

# The Bhutan REVIEW

Monthly

News, Views and Reviews

VOL 4

No. 5

May 1996

Rs. 5/-

## BCCI OFFICIAL DEFECTS



The Assistant Secretary of the Bhutan Chamber of Commerce and Industry (BCCI), Rinzin Dorji has joined the Druk National Congress (DNC). Speaking to *The Bhutan Review*, Dorji said he left the country in view of the government's current policies which discriminate against the general public in favour of those close to the centre of power. According to Dorji, BCCI only serves and protects the interests of the rich and powerful, stifling the growth opportunities and opinions of the common man. This is also true for all other sectors in Bhutan today, he says.

BCCI which sustains itself through contribution from the business community is supposed to work for the development of the private sector. However, "it only serves the interest of a small group which has political clout," says Dorji. "Unless there is reform in the present political structure, outright discrimination and ad-hocism will continue," Dorji adds.

42 year old Dorji who resigned from his post to involve himself actively in the struggle for human rights and democratic reforms in the country is from Rangshikhar in Tashigang dzongkhag.

## EXERCISE WISDOM, PAKISTAN URGES INDIA

Pakistan has expressed the hope that the problem of Bhutanese refugees would be resolved soon. In the first official reference to the Bhutanese refugee problem by any SAARC nation, Pakistan hoped that the matter would not be too long drawn out and that both Bhutan and Nepal would be able to put this issue behind and end the suffering of those forced to live in refugee camps.

In a press statement issued in Islamabad recently, the spokesman of the Ministry of Foreign Affairs of Pakistan said that the number of refugees estimated at 110,000 represents more than one-sixths of the country's citizens according to population figures cited by the Bhutanese Government. About 88,000 refugees are in UNHCR-assisted camps in eastern Nepal, 15,000 in different parts of Nepal and the rest are believed to be in India, according to the statement.

While lauding the bilateral efforts being made to reach a settlement, Pakistan urged India to "exercise wisdom and restraint in this matter as it affects relations between the neighbouring SAARC member states."

## BHUTAN-NEPAL TALKS



The seventh round of Bhutan-Nepal talks on the refugee problem was held in Kathmandu from 4-8 April. Bhutanese Foreign Minister Dawa Tsering and his Nepalese counterpart Dr Prakash Chandra Lohani led their respective sides for the first meeting at

the level of Foreign Ministers. Home Ministers of the two countries had led their delegations in the past six rounds.

Despite expectations expressed in some circles about a possible breakthrough, there was no progress. According to reports,

the two sides achieved little else besides delivering their opening statements on April 5. A terse joint press statement states that the two sides agreed to meet again in Thimphu at a mutually convenient date.

## LOHANI BRIEFES MEDIA

At the end of the talks between Bhutan and Nepal in Kathmandu, Nepalese Foreign Minister Dr Prakash Chandra Lohani briefed the media. On the occasion, he read out a prepared statement in Nepali. The following is the full translation.

### PRESS STATEMENT

1. The problem of Bhutanese refugees is essentially a problem between the Bhutanese Government and the Bhutanese people. This is a humanitarian problem. Nepal has provided sanctuary to refugees of Bhutanese nationality on humanitarian grounds.

2. Within a very short period of time almost a hundred thousand Bhutanese citizens were compelled to leave their own country and become refugees. Of Bhutan's total population, nearly 20 per cent have become refugees. From a peaceful environment where there was neither war nor economic hardship, that such a large number of citizens, as a proportion of the total population, were forced to become refugees, is both strange and a matter of grave concern. This has raised explicit questions about human rights before everyone.

3. The international community has begun to take an interest in the Bhutanese refugee problem. International consensus that this problem be resolved soon and that Bhutanese be able to return to their own homes is now becoming clear. Nepal has always categorically maintained that Bhutanese refugees must be allowed to return to their own country in honour and dignity.

4. According to Bhutan, those Bhutanese who have left their country on their own accord

have forfeited their Bhutanese citizenship as per Bhutanese law. Therefore, they say, such Bhutanese cannot be accepted back in the country. The Nepalese side could not accept this view. This is based on two reasons. Firstly, according to surveys in the refugee camps most refugees have evidence of Bhutanese citizenship or land-tax receipts. According to Bhutan's own laws, there are clear provisions that ban non-Bhutanese from acquiring immovable property. According to these people, such a situation was created that they were compelled to leave their country simply to protect themselves. Therefore, the contention of the Bhutanese side that 20 per cent of the country's population abruptly decided to voluntarily leave the country even as there was peace and economic progress in Bhutan, does not appear to be consistent. Secondly, if one is to agree that Bhutanese citizenship is lost on leaving Bhutan, then many refugees living in the refugee camps will not be citizens of any country. If they are not citizens of Bhutan, they are certainly not Nepali citizens either. In this fashion, Bhutanese refugees in thousands would become stateless people as a result. But since the creation of this situation is the result of Bhutanese action, the Nepalese side insisted that Bhutan cannot contend that the

resolution of this problem is not Bhutan's responsibility and evade accountability. Hence the Nepalese side wished to know the views of Bhutan as to how this matter is to be resolved. In the meeting of April 6, the Honourable Bhutanese Foreign Minister stated that they would mull over this question and suggested that discussions be continued on April 7. On the morning of April 7, the talks were discontinued after it was suggested [by Bhutan] that discussions be suspended for the time being. On April 8 it was proposed that a response to this question would be communicated after discussions in the Bhutanese cabinet and that thereafter the date for the next meeting would be determined through diplomatic channels.

