

FORCED EVICTIONS - AMNESTY FLAYS BHUTAN

Amnesty International has flayed the Royal Government of Bhutan for formal measures adopted by the regime to forcibly evict people from the country. Releasing a special 17-page report, **BHUTAN: Forcible Exile**, on August 25, the London based human rights organization also called on the Governments of Nepal and Bhutan to make human rights a priority when they next meet in September to discuss the fate of 86,000 Bhutanese exiles living in refugee camps in eastern Nepal.

"Most of the exiles are Nepali-speaking people from southern Bhutan who have been systematically driven out because of their ethnic origin or political beliefs," the release states. "Many of these people were born in Bhutan and lived there for many years and they are not nationals of any other country," Amnesty International said. "Therefore, in keeping with international law, Bhutan should be recognized as their 'own country' and they should have the right to return to live there in safety from human rights violations."

The human rights organization believes that there has been no indication that this aspect of the exiles' right to return is being considered in the bilateral talks between the governments of Bhutan and Nepal. Instead, Bhutanese citizenship is apparently being taken as the determining factor in establishing an individual's right to re-

turn to Bhutan, even though Bhutanese citizenship laws are vague and applied arbitrarily in

committed at the time by security forces. According to Amnesty International such violations have

sifies many Nepali-speakers as non-nationals or "illegal immigrants", even though many of them have been recognized as Bhutanese citizens in earlier census exercises.

People who had been recognized as Bhutanese during the census have later reportedly been forced to sign so-called "voluntary migration forms" under threat of fines or imprisonment by the authorities. In some cases, it has been reported that everyone from a particular village or area has been forced to leave as a punishment inflicted by the authorities following a murder or robbery in the area attributed to "anti-nationals", according to Amnesty International.

The human rights organization believes that any person who fears human rights violations if they return to Bhutan should have an opportunity to have their claims fully considered, as required under international law. Amnesty International has also recommended to both the Governments of Nepal and Bhutan that before any people begin to return to Bhutan, a thorough and independent assessment of the human rights situation in southern Bhutan should take place to ensure that returnees are not victimized again by the kinds of violations that originally made them leave.

"No person should be re-

turned to before they have been guaranteed that they would not be at risk of human rights violations," the release concluded.

Amnesty International has been active in the campaign to force the Royal Government to release prisoners being held for prolonged periods without charge or trial. It adopted six prisoners, Tek Nath Rizal, Jogen Gazmere, Sushil Pokhrel, Ratan Gazmere, Bhakti Prasad Sharma and Vishwanath Chhetri as prisoners-of-conscience, five of whom were released in late 1991 and early 1992 after over two years in prison. Tek Nath Rizal remains in custody. In January 1992 a three member Amnesty International delegation led by the then Secretary General Ian Martin visited Bhutan. The report on the visit **Bhutan: Human rights violations against the Nepali-speaking population in the south** (AI Index: ASA 14/04/92) released in December 1992 was clearly critical of the human rights situation in Bhutan. The Royal Government however claimed that the report was "very favourable" and that Amnesty had given Bhutan "a clean chit". Amnesty International took exception in a letter to the editor of one major Indian daily newspaper which indirectly sought to provide legitimacy to this claim made by Bhutan's Foreign Minister.

amnesty international

BHUTAN Forcible exile



Refugee camp, Jhapa District, Eastern Nepal

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the south to deny some people citizenship, according to Amnesty International.

The release states that many people who left in 1990 and 1991 did so out of fear of the mass arrests, torture and rape that were

declined since mid-1992, but administrative methods used by Bhutanese authorities have continued to drive Nepali-speaking people out of southern Bhutan. These methods include a continuing census operation which clas-

"AMNESTY" TO PRISONERS

A group of 19 prisoners were granted "amnesty" by the King on August 17. The prisoners, all from Chemgang prison on the outskirts of Thimphu, were transferred to the Central Prison at the Police Headquarters in Thimphu on August 19. They were released the next day without any explanation as to why they had been taken into custody in the first place, or why and under what condition they were now being released.

