

**SUFFOLK UNIVERSITY**

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**BHUTANESE REFUGEES IN NEPAL**

**GVT 668 – UN and Humanitarian Governance**

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## **EXECUTIVE SUMMARY**

Since 1990, approximately 107,000 Bhutanese had been confined to seven refugee camps in south-eastern Nepal. The Bhutanese authorities adopted a series of ethno-nationalist policies which effectively disenfranchised many ethnic Nepalese, depriving them of citizenship, civil rights and other humiliation (dress code and barring Nepali in educational curriculum). Eventually in 1990, the Lhotshampas who could not prove their residency status before 1958 were expelled from the country and fled to Nepal and to India (West Bengal).

After the reinstatement of parliament and a series of ceasefire talks between the Government of Nepal (GoN) and Maoists, the government has maintained its commitment to assist the Bhutanese refugees. However, these refugees are not allowed to be engaged in economic activities and they lack access to land for agriculture production. The problem of Bhutanese refugees has lingered for almost two decades and their fate has remained elusive. Basic necessities, education for these refugees are funded by the Government of Nepal, various United Nations (UN) agencies and other donors. There have been several high-level political bilateral meetings between the two countries to solve the crisis but with no results.

In 2007, GoN announced that refugees who wished to opt for third country resettlement could do so. Lately, the US, Canada, Australia, New Zealand, Netherlands, Norway and Denmark have agreed to resettle these refugees. However, there is disagreement amongst the young and old population as the young people prefer to start afresh in a new country whereas the older generation wants to go back to Bhutan.

## **ABBREVIATION**

AMDA	Association of Medical Doctors of Asia
DHS	Demographic Health Survey
ECHO	European Community Humanitarian Office
GoN	Government of Nepal
IOM	International Organization for Migration
IP	Implementing Partner
JVT	Joint Verification Team
MJC	Ministerial Joint Committee
NOC	No Objection Certificate
PCC	Police Clearance Certificate
UN	United Nations
UNDP	United Nations Development Agency
UNHCR	United Nations High Commissioner for Refugees
WFP	World Food Programme
WHO	World Health Organization

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# CHAPTER I - INTRODUCTION

## 1.1 General Country Information

**Nepal** is a land-locked country between India and the People's Republic of China. It is about 880 kms. long from east to west and is 190 kms. wide from north to south. It covers an area of 147,181 sq. km. From north to south Nepal has a topography which is : (a) the Mountain range with an altitude of over 5,000 metres (b) the hills at an altitude of 500 to 5,000 metres (c) the Terai with its low river valleys. Nepal's landlocked position and exceptionally difficult terrain pose additional problems to its development. Per capita income is reported to be US\$ 272<sup>1</sup>. The country is ranked 142 in the UNDP Human Development Report 2007/2008. It has a population of approximately 25.8 million<sup>2</sup>. The official language is 'Nepali' and the population consists of 'Hindu (80%)', 'Buddhist (10%)', 'Muslim, Christians and Others (10%)'<sup>3</sup>.

**Bhutan** is also a land-locked country between India and the People's Republic of China. It is about 300 kms. long from east to west and is 170 kms wide from north to south. It covers an area of 38,394 sq. km<sup>4</sup>. It is a Himalayan nation, located towards the eastern extreme of the aforementioned mountain range. Its shape, area, and mountainous location are comparable to that of Switzerland and is popularly known as Switzerland of Asia. From north to south they are: i) the mountains (commonly known as the Himalayas); ii) the highlands, which is the most populous part and where the capital 'Thimpu' lies; iii) the valleys and iv) the southern strip consisting mostly of tropical plains more typical to that of the southern plains of Nepal. The Lhotshampas Nepalese descendents who moved to the southern lowlands of Bhutan in the nineteenth century. Only two percent of Bhutan is arable land and most of it is focused here. In terms of economic development, its per capita income is reported to be US\$ 1,325. The country is ranked 133 in the UNDP Human Development Report 2007/2008. It has a

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<sup>1</sup> UNDP Human Development Report 2007/2008

<sup>2</sup> <http://www.cbs.gov.np/Nepal%20in%20figure/nepal%20in%20figures%202006.pdf>

<sup>3</sup> <http://en.wikipedia.org/wiki/Nepal>

<sup>4</sup> <http://www.bhutan.gov.bt/government/aboutbhutan.php>

population of 634,982<sup>5</sup>. The official language is ‘Dzongkha’ and the population consists of ‘Hindu (24%)’, ‘Buddhist (75%)’, ‘Others (1%)’<sup>6</sup>.