5. Nepal's position is very clear; resolution of the problem of Bhutanese refugees cannot be accomplished by creating thousands of stateless persons. The right to nationality is the fundamental right of every individual, and no individual can be arbitrarily deprived of his nationality according to the United Nations Universal Declaration of Human Rights. As a member of the United Nations, Bhutan cannot renounce this fundamental principle of human rights, nor would this, in the view of Nepal, be in the interest of Nepal-Bhutan friendship.

## ARBITRARY DETENTION WORKING GROUP ON REVIEW MISSION

A delegation of the Working Group on Arbitrary Detention of the United Nation's Geneva-based Commission on Human Rights is in Bhutan on a review mission.

In October 1994, a six-member delegation of the Group visited Bhutan at the "invitation" of the Royal Government "in connection with the alleged case of arbitrary detention" [of Tek Nath Rizal]. The team was led by Chairman L. Joinet of France, and included Vice Chairman K. Sibal of India and Member L. Kama of Senegal. On December 1, 1994, the Working Group adopted Decision 48/1994 (BHUTAN) which declared the detention of Tek Nath Rizal "not to be arbitrary". The Group submitted this Decision and its report on the visit to Bhutan (Doc. E/CN.4/1995/31/Add.3) to the 51st Session of Human Rights Commission (January 30 to March 10, 1995). [For a review of the report and a special editorial on the Decision, see the April 1995 issue of *Review* (Vol.3, No.4)]

The bizarre Decision and contradiction-riddled report have been subject to intense criticism. It was obvious that the delegation was influenced heavily during its visit. Human rights groups as well as some governments, were not only dismayed by the startling Decision, but are concerned that the credibility of the United Nations Human Rights Commission has been put into question. Although a follow-up visit was envisaged in the report, it is against this more serious background that the review mission is being fielded.

The delegation, led once again by Joinet, visited the refugee camps between April 26 and 28. Former detainees, including some who spent over two years in solitary confinement along with Rizal, were interviewed. The team left for Bhutan on April 29.

## FIRE IN REFUGEE CAMP, ONE DEAD

A child was killed in a blaze which reduced seventy-two huts to ashes and partially destroyed another 19 shelters in Beldangi I camp on April 14. Six year old Meena Rai, daughter of Manmaya Rai of Chirang district, perished in the fire which started accidentally at about 10 p.m. from a lamp in Hut No. 286 in Sector G2. Fellow refugees and implementing agencies rushed to the rescue of the victims whose meagre possessions were completely destroyed in the fire.

## The Bhutan REVIEW

### A CHANGE IN COURSE

In the absence of even a very faint hint of tangible progress, the recently concluded round of talks between the two governments has seemingly gone the way of past efforts. Consequently, the international community - which amazingly continues to express hopes of finding a solution mysteriously emerge from the bilateral process - has, yet again, been given reasons enough for exasperation. For the refugees - who, for lack of other straws to cling to, have harboured expectations of something fruitful coming out of all these dialogues - this failure means yet another round of frustration and despair.

Given the Royal Government's unabashed and undisguised designs to go to any length and resort to any means to 'right' the perceived demographic imbalance - even ousting *bona fide* citizens to achieve this objective - there are those of us who have consistently pointed out the futility in searching for solutions within a strictly bilateral framework. If Thimphu is allowed to have its way, it will never be inclined to see the problem resolved and consequently be forced to accept the return of those in exile.

When the sole purpose then is to thwart genuine efforts to work out solutions, the bilateral process, with infinite scope for prevarication and procrastination, is the perfect set-up. Unfortunately for the thousands of refugees, this was the forum agreed upon to resolve their fate. To make matters worse, whether on account of a lapse in concentration, underestimation of Bhutanese guile, or lack of appreciation of Thimphu's negotiating skills, Nepal needlessly agreed to jointly categorize refugees, including those determined to be Bhutanese. The Royal Government has exploited this to the hilt, ensuring that round after round of negotiations has been wasted in attempting to 'harmonize' positions on different categories of people in the refugee camps. That is easier said than done when there are only two parties involved, and one has no intention of agreeing to anything which would facilitate a solution since it will serve as conclusive proof of its misdeeds. Meanwhile, with savvy public relations work for which it is renowned, Bhutan has never tired of displaying its alleged political will to resolve the problem, even managing to convince some governments that delays in reaching an agreement are all attributable to Nepal.

For those ingenuously counting on the talks to provide an immediate solution, the apparent lack of progress in Kathmandu has justifiably increased their concerns. But some satisfaction can be drawn from the new direction that this round of negotiations has taken. True, there was neither an agreement nor even an imperceptible change in the rigid Bhutanese position. But, for the first time since the bilateral process began three years ago, up against unassailable arguments the team from Thimphu was forced to display less than the usual degree of aggression. Indeed, in the past, going by the public stance adopted by the Royal Government, the impression that the regime has deceptively managed to convey is that of a magnanimous Bhutan stooping to help Nepal resolve a problem of refugees on Nepalese soil. This might have been the first time that positions of the two sides was correctly portrayed - Nepal is the aggrieved party forced to deal with refugees generated by Bhutan, and the Bhutanese regime is in the docks for its actions and is expected to be responsible for its nationals on foreign soil.