Though the Royal Government seemingly shows scant regard for international criticism of its human rights practices, and appears to be unruffled by the concerns expressed by the donor community, it has not been able to completely ignore the issue. Pressure from governments and campaigns by Bhutanese and international human rights groups, especially Amnesty International, has forced the Royal Government, from time to time, to release prisoners being held for years without charges or trial.

Among the prisoners released on August 20 was Sonam Tshering from eastern Bhutan. Incarcerated since 1990, Tshering was formerly a civil servant working in the Department of Revenue and Customs of the Royal Government. Of the 129 political prisoners now remaining in Chemgang prison, all except three, Ngawang

Drukpa, Tshering Phuntsho and Pema Drukpa, are southern Bhutanese.

Despite earlier government denials regarding hundreds of people detained illegally in known and unknown prisons in the country, by its own admission 1,666 prisoners have so far been released since the crackdown began in 1990. According to a police spokesman, the August 17 "amnesty" to 19 "detainees", some of whom were held since November 1990, was granted by the King "in the hope that these persons would understand their mistakes and strive to become better citizens and serve their country." In past amnesties, too, the government issued the same falsehood - in actual fact, many of the prisoners were released only after specifically agreeing to leave the country. Eight of the recently released prisoners who had no family members left behind in the country have come to the refugee camps.

It is tragic that a large number of persons were rounded up, often for only mild dissent and sometimes for just being at the wrong place at the wrong time, and detained for years simply to allow a monarch to frequently display his magnanimity. If it is indeed true that people detained by the government are responsible for, according to the government, "extortion of money for anti-national activities,

kidnapping, arson, destruction of public and private properties and armed raids on villages," surely there is no reason or justification for grant of amnesty. Criminals should be made to serve their time. No Bhutanese, whether inside or in exile, would like the government to meekly allow confirmed felons to be set free. But if those held for years together were innocent in the first place, then grave injustice has been done; "amnesty", then, is not an act of kindness but an affront.

Since 1990, the government has arbitrarily arrested hundreds of innocent people who were subjected to hard labour, torture and inhuman prison conditions. While the International Committee of the Red Cross (ICRC) has been allowed access to the country's main prison in Chemgang and a few cells in Thimphu prison, many prisoners still unaccounted for remain in Army custody and prisons outside the capital. 9 prisoners transferred to Lungtenphug Army Headquarters from Chemgang some time ago are reportedly in shackles. Even under the improved conditions in Chemgang, the recently released prisoners report of having worked twelve hours daily. A monastery above Chemgang where renovation works are underway is the present beneficiary of free prison labour.

UNHCHR VISITS REFUGEE CAMPS



The United Nations High Commissioner for Human Rights, Jose Ayala Lasso who was on a four day official visit to the Kingdom of Nepal also visited the Bhutanese refugee camps in eastern Nepal on August 2. During the brief tour of Goldhap and Beldangi camps, the refugee community apprised the High Commissioner of the human rights situation in Bhutan and the subsequent actions of the Royal Government that resulted in their becoming refugees. As victims of gross human rights violations, the refugees appealed to Lasso who now heads Human Rights Commission as the first High Commissioner, a post recently created exclusively for the promotion and protection of human rights across the globe.

"My presence here means that the international community is worried by the sufferings everywhere in the world," Ayala Lasso said to refugees. Assuring them of the High Commissioner's support, he said that he wanted to "contribute to the solution of the problem" and hoped that the present situation would be resolved as soon as possible. He said that he was determined to go on with the "international politics of the world organization" and that he planned to be of some use in order to solve the problem. "We are trying to contribute to the solution of the problem and we will not stop our efforts in the resolution whereby just solution could be achieved," he added.

Ayala Lasso also spoke on the importance of international assistance in terms of welfare activities - organizing the camps, providing for food, extending health facilities and education of children. He said that he was very impressed by the organizations of the camps and congratulated the refugees and lauded the efforts and contributions of all agencies involved in the management.