### Map of Nepal and Bhutan



## 1.2 Major International Human Rights and Refugee Instruments

Nepal and Bhutan are the member states of the UN, the state of ratifications is the following:

<sup>7</sup> Major International Human Rights and Refugee Instruments	Year of Ratification	
	Nepal	Bhutan
1. International Convention on the Prevention and Punishment of the Crime of Genocide 1948	1969	-
2. International Convention on the Elimination of All Forms of Racial Discrimination 1965	1971	1973
3. International Covenant on Civil and Political Rights 1966	1991	-
4. International Covenant on Economic, Social and Cultural Rights 1966	1991	-
5. Convention on the Elimination of All Forms of Discrimination against Women 1979	1991	1981
6. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment 1984	1991	-
7. Convention on the Rights of the Child 1989	1990	1990
8. 1951 Convention relating to the Status of Refugees <sup>8</sup>	-	-
9. 1967 Protocol relating to the Status of Refugees <sup>8</sup>	-	-

<sup>5</sup> <http://www.bhutan.gov.bt/government/aboutbhutan.php>

<sup>6</sup> <http://en.wikipedia.org/wiki/Bhutan>

<sup>7</sup> Source : UNDP Human Development Report 2007/2008 (SN 1-7)

<sup>8</sup> <http://www.unhcr.org/protect/PROTECTION/3b73b0d63.pdf>

### **1.3 Background on the Refugee Crisis**

The root cause of the Bhutanese refugee crisis can be traced in the history of migration to Bhutan. Bhutan's population consisted of three major groups - Ngalongs, The Sharchhops and The Lhotshampas. The Ngalongs were politically and culturally dominant, lived in the central and western regions of Bhutan and were of Tibetan descent (Bhutan's king is a Ngalong). The Sharchhops lived in eastern Bhutan and were the earliest migrants of Indo-Burmese origin and followed Tibetan Buddhism. Together, these two groups were known as Drukpas. The Lhotshampas were the third major group who greatly differed from the Drukpas in their culture, language, religion (Hindu) and ethnicity and were of Nepalese origin, and moved to the southern lowlands in the 19<sup>th</sup> century. They became eligible for citizenship under the Bhutan's Nationality Law of 1958. They were also admitted into the bureaucracy and were made members of the cabinet and the judiciary.

During the 1980s, the rapidly growing Lhotshampas population and influence were perceived to be a threat to Bhutan's cultural identity and the elite's own privileged position including the king. The 1988 census revealed that Bhutan's population was 48% Buddhist, 45% Hindu (Nepali) and 7% 'other'<sup>9</sup>. The government used these alleged threats as a rationale for a series of discriminatory measures aimed at political, economic and cultural exclusion of the Lhotshampas. The government passed two new citizenship acts in quick succession in 1977 and 1985, tightening the eligibility for Bhutanese citizenship.

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<sup>9</sup> <http://www.unhcr.org/publ/PUBL/4444d3c93e.html>

### **1.3.1 Bhutan Citizenship Act, 1977<sup>10</sup>**

The previous National Law of Bhutan 1958 prescribed ‘fatherhood’ as the criteria for granting citizenship which is normal in Asia. However, in 1977, the Bhutanese government enacted a new citizenship act which set the following three conditions for granting citizenship :

1. In the case of government servants an applicant should have completed 15 years of service without any adverse record.
2. In the case of those not employed in the Royal Government, an applicant should have resided in Bhutan for a minimum period of 20 years.
3. In addition, an applicant should have some knowledge of the Bhutanese language both spoken and written and the history of Bhutan. Only those applicants who fulfill the above requirements may apply for grant of citizenship to the Ministry of Home Affairs, which will ascertain the relevant factors and submit the application to the Royal government for further action.

This act increased the residency requirement for citizenship by 10 years from five to 15 years of government servants and from 10 to 20 years for all others. Furthermore, the act would deprive anyone who was involved in activities against the people, the country and the King.

### **1.3.2 Bhutan Marriage Act, 1980<sup>10</sup>**

This act though enacted in 1980 was forcefully implemented in 1988 to target the wives of the Lhotshampas. The discrimination was mainly against the Lhotshampas women and their children. The act declared all foreign wives of Bhutanese citizens as non-citizens contradicting all international norms and civilized behavior. Any Bhutanese citizen (if a government employee) would be denied promotion and other civil facilities

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<sup>10</sup> <http://www.bhutannewsonline.com/lawsofbhutan.html>

if he / she was married to a Lhotshampas. The provisions of this act were targeted at penalizing Bhutanese who had any links to the Lhotshampas.

### **1.3.3 Bhutan Citizenship Act, 1985<sup>10</sup>**

Still fearing the threat of the Lhotshampas, the government made further amendments to the citizenship act and introduced a new act in 1985. Its major features were :

1. **Citizenship by Birth:** Unlike the previous acts, a child automatically qualified for citizenship if both parents were Bhutanese.
2. **Citizenship by Naturalization:** The act also raised the bar high for citizenship requiring residence of 15 years for government and 20 for others; proficiency in Dzongkha (official language); good knowledge of local customs, traditions, history of Bhutan; good moral character; no record of imprisonment for criminal offences or having spoken against the government or the king. This act granted the government the prerogative to reject any application.
3. **Citizenship by Registration:** If a person had permanently domiciled in Bhutan on or before December 31, 1958 and one's name had been registered in the Ministry of Home Affairs census register.