Given any opportunity, there is little doubt that the Royal Government will continue to take recourse to stonewalling, and will wish to adopt every means possible to ensure that the talks continue to meander at a leisurely pace. However, if the seventh round of talks are any indication, His Majesty's Government has now prepared itself to deal with this strategy and the Bhutanese tactic of endless procrastination might not be permitted to continue for long.

The lack of progress and yet another agreement on the part of the Nepalese side to meet after an undetermined period is frustrating, it is true. This time, however, unlike in the past, the Bhutanese delegation carries back a very clear description of the problem viewed from Nepal's perspective - the refugees are of Bhutan's making and the responsibility for coming up with an acceptable solution lies with Bhutan. His Majesty's Government has categorically pointed out that in its efforts to conveniently disown unwanted citizens, the Royal Government cannot take recourse to national laws that contradict and clash with accepted international norms.

The Bhutanese delegation's unwillingness to engage in substantive discussions on April 6, 7, and 8 after the Nepalese views were submitted is a reflection of the difficulty that this line of argument presented to the Bhutanese side. On a sticky wicket, Foreign Minister Dawa Tsering's request for additional time to consider the Nepalese proposal, as well as his submission that these views would be put before the Bhutanese cabinet are excellent examples of Bhutanese negotiating tactics. This buys Bhutan more time, and for those gullible enough, it even subtly demonstrates Bhutanese "democracy" at work. In all probability, next on the delay agenda will be a scrutiny of the Nepalese proposal by the National Assembly which might even be followed by a national referendum. Hopefully, Nepal and the international community will not let the game go on forever.

## CONTINUING CONCERN - LETTERS & VISITORS

### Indian MP to Prime Minister Rao

Concerned with the continued stalemate in the Bhutanese refugee crisis - especially over the likely impact any extended struggle will have in the region around West Bengal state - Ms Mamata Banerjee, prominent Congress leader from West Bengal and a member of the Indian Parliament, has written to the Indian Prime Minister urging his intervention in resolving the problem.

While reminding the Prime Minister that "India always stands for human rights," and urging him to intervene in the matter "according to our precious tradition" and "as a leading country of the SAARC," Ms Banerjee warns that "this new development is likely to create a tense situation all along the Indo-Bhutan border."

Refugee representatives, particularly members of the BCDM, have met Ms Banerjee on different occasions and have apprised her of the problem as well as the possible repercussion if it is not resolved at the earliest.

### Nepalese Rights Group to Prime Minister Deuba

The New York-based Alliance for Democracy and Human Rights in Nepal which has been constantly highlighting the problem of Bhutanese refugees in Nepal has suggested that His Majesty's Government "evaluate its prudence in handling the Bhutanese refugee issue as a vital foreign policy decision in the long term interest of Nepal." On the eve of the seventh round of bilateral talks between Bhutan and Nepal, Dr Kamal Pande, a Coordinator of the Alliance has written to the Nepalese Prime Minister urging him to uphold "justice, freedom and democracy" in dealing with the Bhutanese refugee issue. The letter warns that the "prevalence of intolerance to ethnic diversity in the region is bound to make Nepal a perpetual safe haven for more than 12 million Nepali-speaking population living as ethnic minorities beyond Nepal's border, as well as other refugees displaced in the region." The letter goes on to caution that "Nepal has no capacity to provide refuge to such mass displacement of Nepali-speaking population, unless it also pursues

the policy of evicting millions of its citizens on non-Nepali origin."

Urging initiatives for a speedy and just solution of the problem, the Alliance calls upon Nepal to discuss the real issues with Bhutan. The international community, the Alliance believes, would be fully supportive.

### British MP to Bhutanese Monarch

Jeremy Corbyn, a member of the British Parliament for the last thirteen years, has written to His Majesty King Jigme Singye Wangchuck urging him to repatriate and restore citizenship to all Bhutanese who were forced to leave the country under various circumstances. "I have become extremely concerned about the human rights situation in Bhutan and in particular about the revoking of the citizenship of over 100,000 southern Bhutanese, making them stateless and thus forcing them into exile, causing the current Refugee Crisis," writes Corbyn.

Describing the present situation as appalling, Corbyn urges His Majesty to "suspend the implementation of the 1985 Act and 1988 census policy and to stop the further revocation of citizenship of southern Bhutanese." He further urges that the Royal Government "repatriate and restore citizenship to all those southern Bhutanese from whom citizenship was withdrawn...including those who were made to fill in "Voluntary Migration Forms", before being forcibly exiled."

Corbyn expresses concern over "policies and actions undertaken by the Royal Government of Bhutan that have resulted in the exile of a sixth of its citizens," and concludes that "such behaviour is totally against the spirit of the United Nations Charter, which was signed by the Kingdom of Bhutan on 21 September, 1971, pledging the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion."

