today's refugee problem demands that it be brought into the mainstream of international concern so that more attention can be given to solutions, whether they are to be found in the country of final destination, in intermediate countries, or in the country of origin. Such an approach will enable countries of origin to be associated with efforts to find comprehensive solutions, especially in establishing conditions favourable to voluntary repatriation and in limiting the causes of refugee movements. Humanitarian interventions on behalf of refugees are no longer sufficient if made without reference to the political situations which have given rise to the refugees' flight. The humanitarian objectives and the political will of governments to seek out the root causes of refugee movements must converge. States must be ready to take a collective and responsible approach to all refugee problems. The Office of the High Commissioner, which is a creation of states, can fulfil its mandate only with the full co-operation of states. The UNHCR can only be as effective as states are willing to make it. Gone is the time when states could feel good just by contributing financially to the High Commissioner's humanitarian programmes and work with refugees. Today's High Commissioner needs more than the humanitarian support of governments: he also needs their collective political will to explore solutions to refugee situations. While the High Commissioner undertakes the necessary humanitarian action, states should also explore all possible political initiatives.

... What do I mean by the political will of states to address root causes? As I said earlier, today's refugee problem can no longer be tackled through humanitarian assistance alone. For

those large numbers of people who belong to the extra-Conventional category, the only solution lies in attending to the root cause, first to remove the reason for further flows where refugee movements appear likely to continue, and then to reverse the flow through the creation of appropriate conditions for the voluntary repatriation of those who have already left. I realize that this is not an easy task and may not succeed in many cases but an effort must be made and initiatives must be taken, for, invariably, the causes of a problem and the solution to that problem are integrally linked.

When I talk about addressing root causes, let me also make it clear that it is primarily the community of states which must take initiatives in the matter. The UNHCR is willing to play the role that governments themselves wish it to play in order to facilitate such initiatives.

An analysis of the root causes of the major refugee movements of today would reveal two main contributory factors: armed conflicts or serious internal disturbances, and human rights violations. These are themselves only too often the result of disparities between rich and poor countries, which have existed for many years, with all the manifold consequences inherent in this disparity.

I believe that a collective approach by the international community can have a decisive impact on armed conflicts and serious internal disturbances. Similarly, any international approach towards durable or permanent solutions must also include action to improve the human rights situation within the country of origin and to ensure that country accepts the responsibilities of statehood. The acceptance of the law of state responsibility in the field of refugee law is seriously deficient. This is a particular area in which more attention is called for from the international community. The concept of state responsibility will bring the country of origin more fully into the international system of response.

The root causes approach should apply not only to the country of origin but to intermediate receiving countries also. As I indicated earlier, we are often confronted toady with what one might call 'two-step refugee flows'; that is, refugees who first move to a neighbouring country in the region and, thereafter, because of unsatisfactory conditions there, move to another country, usually outside the region, where conditions are perceived to be more satisfactory. In such situations too it is of crucial importance that states exercise the political will to look into the root causes of the second movement, while at the same time making available appropriate financial and other assistance to the countries of first asylum in order to enable them to continue to provide temporary asylum to refugees in their territories.

There are two schools of thought about UNHCR's role *vis-a-vis* the root causes of refugee movement. Some believe that, for UNHCR to be effective in the handling of refugee problems and

in finding appropriate solutions, it must take an active interest in all major disruptions which could or do lead to refugee flows across frontiers, and that it must try to contribute to their resolution. Others fear that, if UNHCR follows this line of action, it may become entangled in political controversy, and its humanitarian work may be blocked.

Although both concerns may be valid, I think it is possible to take a middle path. The UNHCR is, of course, bound by statutory provisions of a 'humanitarian and non-political' organization. But where does one draw the line between the 'humanitarian' and the 'political'? Sometimes a facile distinction is made by referring to all actions aimed at the situation in the country of asylum as 'humanitarian' and any action aimed at the causes of the situation in the country of origin as 'political'. I reject this distinction. To me, any action which is aimed at and motivated by a concern for the well-being of human beings is 'humanitarian', whether this action relates to the country of asylum or the country of origin.