The Bhutan REVIEW

COME SEPTEMBER

Faced with an imminent deadlock after the "two sides exchanged each other's position on the four agreed categories," the Bhutan-Nepal Ministerial Joint Committee agreed last June to meet again this September. As the Nepalese delegation returned from Thimphu, only an incurable optimist would have detected any signs of a possible agreement between the two governments in the near future. As of end August there have been no exchanges between Thimphu and Kathmandu regarding the proposed fifth round meeting.

Considering the manner in which Thimphu has opted to deal with the problem of southern Bhutan and the refugee crisis so far, any hopes that the Bhutanese side will arrive in the Nepalese capital with a positive frame of mind would appear to be misplaced. Despite covert and overt attempts by the international community to nudge Thimphu towards an early negotiated settlement, there has been little to indicate any sincerity of purpose or a genuine commitment for solutions on the part of the Royal Government.

Indo-Bhutan solidarity and New Delhi's consequent indulgence and ostensible support for the regime have much to do with Thimphu's belligerent attitude. Thus, although the Royal Government has been forced to participate in the bilateral talks because of the growing criticism in the international community over its human rights practices, the regime can afford to make a mockery of the negotiations. Thimphu clearly considers the ongoing bilateral process as only a means to keep critics at bay, not for really working out any solutions.

Come September, if the scheduled meeting is held, going by past form the Bhutanese members of the Ministerial Joint Committee should be expected to arrive in Kathmandu with a Royal Command to be difficult and unyielding, while at the same time ensuring that the bilateral process is somehow kept afloat. But it is also possible that the Bhutanese strategy will have undergone minor transformations in view of some recent developments.

The beginning of August saw the visit by the United Nations High Commissioner for Human Rights to the refugee camps in eastern Nepal. He had already visited Bhutan the previous week and had held discussions with government officials in both Thimphu and Kathmandu. While he was understandably guarded in his comments, and reactions may not be immediately visible, the High Commissioner's tour cannot fail to influence future decisions in the Human Rights Commission, and consequently among governments, in the days ahead. Notwithstanding the favourable impression the regime may have been able to make on the High Commissioner during his sojourn in Thimphu, it would be amiss on the part of the Royal Government to overlook the significance of his subsequent visit to the refugee camps.

A more significant development which should provoke some rethinking among strategists in Thimphu has come in the form of a comprehensive report by Amnesty International which indicts the Royal Government for carrying out a systematic programme of expulsion of citizens from southern Bhutan. The matters raised in the report and the position taken by the human rights organization on a number of issues specifically relating to the talks are in general conformity with those adopted by many other concerned agencies and governments. Taken together, these concerns and public indictment should be reason enough for the Royal Government to review the main premises upon which its "arguments" have been based at the Ministerial Joint Committee deliberations.

The intentions are two-fold in the Amnesty International report. Firstly, to show that the regime is guilty of systematically forcing citizens into exile through government policies and programmes, and secondly, to highlight the fact that through the current mechanisms under bilateral discussion the regime intends to deny the rights of these refugees to return to their own country. On both counts it has succeeded. In view of similar conclusions reached by others, notably in evidence in the 1992 and 1993 US State Department Country Reports on Human Rights Practices in Bhutan, there would seem little point in Bhutan continuing to follow its current strategy in the bilateral talks.

Reports of the U.S. State Department and Amnesty International, one a government and the other a human rights group, publicly expose the designs of the regime. It is no secret that donor countries have expressly made their concerns about human rights practices in Bhutan known to the Royal Government. The international community is intimately aware of the plight of refugees in eastern Nepal and the manner in which they have been forced out of the country. If the Royal Government steadfastly refuses to take the necessary steps in the right direction, the number of such public reports indicting the regime can only grow.

Thimphu would do well to recognize the folly in continuing to stonewall solely on the basis of goodwill and perceived support from one source. An opportunity to work out an amicable solution, still partly on its own terms, still presents itself. It would be foolhardy for Bhutan to look the other way.

HUMAN DEVELOPMENT REPORT 1994

One of the main concerns of many countries in the years ahead must be to avoid violent social dislocations - particularly conflicts between ethnic groups. To achieve this, they will have to take decisive measures to promote more equal opportunities for all.