MP Corbyn is an officer of the All-Party Parliamentary Human Rights Committee, and takes keen interest in international affairs, especially human rights issues.

### VISITORS TO THE CAMPS

Nepalese Foreign Minister Dr Prakash Chandra Lohani accompanied by Kathmandu-based diplomats visited the Goldhap refugee camp and the Kakarvita refugee screening centre at the Indo-Nepalese border on March 31. At Goldhap, the visitors inspected the living conditions in the camp and also examined documents - land-tax receipts, citizenship cards etc. issued by the Royal Government of Bhutan - held by some refugees. The dignitaries also met with representatives of the refugee community and exchanged views on the problem. Dr Lohani assured refugees that Nepal remained committed to repatriating Bhutanese refugees with dignity and honour.

Diplomats accompanying the Foreign Minister included the Ambassadors of Bangladesh, China, Pakistan, South Korea, Thailand and the United Kingdom, and Counsellor Ministers of Sweden and Canada. The UNHCR Representative in Nepal was also present on the occasion.

Kenneth Durkin, the U.S. State Department Refugee Programme Officer, accompanied by Peter Gadzinsky, First Secretary at the United States embassy in Kathmandu, visited the refugee camps and met with refugee representatives on March 26-27. They reiterated the concerns of their Government over the situation in Bhutan as expressed in the State Department human rights report and stressed the continued support of the Government and the people of the United States of America towards ensuring a resolution of the refugee problem.

An European Commission delegation comprising Willy De Meyer and A. Cresto Moreno inspected Timai camp and the Kakarvita Screening Centre on March 30. During the visit, the delegation also held discussions with the UNHCR and its implementing partners.

Okinobu Hirai, First Secretary at the Japanese Embassy in New Delhi, visited the camps from April 10-13. Talking to refugee representatives, Hirai said that he was on a fact-finding mission and stated that the Japanese Ambassador in New Delhi who is also accredited to Bhutan was likely to visit the refugee camps later this year.



Nepalese FM and Ambassadors at Goldhap

Book  
Review**REFUGEES AND REGIONAL SECURITY IN SOUTH ASIA**

- Muni and Baral

Konark Publishers Pvt Ltd, A-149, Main Vikas Marg, New Delhi. Hard cover, 245 pp, 1996, Indian Rupees 275.

Despite the noise and hype of the 'invasion' of developed countries by waves of refugees and economic migrants from the third world leading to an obsession among governments to develop mechanisms to permanently shut the door, of say "fortress Europe", on those seeking asylum, the truth is that the bulk of people compelled to involuntarily leave their homes remain in their own region. Thus, while studies on a global scale of the effect of the movement of large numbers of people has its own uses, focussing on this issue on a regional basis is likely to be more practical and worthwhile.

The Regional Centre for Strategic Studies (RCSS), Colombo, Sri Lanka, recognized this truth, especially in view of the fact that "very little attempt has so far been made to relate refugee flows with security concerns in general, and in the context of South Asia in particular," and approved a Seminar Project, 'Refugees and Regional Security in South Asia'. The result is a book by the same name edited by S.D.Muni, Professor of Asian Studies in the School of International Studies at Jawaharlal Nehru University, New Delhi, and Lok Raj Baral, Professor of Political Science at Tribhuvan University, Kathmandu. (Prof Baral has since moved to New Delhi having been appointed Nepal's ambassador to India; he is also accredited to Bhutan.) The volume is a compilation of papers presented in a seminar at the RCSS in Colombo, Sri Lanka, presumably sometime during 1994 - unfortunately, the dates are not indicated anywhere in the book.

In their introductory chapter, the editors note that at the end of 1993, South Asia with 2.14 million refugees, ranked fourth in concentration among regions of the world. In the recent past, however, South Asia was forced to cope with the displacement of far larger numbers: 20 million between India and Pakistan during 1947-50 following partition; 10 million from East Pakistan to India during 1970-71 prior to the birth of Bangladesh; and 3.5 million Afghans to Pakistan during the eighties following Soviet intervention.

Most South Asian countries have generated as well as received refugees. In the context of South Asia, the three main refugee generating factors are/were: a) *breakdown of colonial rule* (India/Pakistan - 20 million resettled and rehabilitated, Burma - 150,000 Indians repatriated, Sri Lanka - 338,000 Indians resettled till 1987); b) *nation-building processes* (East Pakistan/Bangladesh - 10 million in India most of whom subsequently returned, and more than 300,000 'Bihari Muslims' still stranded in Bangladesh, Sri Lanka - 295,000 Tamils in India and outside the region, Bangladesh - 1.8 million Hindus and 50,000 Chakmas to India, Bhutan - more than 100,000 southern Bhutanese to Nepal and India); and c) *extra-regional refugee flows* (Tibet - 133,000 in India, Nepal and Bhutan, Afghanistan - 1.5 million in Pakistan, Burma - 200,000 Muslim Rohingyas in Bangladesh).