The 1985 Bhutanese citizenship act effectively deprived the Lhotshampas of their citizenship and civil rights. The government brought all Lhotshampas under the scope of citizenship by registration only. Since the act was given a retrospective implementation of 1958, all children born of a marriage between only a single Bhutanese parent (1958-1988) were declared non-citizens and so called 'illegal' and 'economic migrants'. In addition, the government introduced measures to enforce rigidly the Druk dress code and forbid the use of Nepali in the educational curriculum. Special permission was required for admission to schools and to sell cash crops.

### 1.3.4 The 1988 National Census, Bhutan<sup>11</sup>

The government then conducted a census starting from southern Bhutan, targeting the Lhotshampas as other ethnic groups (excluding of Nepali descent) did not have to prove anything to retain their citizenship. They even refused to accept residency records (land tax receipts) prior 1958 (1957 or earlier) stating that 1958 was the base. The census started to classify the population into seven categories:

- F1 Genuine Bhutanese
- F2 Returned migrants, i.e. people who had left Bhutan and then returned
- F3 Drop-out cases, i.e., people who were not around at the time of the census
- F4 A non-national woman married to a Bhutanese man
- F5 A non-national man married to a Bhutanese woman
- F6 Adoption cases – this case was mainly misused by the government to include Indian citizen of Ngalung ethnicity
- F7 Non-national, i.e., migrants and illegal immigrants

## 1.4 Why ‘Refugees’ ?

**The 1951 Refugee Convention, Article I A (2) defines a refugee as -**

*“A person who is outside his or her country of nationality or habitual residence; has a well-founded fear of persecution because of his or her race, religion, nationality, membership or a particular social group or political opinion; and is unable or unwilling to avail himself or herself of the protection of that country, or to return there, for fear of persecution.”*

Sadako Ogata, former United National High Commissioner for Refugees said *"Refugees are not born but created by states, individuals and groups. The issue of human rights and the problems of refugees are inextricably linked. The vast majority of refugees are driven from their homes by human rights abuses. Persecution, torture, killings and the reprehensible practice of 'ethnic cleansing' generate huge flow of refugees".*<sup>12</sup>

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<sup>11</sup> <http://www.geocities.com/bhutanese-refugees/origin.html>

<sup>12</sup> <http://www.geocities.com/bhutanese-refugees/>

The population who fell under the F1 category was declared genuine Bhutanese and hence widespread confusion were amidst the Lhotshampas as the threat of deportation of non F1 status loomed. The results claimed that there were around 120,000 illegal population in southern Bhutan which was 1/6 of the entire population. The government started to further implement a series of “Bhutanization” measures<sup>13</sup>.

On Jan 16, 1989, the king issued a royal decree which required all citizens to observe the traditional Durkpa code of values, dress and etiquette called Driglam Namzha<sup>14</sup>. Mr. Tek Nath Rizal (a Lhotshampas), the then member of the Royal Advisory Council took the matter to the king personally and reported the latter of the serious political repercussions if the situation was not addressed. On the contrary, the government instead of addressing the problem labeled Mr. Rizal as an anti-national. Later, he fled the country and crossed over to the Indo-Nepal border and advocated for the refugees’ rights from Nepal.

Meanwhile, the Lhotshampas perceived these policies as a direct attack on their cultural identity and began to organize political demonstrations against the restrictive legislations. This led to mass demonstrations in September and October 1990. The response from the government was swift and classified all demonstrators as anti-nationals. The Bhutanese government then introduced another rule requiring all Lhotshampas to produce a ‘No Objection Certificates (NOCs) or Police Clearance Certificates (PCC)’ from the police stating that none of their relatives were involved in the protests. The NOC was required for getting admission into schools, for civil service, issuing passport, seeking scholarship, payment for crops.

The government forces began frequent raids on the homes of Lhotshampas, arbitrarily arresting, torturing and detaining without trails. There were widespread inhuman and degrading treatment of women and girls being raped in the course of these raids. Even the property and houses were destroyed. Locals were forced to sign ‘voluntary migration certificates’. In December 1990, the authorities announced that anyone who

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<sup>13</sup> Last Hope, Human Rights Watch May 2007, p 15

could not prove residency of the country before 1958 must leave or hence face consequences.

The right to education of Lhotshampas children, right to free speech and the very right to live freely was denied by the Bhutanese government. They are the victims of the discriminating racial and ethical policy of their own government. The actions of the Bhutanese government are a form of ‘ethnic cleansing’ of the Lhotshampas. The Lhotshampas feared for their life and well being in their own country and had to flee to eastern Nepal and the Indian state of West Bengal thus making them ‘refugees’ fitting Ogata’s definition. These refugees were trapped in a ‘**protracted refugee situation**’ as they had been in exile for more than five years with no immediate prospect of durable solution (repatriation, local integration or resettlement in a third country) for almost two decades.