This being said, UNHCR must of course avoid any action that could be perceived as being incompatible with its strictly non-political, humanitarian mandate. The UNHCR must not take sides in hostilities or engage at any time in controversy, whether political, racial, religious, or ideological. On the other hand, UNHCR must be concerned with the question of root causes in order to be aware of the precise reason for refugee flows, and thus be able to identify solutions in a more appropriate manner. Beyond this, UNHCR should, while preserving its non-political, humanitarian mandate, encourage governments to adopt a more active approach in considering the root causes of refugee flows.

... From what I have said it follows that a constructive approach to refugee problems calls for parallel efforts to deal with both their humanitarian and political aspects. These are closely interrelated and the attainment of positive results in one cannot but have a favourable impact on the other.

If the main emphasis of this chapter has been on the causes of and comprehensive solutions to refugee movements, it is because I believe that the international protection of refugees, for which my Office was created, can no longer be perceived in isolation from these factors. The humanitarian principles established for the treatment of refugees, together with the mechanisms for their implementation, represent an achievement of which the whole civilized world has reason to be proud. But, in order to ensure that this achievement is preserved, we need to look beyond humanitarianism and to find the political will to resolve today's refugee problems.

Jean-Pierre Hocke, former UN High Commissioner for Refugees, in Refugees and International Relations (Edited by: Gil Loescher and Clare Monahan), Clarendon Press, Oxford, 1990.

AMNESTY INTERNATIONAL REPORT 1995

Each year Amnesty International in an annual report documents its work and concerns throughout the world. The report covering the period January to December 1994 was released on July 6. The 353-page book includes information on Amnesty International's activities and concerns on a number of important issues, and covers the human rights situation during the year in 151 countries.

Covering Amnesty International's 1994 Theme Campaign against "Disappearances" and Political Killings (The Search for Truth and Justice), the report provides examples of highly innovative and successful methods adopted by the organization's local sections and groups worldwide to "put the perpetrators of 'disappearance' and political killings on notice." Reporting on Membership, as the movement grows and expands, the organization's "strength through diversity" is highlighted. Over 1.1 million individuals in 170 countries are now Amnesty International members, subscribers and regular donors who are part of 4,329 local

groups that meet regularly in every region of the world. 55 countries, including Nepal, have sections which coordinate efforts at the national level.

Amnesty International's role in Human Rights Education, Protection of Refugees, and its interaction with International Organizations are also dealt with at length in separate chapters. However, recognizing the growing international movement of women's organizations and human rights groups, and in view of the forthcoming UN World Conference on Women, Report 1995 is appropriately dedicated to the millions of women who are now resisting repression and standing up for their rights.

In the introduction, *Human Rights are Women's Rights*, the report points out that all too often women who face rape, mutilation and death at the hands of armed men remain invisible, their tales unheard, their plight hidden by the sheer scale of the tragedies in a world racked by violence. During 1994 women suffered every known abuse and violation of fundamental human rights. Perpetrators did not

discriminate on the grounds of sex, unless it was to subject women to abuses to which they are particularly vulnerable. There was no let up from the suffering despite the historic Declaration of the World Conference on Human Rights the previous year when the international community acknowledged that women's rights are human rights and promised to guarantee women their social, economic, civil and political rights.

The report points out that many governments have done almost nothing to ensure that women enjoy the full range of rights to which they are entitled. The international community only pays lip-service to equality - Amnesty fears that "Equality by the Year 2000", the UN's slogan for the present decade, may never materialize.

Amnesty International does not agree, the report confirms, with governments and individuals who argue that civil and political rights must be subordinate to regional and cultural traditions. All human rights, including women's human rights, are indivisible and

universal, the report makes very clear. All human rights are interdependent and also apply to all people under all circumstances. No government has the right to hide human rights crimes behind a smokescreen of "tradition", "culture" or economic imperatives.

The Fourth UN World Conference on Women in Beijing this coming September provides the forum for bringing on centre-stage many of the issues that have been of concern to human rights group and women's organizations. The report hopes that Conference will help provide some answers as it offers both a focal point for campaigning on women's human rights and an opportunity to press governments attending the conference to guarantee that real action to promote and protect women's human rights is placed at the heart of the international agenda.

"IN QUOTES"

"We have to choose between dialogue or utter devastation. I would like to believe that the human instinct for survival alone, if nothing else, would eventually lead all of us to prefer dialogue."

Nobel Laureate Aung San Suu Kyi in a statement issued on July 11, 1995 after her release from house arrest.