Since the United Nations Development Programme (UNDP) started publication of Human Development Reports, it has focussed on a number of key issues facing the world today. In turn, it has generated renewed dialogue and debate on these issues. The 1994 Report focuses on the security aspect and explores the new frontiers of human security in the daily lives of the people. "It attempts to discover early warning signals that can spur preventive diplomacy and preventive development in order to save a society from reaching a crisis point."

In making suggestions to the World Summit for Social Development scheduled to take place in Copenhagen in March 1995, the Report calls for people-centred development without which none of our key objectives - peace, human rights, environmental protection, reduced population growth and social integration can be met. "It will be a time for all nations to recognize that it is far cheaper and far more humane to act early and to act upstream than to pick up the pieces downstream, to address the root causes of human insecurity rather than its tragic consequences," says the Report.

A great deal of efforts have been made in preparing the Report. If the members of the UN family were to take note of and follow some of the suggestions as applicable, the world will certainly be a safer and better place to live in. For the Royal Government of Bhutan, too, it would be "far cheaper and far more humane to act early and to act upstream than to pick up the pieces downstream," especially in resolving the present crisis. Also Bhutan's HDI would make a quantum jump if the government were to follow in the footsteps of say, Malaysia, in promoting social integration. We reproduce below some extracts on Social Integration from the Human Development Report 1994.

The first essential step towards an integrated society is to ensure that each person enjoys the same basic legal rights.

SOCIAL INTEGRATION

One of the main concerns of many countries in the years ahead must be to avoid violent social dislocations - particularly conflicts between ethnic groups. To achieve this, they will have to take decisive measures to promote more equal opportunities for all. Such measures include the following:

Equality before the law - The first

essential step towards an integrated society is to ensure that each person enjoys the same basic legal rights.

Minority rights - To protect diversity, the state must ensure that minorities are accorded specific rights by law, including to maintain their culture, and that these rights are respected in practice.

Anti-discrimination policies - Governments need to take firm measures to counter discrimination and to apply stiff penalties for infringement.

Education - One of the best ways to encourage social integration is to ensure that all sections of society have access to basic educational opportunities that respect diverse cultures and traditions.

Employment - To ensure that employment opportunities are available on a non-discriminatory basis, the state may have to exercise positive discrimination through affirmative action in favour of the most disadvantaged and marginalized groups, including women.

Governance - Social integration can be greatly enhanced by bringing government closer to the people, through devolution, decentralization and accountability, by promoting grass-roots organizations and by creating avenues for direct participation.

Governments need to take firm measures to counter discrimination and to apply stiff penalties for infringement.

SUCCESSES IN SOCIAL INTEGRATION

Malaysia presents one of the world's most striking examples of positive policy action in favour of one disadvantaged ethnic group. By achieving a broad national consensus for this objective, it has steadily created a more cohesive and more prosperous society.

The roots of Malaysia's racial diversity lie in the period of British rule. The colonial government encouraged Chinese immigration to develop trading and mineral extraction. More than four million Chinese came into the country, of whom two million chose to stay. The British also brought in Indian workers for the rubber, sugar cane and coffee plantations - as well as for running public utilities such as water, power and telecommunications. As a result, Malaysia's population today is 61% Bumiputra (groups indigenous to the country), 30% Chinese and 8% Indian.

The colonial policy polarized economic development along racial lines. The Chinese and Indians eventually dominated the urban modern sector, while most indigenous Malays remained in traditional, largely rural activities such as subsistence rice cultivation and fishing. Of corporate assets in 1970, the Chinese and Indian population owned 33% while

Bumiputras owned only 2% (the rest were held by foreigners). Thus while the numerous Bumiputra population controlled the political system, it had very little control over the economy.

This imbalance led to increasing tensions, and in May 1969, there were racial riots. These prompted the suspension of Parliament, the creation of a multi-ethnic National Operations Council, and in 1971, the drafting of the New Economic Policy (NEP).