Addressing the issue of forced migration in global perspective,

Nicholas Van Hear [Refugee Studies Programme, University of Oxford] argues that although many of the conflicts resulting in refugee flows, new and long-running, are taking on ethnic dimension, it is not clear that ethnicity is at the root of these upheavals. A more fruitful line of inquiry, he believes, may be the investigation of the wider *issues of membership*, or "how a particular society defines itself, and, most important, who belongs to it are at the heart of many involuntary mass migrations." Clear residence, naturalization, and citizenship rules are often lacking and even long-settled people, confirmed citizens but of alien origin, are often forced to live in a limbo, "tolerated until there is a crisis." There may be emerging "a crisis of membership" for such populations and "it is those who are not full members of the society in which they reside, or whose membership is somehow disputed or thrown into doubt that are targeted for expulsion, regardless of national citizenship status." Resolution of this question of membership, balancing the right of the "prior or established community" with the "territorial and locational right" of the newcomer, is the key to stemming forced mass exodus that appears to be increasing alarmingly, Van Hear concludes.

Analyzing ethnonationalism in South Asia, Shelton Kodikara [RCSS, Colombo] undertakes a country by country analysis and concludes that there are many parallels and commonalities in the contemporary political experience of different states in the region. Specifically in Bhutan, Kodikara states that ethnonationalism encompasses a sense of "sons of the soil" being threatened by immigrants from outside, fear of the indigenous populace being rendered a minority, sense of discrimination felt by the Nepalese, a conflict of cultures, and "a stark geopolitical reality: the consequences of demographic imbalance are threatening the survival of the state itself." Language figures in all the ethnic tensions, Kodikara observes, but his assertion that Bhutan adopted English as the first language and Dzongkha was made the second language only to placate Nepali-speaking Bhutanese is not true.

The Tibetan refugee problem, states Dawa Norbu [School of International Studies, Jawaharlal Nehru University, New Delhi] is significant not so much in its numbers, but because the refugees symbolize the survival of a unique culture and the peaceful struggle for a just cause. The 'free world' sees aid to Tibetan refugees as "humanitarian compensation for their State's inability to help the Tibetan cause." Norbu addresses the motives for the flight of Tibetans, mostly between 1959 and 1962, rehabilitation and survival strategies, impact on and tensions with host populations and social changes. He argues that attempts to blame Tibetan refugees for "creating" security problems, national or regional, miss the mark because "refugees are basically at the political mercy of host states, subject to its uses and abuses," he writes, recalling that Tibetan refugees were made scapegoats in Bhutan following an abortive external political intrigue in 1974 when Gyalo Thondup, brother of the Dalai Lama, and an

unnamed external power allegedly plotted to assassinate the then crown prince. He also notes that the CIA-funded Khampa guerrillas in Nepal were quickly disarmed and camps dismantled as soon as Washington achieved *detente* with Beijing in the early 1970s.

Shikha Bose [The Times of India, Calcutta] contends that refugees pose a serious security threat to India and states that the sheer magnitude of flow of people into the country itself serves as an indicator of the dimension and complexity of the problem. Bose claims that the Government of India allowed, and the Congress Party even encouraged, large-scale migration from East Pakistan/Bangladesh into the northeastern states. Except for some 45,000 Chakmas who were recognized as refugees and settled in Arunachal Pradesh, the rest are illegals although many have acquired legal status through underhand means. The presence of people with confused identity undermines India's internal security arrangement, Bose states. She refers to the various aggressive campaigns in the different states, notably Assam and Arunachal Pradesh, against 'foreigners', but admits that even accords reached are unlikely to be implemented.

Refugees played a significant role in the birth of Bangladesh, according to Imtiaz Ahmed [Department of International Relations, University of Dhaka]. The large flow of refugees from erstwhile East Pakistan allowed India to justify its interventionist actions that enabled it to "control and conclude the liberation of Bangladesh," by sending in the army, easily achieving a military victory, redefining its relationship with its arch rival, and emerging as a regional power.

Lok Raj Baral [Tribhuvan University, Kathmandu] provides the Nepali perspective of the Bhutanese refugee problem - the genesis, refugee flows, effect of refugees on local economy and environment, Nepal-Bhutan dialogue, and Indian indifference. Baral will undoubtedly be accused of bias, but understandable as this might be (every paper has naturally tended to reflect the attitude of the respective author's government/country) it is all the more unfortunate because the bias in this instance has more to do with style than substance. Baral warns that "Bhutan cannot remain problem-free by evicting a large number of its own people," that failure by Bhutan to address the issue of refugees will allow the problem to fester, that the matter has moved beyond simple repatriation of refugees to questions of human rights and democracy, and that failure to resolve the problem early could give way to guerrilla-type violent activities.

Refugees from Afghanistan have caused many political problems in Pakistan, says Pervaiz Iqbal Cheema [Quaid-i-Azam University, Islamabad]. Political parties are at loggerheads over the presence of the Afghans while easy availability of arms has led to increased crime, violent tribal clashes, and terrorism.

According to Bertram Bastiampillai [University of Colombo] in the 1980s, along with ordinary Sri Lankan refugees came Tamil militants who were given shelter and even received weapons training

from Indian security forces. The shift in Indian policy towards Sri Lankan refugees since the time of Rajiv Gandhi's assassination has hurt the common refugee, especially since there is now a greater thrust to complete repatriation even though the situation on the island is far from normal.