## **1.5 Objectives**

The main objectives of this paper are as below:

- ◆ study the living conditions in the Bhutanese refugee camps
- ◆ assess the role of the United Nations High Commissioner for Refugees (UNHCR)

## **1.6 Limitations of the Study**

The study is based on literature review on the issue of Bhutanese refugees. Secondary data such as reports of human rights organizations, web resources, newspaper articles were used. Hence the limitation of this study is the availability of primary data.

## **1.7 Research Methodology:**

The research methodology applied for this study was the review of literature which included annual reports from various organizations, web resources, newspaper articles on the Bhutanese refugee situation.

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<sup>14</sup> Last Hope, Human Rights Watch May 2007, p 15

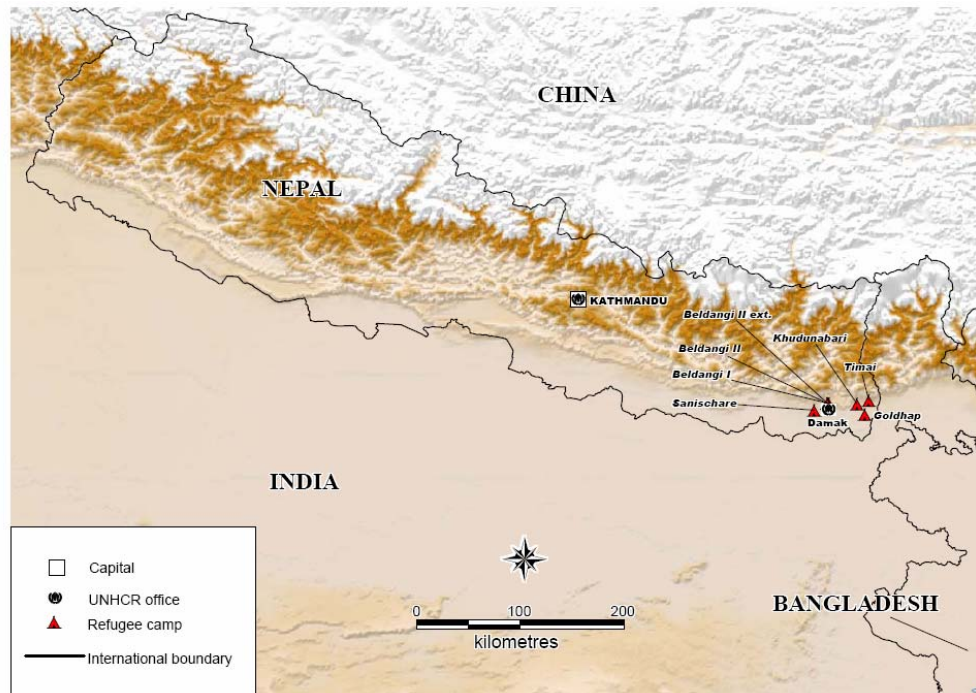
## CHAPTER II – SITUATION ANALYSIS

Nepal, despite its poverty has maintained its willingness to accommodate Bhutanese refugees. At the request of the Nepalese government, UNHCR came to the country in 1989 after the first influx of Bhutanese refugees<sup>15</sup>. The Bhutanese refugees are living in seven camps in the south-eastern part of Nepal. The first camp was established for a group of 235 refugees. UNHCR is entrusted with the management of refugee camps and the Nepalese government has established a ‘Refugee Coordination unit (RCU)’ under the Home Ministry. The seven camps in the eastern districts of Jhapa and Morang are :

Camp	Population	Camp	Population
Beldangi I	18,250	Khudunabari	13,330
Beldangi II	22,480	Sanischare	20,910
Beldangi II ext.	11,550	Timai	10,260
Goldhap	9,470	<b>Total</b>	<b>106,250</b>

*Source: 2005 UNHCR Statistical Yearbook*

**Map of the seven Bhutanese Refugee camps in eastern Nepal**



<sup>15</sup> <http://www.un.org.np/agencyprofile/profile.php?AgencyID=7>

## 2.1 General Living Conditions and Refugee Self Administration

The Bhutanese refugee camps are huts made of mud, straw and local materials (thatched huts). The camps have water and sanitation facilities and are often praised for the quality of services offered to the refugees. In addition, the refugees themselves are involved in the leadership and daily administration of the camps ensuring participatory approach to camp management. The elections to choose camp management representatives from the refugee population had begun since 1992. Refugees eagerly look forward to Election Day and the opportunity to exercise their democratic right to vote – even though it is in a refugee camp far from their homeland. UNHCR has also taken a lead in involving women participation for these elections.