The NEP had two main objectives: first, the restructuring of society so that income and occupations no longer followed ethnic lines, and second, the eradication of poverty.

Bumiputra representation in the economy was to be increased by establishing ethnic ownership quotas, and quotas were established for federal employment, participation in the armed forces, land ownership and educational scholarships.

Since most of the poverty was concentrated in the rural areas, the government established rural development authorities and targeted funds towards rural development - including irrigation projects, social services and rural infrastructure. The government also maintained a strong commitment to investment in education.

The results were impressive. Between 1970 and 1990, the proportion of corporate assets owned by Bumiputras rose from 2.4% to 20.3%. And the incidence of poverty fell dramatically - from 49% of all households to 16%.

Economic growth per capita during 1980-91 averaged 2.9% a year, and much of Malaysia's progress in promoting social integration has been based on distributing the benefits of economic growth as widely as possible.

This improvement is clearly reflected in the country's human development indexes. Between 1970 and 1991, the HDI increases for each group, but the increase was larger for the Bumiputra's (38%) than for the Chinese (20%). Even so, the HDI for the Bumiputras, at 0.730, is still lower than for the Chinese at 0.896.

In 1991, to follow up on this success, the government adopted a New Development Policy (NDP). The NDP relaxed the quotas in favour of Bumiputras but still aimed at redistributing resources towards them. About 56% of the 1.3 million new jobs that the NDP is expected to create between 1990 and 2000 would be taken by the Bumiputras.

Although promoting growth is the main thrust of the NDP, the policy also accepts that some groups and regions still lack equal access to opportunities. Eradicating poverty will therefore also mean focusing on the poorest of the poor, to improve their skills and raise their incomes.

HOUSE OF CARDS - HIMAL (July/August 1994)



Two years ago *Himal*, the bi-monthly magazine published from Kathmandu, devoted an entire issue to the Bhutanese refugees and Bhutan's crisis, **The Dragon Bites Its Tail** (July/August 1992). For the first time, an in-depth analysis and report looked at the cause and circumstances behind the sudden arrival of the then 65,000 southern Bhutanese refugees on Nepalese soil. Denied access to Bhutan, editor Kanak Mani Dixit obviously undertook painstaking research and a great deal of travel and numerous interviews to come up with a set of articles for the *Himal* issue that continues to serve as the reference for those looking for a dispassionate analysis of Bhutan's southern problem. Indeed, it was **The Dragon Bites Its Tail** which enabled followers of the Bhutanese situation, including the media itself, to see beyond the suffering of refugees to the causes and reasons for their plight. Exactly two years later, *Himal* again focuses attention on the Bhutanese crisis in the cover story **House of Cards - Fearing for Bhutan** (July/August 1994). Dixit succeeds, again, in initiating a change of gears.

Until *Himal's* special issue on Bhutan two years ago, although there was no dearth of sympathy and support for Bhutanese refugees among the local people and the resident international community in Nepal, there was very little understanding of the Bhutanese crisis itself. Sympathy was generated by the suffering of humanity, not because of an understanding of right and wrong, or because of indignation that a government could treat its own citizens so brutally. The high volume of local media coverage was almost entirely limited to presenting the human aspects of the crisis with little efforts expended to search deeper into the causes for the tragedy. And, unfortunately, unsubstantiated refugee claims and dissident rhetoric rather than truth often formed the basis for many articles that attempted to censure the Bhutanese government. Not surprisingly, owing to the glut of stories in the Nepalese media, often laced with inaccuracies by reporters most of whom never got to within miles of either the refugee camps or the Bhutanese border, the Bhutanese regime could rightly deflect criticism on the grounds that reports emanating from Nepal were biased. **The Dragon Bites Its Tail** changed all that: Thimphu could not quite so easily brush aside the issue as yet one more instance of biased Nepalese reporting, and, more significantly, the focus finally began to shift from the refugee camps to the source of

the crisis - Bhutan.