The editors contend that refugee-generating situations in South Asia, instead of being resolved have persisted and even intensified over the last few years. Bilateral negotiations have not always been successful and drastic intervention strategies are seldom adopted with return of refugees as the only agenda. While SAARC may not seem to appear as the forum for a regional approach to resolving issues, since many conflicts involve more than two SAARC countries, it should be possible to look beyond bilateralism, state the editors. The real answer, however, Muni and Baral conclude, "lies in working at the national level to resolve such conflicts or diffuse such situations that produce refugees."

**"IN QUOTES"**

"I stand for new politics - the politics of service, the politics of public good, the politics of clean giving rather than corrupt receiving. Politics is too important to be allowed to remain the playground of those who equate it with manipulations for personal advantage."

Indian lawyer Kapil Sibal, candidate in the 1996 Indian parliamentary elections. Sibal was a member of the UN Human Rights Commission's Arbitrary Detention Working Group delegation to Bhutan in October 1994 [See front page story]. There are many who continue to insist that the Group's controversial report and absurd Decision had much to do with corrupt receiving.

**MEDIA SCAN****Refugees risk being stateless**

KATHMANDU, April 8 - After the seventh unsuccessful round of ministerial talks between Nepal and Bhutan, the Bhutanese refugees in the camps in eastern Nepal are exposed to the risk of becoming stateless people.

Addressing a press conference after the conclusion of the talks on the refugee issue, Foreign Minister Prakash Chandra Lohani said, "If refugees are not Bhutanese citizens, then they are certainly not Nepalese citizens also."

Lohani was referring to the Bhutanese stand that those refugees who wilfully left their country are no longer Bhutanese nationals under the Bhutanese citizenship law.

"The problem of Bhutanese refugees in Nepal is not a problem between our two countries, it is a matter between the Royal Government and the people of Bhutan," he said, adding, "Nepal is involved only because Nepal has given asylum on humanitarian grounds to people seeking it."

Being 'stateless' could deny the refugees of their fundamental human right of nationality and also the privileges and protection they receive from any state as its citizens.

Says senior government advocate Balam KC, a member of the Nepalese delegation in the talks, "The Universal Declaration of Human Rights guarantees to every human being the right to nationality as well as protection against arbitrary deprivation of citizenship." Being a member of the United Nations, Bhutan too is obliged to follow these universal norms. Bhutan citizenship law, however, provides for termination of citizenship for speaking against the King, country and people. *The Kathmandu Post, Kathmandu, April 9, 1996.*

**Nepal, Bhutan talks yield no results**

KATHMANDU, April 9: The seventh round of talks between Nepal and Bhutan to solve the problem of 96,000 refugees residing in different camps in east Nepal did not yield any tangible result though new proposals put forth by Foreign Minister Dr P.C.Lohani may lead to some solution in future.

It was for the first time that negotiations were held at the Foreign Ministers' level. Both sides agreed to meet in Thimphu at a date to be decided later.

Bhutanese Foreign Minister left in the afternoon and did not address the joint Press conference. Dr Lohani, however, released the joint statement. Indian journalists tried to meet the Bhutanese Foreign Minister but there was no response.

According to sources, Bhutanese delegation headed by Mr Dawa Tsering made it clear that it will not be possible to accept those refugees who did not have citizenship certificates. Secondly, Bhutan may not welcome the refugees who voluntarily left their country and entered Nepal five years ago. There is lack of conformity about another category which deals with the criminal class. There are several refugees who fled to Nepal after committing various crimes. The Bhutanese government says there is no question of accepting them back.

According to observers, if all the conditions put forth by the Bhutanese Government are accepted then there will be seven to eight thousand refugees who will pass this acid test and rest will have to stay in the camps in east Nepal.

Dr Lohani while talking to Press said that Bhutanese delegation has agreed to consider the fresh proposals put forth by him in the Cabinet at Thimphu which reflected their seriousness and political will to solve the problem. He said we have offered to select any international agency to identify the refugees in the camps and any name suggested by Bhutan will be acceptable to us.

*The Hindustan Times, New Delhi, April 10, 1996.*

## EXTRACTS FROM U.S. STATE DEPARTMENT'S COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1995 - BHUTAN

The Wangchuck Dynasty of hereditary monarchs has ruled Bhutan since 1907... The Government significantly restricts the rights of the Kingdom's citizens. The King exercises strong and active, although indirect, influence over the Government. The Government discourages political parties and none operate legally. Judicial processes remain rooted in practices hundreds of years old. Written criminal and civil procedure codes are lacking, although programs to build a body of law and train lawyers are underway. There are significant limitations on the right to a fair trial, assembly, association, privacy, and workers rights...

### RESPECT FOR HUMAN RIGHTS

**SECTION 1 - RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:**  
*a. Political and other Extrajudicial Killing:* There were no reports of political or other extrajudicial killings.

*b. Disappearance:* There were no reports of politically motivated disappearance. During 1989-92, many of the thousands of ethnic Nepalese detained on suspicion of supporting a dissident movement were held in incommunicado detention. The Government has denied responsibility for any disappearances.