Bhutanese refugees in Nepal held elections over the course of 3 days (May 2 to 4, 2006) for their camp representatives, casting ballot papers in containers usually used to store drinking water. © UNHCR/A. Khatoun

### 2.1.1 Food

Since the refugees have no access to land, agriculture they depend on World Food Programme's (WFP) assistance for food. However, with the passage of time, this assistance has come under increasing budgetary constraints. One of the more dramatic signs of donor fatigue came in December 2006, when the WFP warned that it had not yet received any international donations to fund its food aid to the refugees for the next two years, and would be forced to cut rations to the refugees unless it received

immediate funds.<sup>16</sup> However, WFP received funding from the European Community Humanitarian Office (ECHO), Canada and the US. The general ration provides an energy value of approximately 2,100 kcal/person/day including 45 grams of protein, 30 grams of fat and most of the essential micronutrients. In addition, the food ration reflects cultural and dietary preferences of the Bhutanese refugees. (WFP report 2007)

The impact of the budget cuts and the rising world oil prices has been severe. In Nepal, there has been a 61% increase in fuel prices since Jan 2005 which resulted in bi-weekly rations distribution until the end of 2005.<sup>17</sup> From 2006, the refugees began using environmentally friendly bio-briquettes to offset increased cost of kerosene. UNHCR also launched a two-week information campaign in the camps and provided trainings on the correct use of briquettes. The refugees had expressed unhappiness about the change as they had been using kerosene since 1992. UNHCR Representative Abraham Abraham remarked that - given budgetary and funding constraints, and also to prevent environmental degradation around the camps due to the pressure of the refugee population on the forest, the agency has opted for viable fuel alternatives. Kerosene accounted for over 30% of the total programme budget for the refugees in 2003. This rose sharply to 41% in 2004 and then again to 50% in 2005.<sup>18</sup>

### **2.1.2 Education**

The Bhutanese refugees in Nepal have access to basic education in the camps. The camp schools offer free education to the refugee children up to grade ten. The quality of education offered in the refugee camps appears to be superior to the average schools in Nepal<sup>19</sup>. However, lack of opportunity after school had created high dropout rates. A refugee teacher in Sanischare camp observed that more and more students are dropping out of school because they have no future prospects. “There is frustration, they see no bright future. They ask, ‘What is the use of studying, when there are no opportunities?’

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<sup>16</sup> “Absence of funds Threatens UN Efforts to Feed 106,000 Bhutanese Refugees in Nepal,” UN News Centre, December 22, 2006, <http://www.un.org/apps/news/story.asp?NewsID=21084&Cr=nepal&Cr1>

<sup>17</sup> <http://www.unhcr.org/news/NEWS/431875b84.html>

<sup>18</sup> <http://www.unhcr.org/news/NEWS/43a19f424.html>

Some drop their studies and loiter, they remain idle. The frustration is increasing all the time.”<sup>20</sup>



Bhutanese refugee school boys shelter from the monsoon rains in Khudunabari camp in Jhapa district, eastern Nepal. Most of them were born in exile and have never seen Bhutan. © UNHCR/J.Pagonis

The change from kerosene to bio-briquettes had an indirect impact on the refugee children’s ability to complete secondary education. To pursue higher education (from grade 11 onwards), these children had to attend private Nepalese colleges where education was not free. Those who could afford the colleges used to rent a room in the town, and to minimize their living expenses, used to prepare their own food, using a portion of their family’s monthly ration of kerosene. However, using briquettes produced too much smoke and little light; the students could no longer prepare food in their rooms or read after dark. As a result, many students have been forced to give up their rooms in the towns. Some students went to their college on bicycles on a daily basis, which for many took about one hour each way. But most of the students were forced to abandon their education, since their colleges were two to three hours away from the camps.<sup>21</sup>

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<sup>19</sup> UNHCR supported primary education is part of refugee protection and assistance but secondary education is dependent on outside scholarship as it is not considered to be the right of refugee children.

<sup>20</sup> Human Rights Watch interview (K24), Sanischare camp, November 14, 2006. Last Hope, Human Rights Report, p 18

<sup>21</sup> Human Rights Watch Report, Last Hope, pg. 22

### 2.1.3 Health

UNHCR, together with its implementing partners (IPs), has been supporting health, nutrition, water and sanitation activities for the refugees. A Joint UNHCR-WHO evaluation of health and health programmes in Bhutanese refugee camps in Nepal states that -

‘Currently, crude and under-five mortality rates among Bhutanese refugees are considerably lower than those of the surrounding population. In general, access to curative health services is better for the refugee as compared with the host population. However, despite distribution of an adequate general ration, nutrition indices for the refugees are not markedly different to those reported in the DHS (Demographic and Health Survey) of 2001 for the local population.’<sup>22</sup> The population has been taken into consideration while implementing nation wide health campaigns such as polio, measles, vitamins, Japanese encephalitis.