Ever since the bilateral talks showed signs of leading nowhere, which was at the early stages itself, there has been much talk in Nepal about the need to rope in India because she holds the "key", or failing to interest New Delhi, to "internationalise" the issue so that Nepal can be rid of the problem of Bhutanese refugees. The floundering bilateral negotiations have resulted in umpteen "intellectual" gatherings where New Delhi rather than Kathmandu and Thimphu have repeatedly and prominently featured in discussions about the Bhutanese refugee issue. Such brainstorming sessions, unfortunately, have yielded little more than the fact that India can, anytime she so desires, conjure up a solution to the Nepal-Bhutan standoff on refugees, and on any other issue for that matter, over both parties' heads. Consequently, the media can hardly be blamed for failing to report more than this bit of superficiality. It has fallen on Dixit and *Himal* to look beyond the "over to Delhi" rhetoric.

CRUMBLING EDIFICE: Although the cover article is a result of the author's discussions and interviews with numerous people holding diverse positions vis-a-vis Bhutan's southern problem and the consequent refugee issue, the thrust is on the thoughts and opinions emerging from and around South Block in New Delhi. And on the surface, based on views aired by those shuffling along the corridors of power, the Bhutanese regime has every cause to rejoice. Nepal, on the other hand, should seriously worry and the refugees could cry. However, that is only the surface; in the final analysis, Dixit's title clearly points the other way - any **House of Cards** must eventually collapse and fold.

Dixit believes that "Bhutanese polity today is balanced like a house of cards. A nudge or slight breeze and it will collapse all around King Jigme, and it will be more than the tragedy of one man." He observes that to protect its interests India could act without concern or care for what the Bhutanese monarch desires, and the apparent rock-solid Indian support "could dissipate like mountain clouds in the evening." **BHUTAN-NEPAL TALKS:** Dixit is highly critical of the Nepalese approach in the bilateral talks and believes that Bhutan has taken advantage of numerous Nepalese weaknesses. The Bhutanese, on the other hand, he notes know "where to pinch and where to jab" and have been active in ensuring Indian non-involvement and internationalizing the issue its own favour. The bilateral talks, meanwhile, have led nowhere. "There is no substance to the ministerial talks. The Bhutanese have made a conscious decision to stall, while the Nepalese side has decided not to be proactive," according to Western diplomat quoted in the article.

DIXIT TO DIXIT: While the article has drawn upon a number of Indian government sources who have not been named, the Indian position is essentially gleaned from an exclusive interview with former Indian Foreign Secretary Jyotindra Nath Dixit "who regards himself a friend and mentor of King Jigme." The interview is disappointing not for the alleged Indian position J.N. Dixit espouses, but for the de-

liberate pains to which he has gone to obfuscate not only others but possibly himself. While the former diplomat's desperate efforts at not displeasing Thimphu, for future rewards no doubt, is only vaguely clear, what is clearly spelt out is the contradiction -- India does not want to get involved because it would "get interpreted as a facet of hegemonism," but India "would take firm and decisive action" against possible militancy from refugees and "quash it."

NOT FOOLED: One major adage that *Himal* proves with this article is that "you can't fool all the people all the time." In the *Himal* issue two years ago, there was a full-page box item "Media under the spell" which explained how completely the media had been fooled. Although there are under-the-spell fellow journalists for Dixit to refer to still, and "academics (who) are fiercely protective of Bhutan", the number of journalists and academics who have visited Bhutan but do not buy the regime's story is on the rise. Dixit refers to three such people to bolster his arguments this time - he had no such support back in 1992.

FAIR-PLAY: In his efforts to provide readers with a fair and impartial story incorporating the views of all sides, Dixit reportedly requested permission to visit Bhutan. In 1992, the request was denied because it was "not convenient to the Royal Government." In 1994, permission was denied because the 1992 coverage was "highly biased and one-sided." Nonetheless, as the article shows, Dixit obviously sought out and met the Bhutanese Ambassador to India and Nepal in New Delhi to determine the Bhutanese viewpoint. In fact, *Himal* did one better by inviting the regime's champion, Foreign Minister Dawa Tsering, to have his full say via a facsimile interview.