*c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment:* There were no reliable reports of torture or of rape by security forces in 1995. However, new and credible evidence continues to emerge among recent arrivals in refugee camps in southern Nepal that persons detained as suspected dissidents in the early 1990's were tortured during confinement. Security forces committed these abuses in southern Bhutan as a part of the Government's efforts to reduce the presence of ethnic Nepalese. This policy created a climate of impunity in which the Government tacitly condoned the physical abuse of ethnic Nepalese. There is little indication that the Government has adequately investigated or punished any security force officials involved in the widespread abuses of 1989-92.

Prison conditions are below international standards, but have been described as adequate if austere. A prison visit program begun in 1993 by the International Committee of the Red Cross (ICRC) and opening of a new prison in Chemgang in 1994 contributed to substantial improvement in conditions of detention over the primitive conditions that existed until a few years ago.

*d. Arbitrary Arrests, Detention, or Exile:* ...Arbitrary arrest and detention remain a problem but are not routinely used as a form of harassment. There may be delays in informing family members of an arrest. Incommunicado detention of suspected militants was a serious problem in 1991 and 1992, but the initiation of ICRC prison visits and establishment of an ICRC mail service between detainees and family members has helped allay this problem. The authorities continued to hold 129 persons on charges associated with political dissidence in southern Bhutan. Of these, 49 were serving sentences following conviction and 79 were still being tried

5 years after their alleged offenses were committed.

Although the Government does not formally use exile as a form of punishment, many accused political dissidents freed under government amnesties say they were released on the condition that they depart the country. Many of them subsequently registered at refugee camps in Nepal.

*e. Denial of Fair Public Trial:* There is no Constitution and the judiciary is not independent of the King. The judicial system consists of district courts and a High Court in Thimphu, with judges appointed by the King on the recommendation of the Chief Justice. Minor offences and administrative matters are adjudicated by village headmen...

Some or all of the 129 prisoners accused of anti-national activity serving sentences or under trial for offenses related to political dissidence primarily among ethnic Nepalese during 1991-92 may be political prisoners.

Tek Nath Rizal, an ethnic Nepalese and internationally recognized political prisoner, remained in prison following his 1993 conviction under the National Security Act for writing and distributing political pamphlets and attending political meetings. Nevertheless, a United Nations Human Rights Commission working group on arbitrary detention which visited Bhutan in 1994 at the Government's invitation determined that Rizal had received a fair trial and declared his detention "not to be arbitrary."

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence:* There are no laws providing for these rights, but cultural traditions are highly respectful of personal privacy. However, the Government has undermined these traditions by its emphasis on promoting national integration...

### SECTION 2 - RESPECT FOR CIVIL LIBERTIES, INCLUDING:

*a. Freedom of Speech and Press:* The Government restricts freedom of speech and press. The country's only regular publication is Kuensel, a government weekly newspaper with a circulation of 10,000...

*b. Freedom of Peaceful Assembly and Association:* These freedoms are restricted. Citizens may engage in peaceful assembly and associations only for purposes approved by the Government...

*c. Freedom of Religion:* Buddhism is the state religion... Citizens of other faiths, mostly Hindus, enjoy freedom of worship but not proselytize. Under the law, conversions are illegal...

*d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation:* Bhutanese traveling in border regions are required to show their citizenship identity cards at immigration check points, which in some cases are located at a considerable distance from what is in effect an open border with India. By treaty, citizens may reside and work in India.

### SECTION 3 - RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

Citizens do not have the right to change their government. Bhutan

is a monarchy with sovereign power vested in the King. There are, however, elected or partially elected assemblies at the local, district and national levels, and the Government purports to encourage decentralization and citizen participation...

**SECTION 4 - GOVERNMENT ATTITUDE REGARDING INTERNATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS** There are no legal human rights nongovernmental organizations (NGOs) in Bhutan. The Government regards human rights groups established by ethnic Nepalese exiles - the Human Rights Organization of Bhutan (HUROB), the People's Forum for Human Rights in Bhutan (PFHRB), and the Association of Human Rights Activists, Bhutan (AHURA) - as political organizations and does not permit them to operate openly in Bhutan...

### SECTION 5 - DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY, LANGUAGE, OR SOCIAL STATUS

*...Women:* There is no evidence of an extensive pattern of rape or spousal abuse... Criminal gangs operating in southern border districts continued to commit rape in addition to robbery. On May 4, one such gang raped seven women, including two girls. Security forces reportedly used rape in efforts to force emigration of ethnic Nepalese from southern Bhutan during 1991 and 1992...

Bhutan has not developed a rigid caste system or customs that sequester women... Varying among ethnic groups, inheritance practices generally divide family land equally among sons and daughters, and dowry is not practiced, even among ethnic Nepalese Hindus...

*Children:* The Government has demonstrated its commitment to child welfare by its rapid expansion of primary schools, health-care facilities, and immunization programs... Children enjoy a privileged position in society and benefit from international development programs focussed on maternal and child welfare. There is no pattern of societal abuse against children...

*People with Disabilities:* There is no evidence of official discrimination toward people with disabilities but the Government has not passed legislation mandating accessibility for the disabled.