Due to the protracted state of the refugee situation, frustrated to seek employment and pursue higher education, there has been an increase in the incidence of mental health illness like depression and anxiety. As of mid 2001, 24 refugees have committed and another six have attempted suicide.<sup>23</sup>

There has also been an increase in the sexually transmitted diseases inside the camps as the incidences of gender based violence against women seem to have increased. Besides, some refugee women seem to be involved in prostitution to sustain the economic hardship faced in the camps.

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<sup>22</sup> Refugee Health in Nepal, Joint UNHCR-WHO Report, April 2005, p. 1

<sup>23</sup> Trapped by Inequality, Human Rights Watch, Vol. 15 No. 8 C, p 21

#### **2.1.4 Economic Conditions**

Nepal allows the refugees to remain in its land but when it comes to rights, only few have been granted to them. The inability of these refugees to earn any living makes them very dependent on external assistance and has led them to wrong deeds like prostitution and theft. UNHCR has been giving income generating trainings to the refugee population.

#### **2.1.5 Integration and Situation with Local Population –**

Local integration into the host society is the most preferred solution to have refugees to cease their refugee situation. However, as Arthur Helton said-

*“When they (refugees) cross international borders and present themselves in countries that are better off, whether by virtue of enjoying relative economic prosperity or circumstances of peace and stability in which people can pursue normal lives, some people become afraid. This forced movement of people has profound effects both on the ordinary citizens of receiving states and on the communities within those states, or sometimes even on those states themselves. Change is almost always painful, and ordinary people may be afraid that they will lose jobs or privilege, or, perhaps most fundamental of all, their identity in societies that are being changed irrevocably by the arrival of newcomers.”<sup>24</sup>*

As correctly described by Helton above, there has been sporadic tensions between the locals and the refugee population in eastern Nepal. The GoN has prohibited them from engaging in income-generating activities even within the camp areas. In 2005, UNHCR’s Executive Committee (ExCom) adopted Conclusion 104, which called on states “to facilitate, as appropriate, the integration of refugees, including, as far as possible, through facilitating their naturalization.”<sup>25</sup> However, Nepal government policy is firmly aimed at barring the Bhutanese refugees from integrating in Nepal, both in legal and in economic terms. As Nepal has not ratified the 1951 Refugee Convention or its 1967 Protocol, it has not adopted national refugee legislation and thus has no legal obligation of integrating them into their national population even though some refugee children were born in Nepal.

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<sup>24</sup> Arthur C. Helton, *The Price of Indifference*, p 13

<sup>25</sup> UNHCR, ExCom Conclusion 104 (LVI), “Conclusion on Local Integration,” October 7, 2005

The protracted refugee situation has sowed some skepticism amongst the local population as to whether these refugees would ever return thus creating an ill-feeling due to sense of insecurity. The reason for tensions range from issues like collecting fallen trees, dried leaves and twigs from local forests to issues of cheap labor in the area. Locals complain that refugees work illegally as low wage laborers thus driving prices down and pollute the environment by disposing waste into the river used for irrigation. Besides, the locals are also envious to the attention given to these refugees who get quality education and health care facilities than them.

The confrontation is usually not serious but there have been events when lives have been lost. In Feb 2007, clashes between refugees and locals outside Sanischare camp in Morang district left one refugee dead and eight wounded<sup>26</sup>.

UNHCR has played a constructive role in diffusing tensions among the locals and the refugees. Gestures like handing over two garbage trucks, projects on small scale forest rehabilitation, road and bridge building to help alleviate the socio-economic impact of the refugees on local communities have been helpful. Association of Medical doctors of Asia (AMDA) Nepal, the organization that provides health care services to the refugees have also provided to locals.

#### **2.1.6 Safety and Freedom**

Though the camps are usually safe, there has been incidents of fire which has made living conditions risky. In Nov. 2007, some 400 refugees received emergency assistance after a fire broke out in Beldangi 1 camp. Another devastating fire broke out in the Goldhap refugee camp leaving an estimated 8,000 people as homeless. The fire destroyed almost 90% of the camp buildings.

Though the Bhutanese refugees enjoyed quality education and health care facilities, they had limited right to movement. The protracted refugee situation led the refugees to launch agitation and stage protests outside the camps demanding repatriation. In May

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<sup>26</sup> <http://www.unhcr.org/news/NEWS/45dec3966.html>

2007, thousands of Bhutanese refugees residing in camps began a march to exercise their right to return to their homeland but violence escalated when refugees clashed with Indian police on the Mechi Bridge dividing India and Nepal. One refugee was killed and several injured. The Nepalese government had to impose curfew in the surrounding area to calm the tension and barred the movement of the refugees. The refugees needed to obtain “out-passes” to leave the camp for more than a day and these passes were issued for a maximum of one week.

## **2.2 Efforts to Solve the Refugee Situation**

The Bhutanese refugee situation is one of the longest running refugee situations in Asia. There have been several efforts both on the bilateral and international level to solve the situation.