"His account about Bhutan is *dasho*-sided. Even for a dilettante liberal that Sanjoy Hazarika is, his comments on the Lhotshampa's predicament show lack of sympathy, research and objectivity. Why should people desert the house of their forefathers unless forced to do so? Would anyone voluntarily opt for the squalor of a refugee camp?"

Romesh Bhattacharji reviewing Hazarika's book, *Strangers of the Mist: Tales of War and Peace from India's North East*, in *Himal*, Jul/Aug 1995.

BHUTAN

A prisoner of conscience spent his fifth year in prison. More than 50 political prisoners, including possible prisoners of conscience, remained in detention without charge or trial. Prison conditions reportedly improved. "Village volunteer groups" were reportedly responsible for possible extrajudicial executions in the south. More than 1,000 Nepali-speaking southern Bhutanese were forced to leave the country and some of their houses were deliberately demolished.

The governments of Bhutan and Nepal met three times to discuss the fate of more than 85,000 people living in refugee camps in eastern Nepal, the great majority of whom are Nepali-speaking people from southern Bhutan. In April agreement was reached on the procedures for classifying these people into four categories agreed upon in 1993, with a view to some returning to Bhutan (see *Amnesty International Report 1994*). However, this work had not started by the end of the year. In October delegates of the UN Working Group on Arbitrary Detention visited Bhutan.

Continuing attacks on civilians in southern Bhutan, including armed robbery, rape and sometimes killings, were attributed by the government to "anti-nationals" returning to Bhutan from the refugee camps in Nepal. There were also reports that armed members of the Bodo tribal community in Assam, India, were responsible for abuses in southern Bhutan.

Tek Nath Rizal, a prisoner of conscience, spent his fifth year in prison despite having been pardoned by Bhutan's head of state, King Jigme Singye Wangchuck, in late 1993 (see *Amnesty International Report 1994*).

More than 50 Nepali-speaking southern Bhutanese remained held without charge or trial. They included possible prisoners of conscience, many of whom had been held for more than three years. A further 50 had reportedly been charged and were awaiting trial. During 1994 the King granted an amnesty to 59 political prisoners, including Deo Datta Sharma (see *Report 1994*).

In May seven Nepali-speaking southern Bhutanese charged under the National Security Act with treason and involvement in various "anti-national" activities were sentenced to between 10 years' and life imprisonment. The trial of 17 people from Sarbhang, Geylegphug District, started in July but had not concluded by the end of the year. Details of the proceedings in both cases were not known.

A general improvement in detention conditions and the treatment of prisoners was reported. The International Committee of the Red Cross extended its visits to places of detention to include southern Bhutan.

"Village volunteer groups" were reportedly responsible for possible extrajudicial executions in the south. In February members of one such group in Sarbhang, Geylegphug District, reportedly attacked seven Nepali-speaking robbers with knives. They killed three of them, apparently without attempting to arrest them. No disciplinary action was taken.

Approximately 1,100 Nepali-speaking people from southern Bhutan arrived in the refugee camps in eastern Nepal. Many of them were believed to have been forcibly exiled from Bhutan. Bhutanese local government officials had taken various measures to make them leave, including forcing them to sign "voluntary migration forms" and destroying their homes (see *Amnesty International Report 1994*). In one case, the *dungpa* (local administrator) had told Nirmal Gurung that 32 families from his village in Samchi District

had petitioned the government to "remove" him and his family. Nirmal Gurung was made to fill out a "voluntary migration form" and told to leave the country. The villagers then drew up a petition stating that they had not asked for the family to be removed; their alleged request had been concocted by the authorities. In June Nirmal Gurung's family was nevertheless told to leave and informed that their "voluntary migration form" could not be withdrawn. Nirmal Gurung was refused permission to appeal to the King. Three soldiers and the village headman then destroyed his home. Other villagers assisted under threat of eviction themselves. Nirmal Gurung and his family subsequently left for the refugee camps in Nepal.

In August Amnesty International published a report, *Bhutan: Forcible Exile*, highlighting its concern that people forced into exile may be denied their right to return to their own country. Amnesty International continued to appeal for the immediate and unconditional release of Tek Nath Rizal and for all political prisoners to be promptly and fairly tried or released. Its request for a transcript of the trial of Tek Nath Rizal to be made public was refused by the government on the grounds that High Court rules "prohibit publication of 'restricted documents'". Amnesty International has also information about the estimated 4,000 "village volunteer groups" operating in southern Bhutan, and urged the government to ensure that all such groups observe basic human rights standards.