*National/Racial/Ethnic Minorities:* Ethnic Nepalese arrived in Bhutan in large numbers at the turn of the century. The citizenship law of 1958 granted citizenship to all ethnic Nepalese adults who owned land and had lived in Bhutan for at least 10 years. However, the Government maintains that large-scale illegal immigration occurred and was not detected until the 1988 census. The increase of population prompted the Government to launch an aggressive campaign to reassert Drukpa culture, restrict immigration, and expel ethnic Nepalese. Members of the Buddhist population, including many members of the National Assembly, expressed fears that Bhutan's Buddhist society would be over-

whelmed by the Hindu ethnic Nepalese - as happened in neighbouring Sikkim, which was annexed by India in 1974 following political disturbances among ethnic Nepalese.

Early efforts at halting the demographic trend focussed on limiting immigration and attempting to assimilate the existing ethnic Nepalese. Measures to promote assimilation included financial incentives for intermarriage, education for some students in regions other than their own, and direction of economic development funds to the south. By 1989 assimilation gave way to policies aimed at "Bhutanization." Measures intended to promote a national identity required the wearing of national dress for official occasions, the teaching of Dzongkha as a second language in all the schools, and discontinued instruction in Nepali as a second language. (English is the language of instruction in all schools.)

Beginning in 1988, the Government expelled limited numbers of ethnic Nepalese through enforcement of a law that significantly tightened the requirements for citizenship. Until 1985 citizenship was conferred upon children if the father was a citizen under the 1958 Nationality Law. However, the 1985 Citizenship Act raised this standard by requiring both parents be citizens to confer citizenship on their children. The Government declared as illegal immigrants all residents who could not meet the new requirement. Residents who lost their citizenship under the 1985 Act may apply for naturalization but must prove residence during the previous 15 years.

Exile political groups complain that the law makes unfair demands for documentation on largely illiterate people in a country that has only recently adopted basic administrative procedures. They claim that many ethnic Nepalese whose families have been in Bhutan for generations were expelled because they were unable to document their claim to residence. The Government denies this and asserts that a three-member village committee - typically ethnic Nepalese in southern Bhutan - certifies in writing that a resident is a Bhutanese citizen in cases where documents cannot.

The 1985 Citizenship Act also stipulates the revocation of citizenship of any naturalized citizen who "has shown by act or speech to be disloyal in any manner whatsoever to the King, country and people of Bhutan." The Home Ministry, in a circular notification in 1990, advised that "any Bhutanese national leaving the country to assist and help the anti-nationals shall no longer be considered as a Bhutanese ... such people's family members living under the same household will also be held fully responsible and forfeit their citizenship." Human rights groups charge that this provision was widely used to revoke the citizenship of ethnic Nepalese who were subsequently expelled or otherwise departed from southern Bhutan.

A large-scale flow of refugees from southern Bhutan began in 1991, resulting from a Govern-

ment policy of discrimination against ethnic Nepalese. Tens of thousands of them were expelled between 1989-92. The Government asserts that claims of widespread abuses were fabricated and that civilian and security officials have been punished for a few instances of misuse of authority.

When the UNHCR began providing food and shelter in September 1991, there were only 304 persons claiming to be Bhutanese refugees in Nepal. By year end, there were 6,000. The refugee flow peaked in 1992, when 66,000 refugees arrived in southern Nepal. As of January, 86,119 refugees were registered in UNHCR camps in Nepal. Upwards of 15,000 refugees are believed to have settled with family members in India. By 1994, the flow into the refugee camps had slowed to slightly more than 60 persons a month and has further declined since then. Many recent arrivals report they departed Bhutan because of the depopulation in the southern districts, a heightened sense of apprehension and insecurity, and the desire to be reunited with family members already in Nepal.

The Government maintains that the numbers of persons who departed southern Bhutan during those years was substantially smaller than the number in the refugee camps, that many of those who left were Nepalese or Indian citizens who arrived after the enactment of the 1958 Nationality Law, and that many of the persons registered in the camps as refugees have no claim to Bhutanese citizenship and may never have resided in Bhutan. The UNHCR reports that the overwhelming majority of refugees who have entered the camps have been able to show documentary proof of Bhutanese nationality since screening began in June 1992 [1993 ed], and random checks of camp residents bear this out...

### SECTION 6 - WORKER RIGHTS

*a. The Right to Association:* Trade unionism is not permitted, there are no labor unions, workers do not have the right to strike, and the Government is not a member of the International Labor Organization.

*b. The Right to Organize and Bargain Collectively:* There is no collective bargaining in industry, which accounts for about 25 percent of the gross domestic product but only a minute fraction of the total work force. The Government affects wages in the manufacturing sector through its control over parastatal wages.

*c. Prohibition of Forced or Compulsory Labor:* The Government abolished its system of compulsory labor taxes in December...

*d. Minimum Age for Employment of Children:* The law set the minimum age for employment at 18 for citizens and 20 for non-citizens. A UNICEF study suggested that children as young as 11 are sometimes employed with road building teams.

*e. Acceptable Conditions of Work:* A circular effective February 1, 1994 established wage rates, rules and regulations for labor recruiting agencies, and regulations for payment of workmen's compensation...

**The United States does not have an embassy in Bhutan. Information on the human rights situation is therefore limited.**