### **2.2.1 Political Efforts**

There have been 15 rounds of Nepal-Bhutan Ministerial Joint Committee Meeting (MJC). In the 10<sup>th</sup> round of talks in Dec 2000, the two governments agreed to the creation of a Joint Verification Team (JVT), consisting of representatives from both governments to verify and categorize the refugees. Serious short-comings of this process were lack of transparency, a highly flawed four-tier categorization system and the exclusion of the UNHCR.

The Bhutanese and Nepalese governments agreed upon a system of categorization into four groups:<sup>27</sup>

<b>Category</b>	<b>Results</b>
a) Bonafied Bhutanese who were forcibly evicted	2.40%
b) Bhutanese who voluntarily migrated	70.55%
c) Non-Bhutanese	24.20%
d) Bhutanese who have committed crimes	2.85%

<sup>27</sup> Source-<http://www.nepalnews.com.np/contents/englishdaily/ktmpost/2003/jun/jun19/index1.htm#1>

Only one of seven camps (Khudanabari with 10% refugee population) was verified and the results were released two years later in 2003. The results were not well received with the refugees and due to some unfortunate incident (argument), the joint exercise was stalled. In a separate registration program launched by the Ministry of Home Affairs (Nepal), out of the total registered refugees, 84.65% possessed Bhutanese citizenship certificates, 10.05% had land ownership documents, 2.95% had school, marriage, court and service documents of Bhutanese government while only 2.35% had not evidence (it is alleged that their documents were seized by the Bhutanese authorities)<sup>28</sup>.

### **2.2.2 Diplomatic Efforts**

In May 2000, the High Commissioner of UNHCR, Sadako Ogata met with the kings of Nepal and Bhutan and also with the ministers of India to accelerate solution to the refugee situation. There also have been several high profile visits to Nepal and Bhutan by senior UNHCR officials. In July 2006, UNHCR's Assistant High Commissioner for Operations, Judy Cheng-Hopkins visited the refugee camps and urged the refugees to be patient a bit longer. She had given three possible solutions for the refugees – return to their own country – which elderly refugees and their leaders favored, integration into Nepalese society or resettlement in a third country. In May 2007, the High Commissioner, António Guterres came for a four-day mission to Nepal and Bhutan which demonstrates the level of attention given by the international community to these refugees. However, results are yet to be forthcoming and the recent elections of April 10, 2008 is expected to offer some new prospects for fresh negotiations for ratification of Geneva Convention, adopting of national asylum law and eventually local integration of those Bhutanese refugees who do not wish to be resettled or who cannot be repatriated home.

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<sup>28</sup> <http://www.mofa.gov.np/bilateral/nepal-bhutan.php>

## 2.3 Third Country Resettlement

Due to the protracted situation, 15 rounds of failed bilateral negotiations and growing impatience of the refugees, the chances of repatriation had grown slim. However, some Western countries expressed a strong interest to UNHCR in resettling some of the refugees. In Oct 2006, US Assistant Secretary of State for Population, Refugee and Migration Affairs Ellen Sauerbrey announced that the US was offering to resettle 60,000 Bhutanese refugees from Nepal. Canada, Australia, Norway, Netherlands, New Zealand and Denmark have each offered to resettle 10,000 refugees.<sup>29</sup> The High Commissioner António Guterres during his 23 May 2007 visit to Nepal made it clear that the choice of resettlement or repatriation would be up to the refugees and no pressure should be exerted on them.<sup>30</sup>



A US-bound refugee bids her friends and relatives goodbye in eastern Nepal's Sanischare camp.  
© UNHCR/V.Tan



Bhutanese refugees arriving at the Tribhuvan International Airport to fly to the USA for resettlement on Monday, Mar 10 08. 20 Bhutanese refugees left for America today.  
© nepalnews.com/NPA

This announcement however sparked heated debate amongst the refugee population. The older generation was wary and did not like the idea of third country resettlement whereas the younger generation were tired of staying in the camps and supported the resettlement as an opportunity to start fresh. There were several incidents of clashes between the refugees in the topic of resettlement. In May 2007, clashes in Beldangi II refugee camp between groups with differing opinions over third country resettlement

<sup>29</sup> <http://edition.cnn.com/2008/WORLD/asiapcf/03/25/bhutan.refugees/index.html>

<sup>30</sup> <http://www.unhcr.org/news/NEWS/465477cf4.html>

resulted in two deaths. Various underground outfits have emerged within the camps, issuing threats to refugees supporting the resettlement option.

The resettlement option follows a careful and systematic order. Resettlement to the US is organized by the US government through its Overseas Processing Entity and the International Organization for Migration (IOM). Refugees must first express willingness in resettlement and need UNHCR referral. The final decision on their acceptance is made by the resettlement country after an interview. Though UNHCR has no role in making decisions, it facilitates the entire resettlement process taking into account what is best for the refugees. When feasible, selected refugees are given cultural orientation to prepare them for their new life abroad.