MEDIA SCAN

BHUTAN IN 1994

Bhutan, the last Shangri-la of the vanishing Lamaist Buddhist polities in the Himalayas, was considered less than a decade ago as ideal locale in which the Sri Lankan government and the country's rebel Tamils might negotiate a solution to their violent ethnic conflict. Within a couple of years, however, Bhutan itself has turned into another theater of ethnic strife, this one pitting the dominant Buddhist communities in northern Bhutan against an immigrant Nepali Hindu community in the southern third of the kingdom. The situation quickly became a stalemate, in 1994 it continued to be the most significant political issue in the country, although it tends to be treated as a problem of law and order.

If one reads the proceedings of Bhutan's Tshongdu (national assembly) and speeches by its members, one rarely finds a forward-looking statement that rises above populism and xenophobia, nor has there been an honest effort to identify the issues affecting the body politic. However, it is handicapped in providing a forum for dissenting voices, and structural reforms in the style of representation are badly needed. Visitors to Bhutan are told that political reforms are on the king's agenda but that he is unsure about the timing of their introduction and his subjects' response....

The controversial claim that Bhutan has about 600,000 bona fide subjects has helped the country achieve another miracle. The Human Development Report issued by the United Nations Development Program (UNDP) had listed Bhutan among the least developed of its 173 member countries. But by adjusting the claimed population figure, per capita income, literacy rate, and life expectancy, Bhutan's ranking went up from 162 to somewhere around 130. Bhutan, however, is one of the few countries in which statistics do tell lies. In reality, the social development undertaken is far more significant than the achievement rates indicate.

By tradition, Bhutan is a Buddhist Drukpa monarchy; it is also a country in which predominantly Hindu Nepalese immigrants have been living for nearly a century as subsistence farmers in the southern foothills. In other words, this Lamaist kingdom has a sizable immigrant population strategically located in a frontier zone over which the center may not have complete control...

People are being attacked by terrorists from across the India-Bhutan border to create a situation in the south in which the loyal Lhotshampas flee, leaving the economy totally paralyzed. For the Bhutanese, the ethnic conflict represents a problem of law and order, and left to themselves they would handle it in their own way. In the deserters' viewpoint, the real issues facing the kingdom are not illegal immigration, anti-national activity, or terrorism as claimed by the government, but rather the establishment of political pluralism, democracy, and protection for human rights, and on these the two sides do not see eye to eye.

A.C. Sinha in the *Asian Survey*, Vol. XXXV, No. 2, February 1995

POLICIES FOR A RESTLESS WORLD

- Lincoln Bloomfield

Policies for a Restless World has been extracted from *Refuges in the 1990s: New Strategies for a Restless World*, a project of the American Refugee Committee and the U.S. Committee for Refugees, Minneapolis, Minnesota, January 1993.

GUIDELINES

The refugee question extends far beyond the issue of the individual "displaced person." Refugees today are a tragic feature of a seamless totality combining political, economic and environmental factors. In the past the focus was on political refugees, but so called economic migrants are important elements in a different "displacement" equation drawn by working conditions and social circumstances in the society of origin.

International refugee policy must take into account three settings. First, refugees and other migrating people are obviously the product of the conditions - war, poverty, discrimination - from which they fled or were expelled. The setting where the refugee winds up is defined by parameters of state sovereignty, under which his/her individual "rights" are a function of the "host" country's economy and attitudes towards foreigners. Once repatriated, he/she confronts a third setting in the internal conditions that may again force residents to become refugees.

These objective circumstances were recognized by the authors of this booklet's policy papers and the Minneapolis conferees, who recommended fundamental changes going far beyond refugee policy and the status of refugees. They are right in linking refugee generation with the basic causes of conflict along with economic and social development, and urging a far wider scope of policy to embrace "internal refugees" as well as some economic migrants.

Certainly refugees supply one more urgent reason to try and get ahead of the conflict curve through more purposeful dispute settlement and, failing that, "preventive protection" of afflicted citizenry - including people fleeing famine or anarchy. At the same time, the puzzle remains of how to deal creatively with the refugee problem at the policy level without having to solve all the other global and national problems that cause, exacerbate or otherwise affect the refugee.

The following proposals will strike some as too modest, and others as utopian. The need to update international and national refugee policies is urgent and new policies will be to a degree constrained by the existing system. But refugee policy is a major element of national and international governance that begs for changes in both attitudes and institutions as we stumble into a new age.

KEY RECOMMENDATIONS

A clear commitment to going home

The Cold War pattern was to try and resettle refugees elsewhere, as asylum-seekers or migrants, or to keep them in camps like those along the Thai border. Now it is possible to make repatriation the expected practice, not only because the Cold War is over, but also the low probability in an economically stressed world of any inherent right to permanent residence elsewhere. The unbreakable exception is the right of asylum, which must remain

inviolable.

Repatriation can be benign, but today's headlines underscore the need to cope with the worst cases, where murderous "ethnic cleansing" has made "home" uninhabitable. There repatriation has to mean some kind of approximation of prior residence in one's homeland. In Bosnia that may mean help in resettling in a new "canton." For Palestinians in camps or exile (too often forgotten in refugee discussions) it means a nominal right to return to a new West Bank/Jordan homeland.

Prevention of refugee outflows should be an important part of new foreign assistance strategies. U.S. assistance to Mexico and European aid to potential refugee sources suggest a more general rationale for development assistance aimed at both sustainable economies and democratic governance.

New definitions that embrace all displaced humans in need of "protection"

By any criteria of suffering and vulnerability, at least some of the so called economic migrants qualify for international protection. That cannot mean everyone motivated by a desire for economic betterment (which historically was the engine driving virtually all mass emigrations), who will continue to be covered by national immigration laws.

But a well-founded fear of persecution should not continue to be the only basis for protection under international rules. Such protection is equally warranted for individuals driven involuntarily from their homes by famine, life-endangering anarchy, and (soon) exhaustion of means of sustenance by environmental degradation, whether by depletion of fuel or arable land, or possibly radiation-poisoned land (i.e., new Chernobyls). It is time to revise the 1951 UN Convention (and the 1980 U.S. Refugee Act) to spell out this new set of criteria for refugee status.

International institutions

Needful action comes under three headings. (In addition, the UN High Commissioner for Refugees needs administrative strengthening and more reliable financing, but the UNHCR has performed admirably under present constraints, and UN reforms and financing represent a generic problem that should be tackled as a whole and piecemeal.)

Rights and duties of states

Existing conventions spell out the rights of individuals and the duties of states toward refugees, but shortfalls in national policy are egregious. Some countries distinguish themselves, while others contribute nothing. The ultimate threshold of national sovereignty is today found in unfettered control over immigration at a country's borders.

States cannot be forced to act humanely toward foreigners, but their international obligation toward refugees can be expanded. There should be developed an equitable scale of "capacity to absorb," analogous to (but fairer than) the UN scale based on capacity to pay. National "quotas" of refugee absorption would be agreed to, but they would be fungible as between hospitality and money, i.e., "play or pay."

Minorities

The grim new reality is what might be called slow-motion genocide of ethnically distinct groups (which sometimes are in fact majorities, such as the

Muslims in Kosovo province of Serbia). There was an unprecedented collective response to abuse of Iraqi Kurds and, in more limited ways, to "ethnic cleansing" in parts of the former Yugoslavia. Other cases in point, such as Sudan, are on the horizon. It is time to review the old League of Nations concern for minorities as such, starting with updating of the Genocide convention.

Humanitarian enforcement

A new order of collective UN action, backed primarily by U.S. military power, has emerged from the wreckage of the Cold War system. New national and international doctrines are being formulated in real time on a case by case basis within existing UN Charter categories and agencies, including responsibility for people displaced within state boundaries. This may be the only practical way to move toward new ground rules for humanitarian intervention in internal - but morally unacceptable - instances of famine, genocide, or anarchy, all of which generate refugees.

So far the UN has acted under the familiar rubric of "threats to the maintenance of international peace and security." It is desirable to develop a formulation for intervention to protect individual or minority rights on humanitarian grounds, to avoid blurring the peace and security criterion which remain vital to oppose acts of cross-border aggression.