In mid Jan 2007, the Nepalese government agreed to issue exit permits to the refugees and has opened the door for third country resettlement. A first group of 100 refugees left the camps in March 2008 to the US. UNHCR states that – a total of 25,000 refugees have so far registered for resettlement and have submitted more than 12,000 names for resettlement<sup>31</sup>.

## **2.4 Role of the UNHCR**

The role of UNHCR in handling the refugee situation has been significant. Being a humanitarian and non-political organization, UNHCR also negotiates with host countries and country of origin like in this case with Nepal and Bhutan in an effort to find a solution to the refugee situation.

Considering the long and difficult situation, UNHCR has attempted to maintain a high level of social services in the camps and at times it has taken the lead to address issues like camp fire, refugee violence and security of the refugees. UNHCR has been helping to ease tensions between the local population and the refugees, urging the refugees to be patient both in the resettlement process and their situation in Nepal. Despite the protracted situation, the refugee situation remained a low profile for many years.

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<sup>31</sup> <http://www.unhcr.org/news/NEWS/47e90e514.html>

UNHCR has acted as an advocate on behalf of the refugees. Before mentioned visits by high profile UNHCR officials have helped to highlight the protracted refugee situation to the international community.

In late 2002, three UNHCR staff members were alleged of gross negligence involving sexual abuse of young women and children in refugee camps. However, following investigations by UNHCR Inspector General's Office, stated on UNHCR Briefing Notes dated 3 Sept. 2004 confirmed that 'there was no wrongdoing found and that the conduct of the staff did not justify disciplinary action'<sup>32</sup>. The UN agency has been criticized for not providing psycho-social services in the camps to provide counseling to victims of gender based violence and to the refugees in general. The agency was alleged to have lured some refugees to opt for third country resettlement and failing to ensuring safety of the refugees from opponents of resettlement. Others criticize UNHCR for having too few staff members to handle the needs of refugees in the camps.

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<sup>32</sup> <http://www.unhcr.org/news/NEWS/41384c0e4.html>

## CHAPTER III

### 3.1 CONCLUSION

Based on the above mentioned decision of the US and other countries to accept more than 60,000 Bhutanese refugees from Nepal, the situation seems to be heading towards some kind of a solution. Though there are differing views on resettlement to a third country, those who opt for resettlement have now found a new hope which helps to improve the atmosphere in the refugee camps. After years of solitude in the camps, and after years of humiliation, dependency, and oppression they have a ray of hope towards a bright future. During the past two decades, these people have demonstrated humanity's best instincts of survival.

We agree with Helton that refugees are perhaps the ultimate transitional figures. They inspire us by reason of their loss of a permanent home as well as their ability to rise above that loss and to re-establish their lives. And thereby refugees can be a source of hope and a flesh-and-blood reflection of a tenacious life force.<sup>33</sup>

After all the mental and physical sufferings in the camps, the refugees have not lost hope and waited for the day of their emancipation. Parents have decided to opt for resettlement for the future of their children and as one of the refugee said before departing to the US everyone talks about America without knowing much about it. Refugees would rather take a chance at fate than to languish anymore in the camps. By virtue of the fact that these refugees are so dependent on the protection and assistance by the UNHCR and the sympathetic intake by resettlement countries, they at times tend to have overly high expectations and it is important not to betray their faith. It is up to the 'guardians' of these refugees to provide them with necessary information to adjust to the new environment.

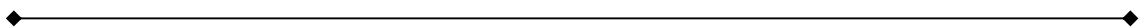
The differing views on resettlement will create separation of families as the old look forward to repatriation while the new generation can no longer wait. This has caused a

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<sup>33</sup> Arthur C. Helton, *The Price of Indifference*, Pg. 8

situation where there is a ‘generation sacrificed’ for the sake of another.<sup>34</sup> The defiance of the Bhutanese officials, the inability of international community to exert influence on Bhutan, the unwillingness of the Nepalese and Indian government to locally integrate these refugees will always be a lesson for the future. Critical omissions like the inclusion of the UNHCR or neutral third party during the joint verification of the refugees, lack of proper media coverage on the situation will stand out as reasons for the long languish of the refugees.

In another context, the continuous support of the UNHCR, the Nepalese government and the international community has to be applauded. The refugee problems in other parts of the world such as Afghanistan, Sudan, Haiti were victims of armed conflicts or civil war. However, the root cause of the Bhutanese refugees in Nepal are mainly human rights violation such as racism, ethnocentric and discriminating policies of the Bhutanese authorities towards the Lhotshampas. The world could perhaps take a lesson from this and give equal consideration and importance to both, the root causes and the ‘refugees’, because it is very well known that refugees are human rights violation made visible.



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<sup>34</sup> Dr Judith Kumin, UNHCR Reg. Representative and speaking in the UN Senior Lecturer Program at Suffolk University, Boston, Feb 20, 2008

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