Media involvement

Profoundly unsettling television images were a major stimulus to relief efforts in Ethiopia, Northern Iraq, the former Yugoslavia, and Somalia. Looking at dinnertime into the hollow eyes of starving or brutally displaced fellow humans has a more powerful effect than all the reports and speeches. Those films represented laudable initiative by the BBC, CNN, and other private media in target areas of their selection. To broaden such coverage, the UN, as part of its overall information program, should send UN television crews with every observer and peacekeeping mission, and disseminate that footage to the media.

Criminalization of mass uprooting of civilians

Much mass human misery is a consequence of man made conflict, and "refugee" is a neutral phrase that often masks murderous power grabs by a small number of identifiable tyrants and fanatics, whether Islamic fundamentalists in Sudan, military usurpers in Haiti, or racist rulers in Belgrade and Bosnia. Relief agencies dealing with heart-rending effects loath to discuss sensitive political causes, and diplomats tend to tiptoe around sensitivities, even those of tyrants. But the consequence is an undeserved immunity for rulers whose actions torment millions while humanitarian agencies rush in with food and money - and sometimes blood to clean up after their crimes.

To get ahead of that dismal curve and create a serious deterrent, it is necessary to criminalize mass refugee generation by deliberate acts of leaders. Some international deterrents are now in place against armed aggression crimes, and against acts of individual human rights abuse. The costs need to be made far more visible of gross abuse of minorities, purposeful "ethnic cleansing," and forcible

displacement of civilians, all resulting in mass refugee generation.

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Four sets of international rules should be urgently re-examined: laws of war, refugee conventions, human rights treaties, and international courts. The first step is to agree on a set of updated, generally agreed-upon norms that make clear what kind of refugee-producing political behaviour goes beyond the normal sovereign rights of states, creating a presumptive international obligation to prevent and, if necessary, punish.

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Specifically, this means refining Human Rights categories, updating the Genocide definition to cover "slow-motion genocide," and expanding war crimes to "peacetime" humanitarian crimes. The aim is massive deterrence by defining likely responses of the international system to grossly inhumane political behaviour.

Some steps have been taken to examine war crimes in Bosnia. Negotiations should create the often-proposed International Criminal Court to facilitate indictment of egregious behaviour. Enforcement of that Court's ruling should be part of the unfolding concept of UN "Chapter 6 3/4" humanitarian enforcement. In the meantime a "coalition of the willing" should in the worst cases act in the name of the community, under a Security Council mandate.

I'd like to conclude with a historical footnote of possible relevance: The U.S. applied a

doctrine of "preventive intervention" early in the century under the Roosevelt Corollary to the Monroe Doctrine whereby the U.S. could intervene in Latin America to see that nations behaved justly toward their European creditors (sic). President Theodore Roosevelt said that in cases of "chronic wrongdoing, or impotence" in the hemisphere, the U.S., "however reluctantly," would have to exercise "an international police power."

This artifact of earlier American imperialism should be converted into a more enlightened doctrine empowering the international community to ensure that states in morally intolerable circumstances, behave justly, not just toward European creditors, but toward their own people, at a minimum not slaughtering them or driving them from their homes and across other peoples' borders.

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Lincoln Bloomfield is professor emeritus and senior staff member of Massachusetts Institute of Technology's Centre for International Studies. He served in the White House as director of global issues for the National Security Council in 1979 and 1980, where his responsibilities included United States refugee policy. A member of MIT's faculty since 1963, Bloomfield directed the United Nations Project and the Arms Control and Global Interdependence Project at MIT and currently conducts research on international conflict and governance. Bloomfield served in the U.S. State Department for eleven years and now works with the department on political gaming.

REFUGEE CAMP INFORMATION

Location	District	Refugees	Students
Timai	Jhapa	8,338	2,968
Goldhap	Jhapa	8,013	3,023
Beldangi I	Jhapa	15,098	5,114
Beldangi II	Jhapa	18,961	7,092
Beldangi II Ext.	Jhapa	9,477	3,327
Sanischare (Pathri)	Morang	17,209	5,858
Khudunabari (N)	Jhapa	7,259	3,904
Khudunabari (S)	Jhapa	3,873	
Total		88,228	31,286

Cumulative births: 6,586

Cumulative deaths: 2,794

The above figures are as of July 31, 1995.