In the four-page long interview, the Foreign Minister disclosed nothing new. He brushed sensitive and significant queries under the Ministerial Committee carpet, and instead, used the opportunity to repeat government propaganda which must sound hollow to even the most ardent supporter of the "unique culture and identity" theory. There was one major surprise, though. Unbecoming of one indisputably holding the title of the world's most seasoned diplomat and seniormost Foreign Minister, Tsering shamelessly "praised" the High Commissioner for Refugees and her senior aides, but in the same breath flung insults at UNHCR staff in Nepal: "They have often taken blatantly partisan positions on the basis of one-sided reports," he said, and added an unwarranted second sentence, "Perhaps a high profile is good for their careers or they may have personal axes to grind." Surely, Tsering cannot be hoping that the typically Bhutanese strategy for success in such matters will also work in the international arena! Mrs. Ogata is not likely to be amused. And Tsering can hardly use his pet excuse of having been misquoted this time, coming as his words have, by fax. Whatever may have been the compulsions or reasons behind the Bhutanese Foreign Minister's vitriolic outburst, apologies are certainly in order, both to the community of United Nations professionals in general,

and to the field representatives of UNHCR based in Nepal in particular.

IN HIS HANDS: Political change in Bhutan is inevitable, however it may be come about, the article suggests. "Rather than philosophise endlessly to wonder-struck visitors, the king should have years ago initiated work on creating a polity where power and economic largesse was shared among Bhutan's three main communities and regions," Dixit writes. Quoting an Indian official whose studied comment implies that the Indian policy of *status quo* only reflects the fact that there is no pronounced shift of power in Bhutan, yet, Dixit believes that there are many options left open to India, the most likely among which would see India engineering a new political structure under a not-so-absolute king taking into account the realities within the country. "Better for King Jigme to seek these solutions himself," Dixit concludes.

"IN QUOTES"

From "House of Cards"

"When visitors come, the Bhutan Government will show them Paro, Punakha and Thimphu, all the advanced districts from where the high officials come. But go to Kurtey, Mongar, Tongsa; in the villages you will see true poverty."

Rongthong Kunley Dorji, Chairman, Druk National Congress

"The Bhutanese King should have no illusions. India will act on its own interests. Back in 1950, Mohan Shumshere came back happy to Kathmandu when New Delhi plied him with assurances. Overnight, he was out of the door."

Rishikesh Shaha, scholar and former Nepalese Foreign Minister is the President of HURON.

MEDIA SCAN

Setting Straight

Referring to your interview with Mr. Om Dhungel (SPOTLIGHT, July 8-14) I would like you to publish the following comments to Mr. Dhungel's statements to set the policies pursued by my Government with regard to the Bhutanese refugee problem.

It is not correct that "DANIDA has been overtly supportive of the [Bhutanese] Government." The Danish Government has time and time again raised the problems in southern Bhutan with Government officials, including the Home Minister, and has expressed its concern about the refugees and the necessity of finding a negotiated solution. Let me also remind that contacts regarding this matter took place at a high level meeting among the Danish, Bhutanese and Nepalese delegations to the UN Human Rights Conference in June 1993. The following month the Bhutanese Government participated in the first meeting of the ministerial committee.

The Danish Government has, at an early stage, recognised the need for a negotiated settlement and has actively pursued that goal. Knud V. Johansen, Charge d'affaires e.p. Royal Danish Embassy, Kathmandu: SPOTLIGHT, Kathmandu, July 22, 1994.

Refugees and Empty Villages

"The count is 86,000 Lhotshampa, most of them peasants, housed in the UNHCR-administered refugee camps, and another 30,000 or so scattered across Nepal, West Bengal and Assam. The visual proof is in the empty fields of Sarbhang, Chirang, Samchi, Dagana and Samdrup Jonkhar districts of Bhutan's south, where probably for the first time in the millennia of human habitation of the Himalaya swaths of farmland are reverting back to original jungle." ... **House of Cards, HIMAL (July/August 1994).**

"Herds of elephants on the rampage in parts of Samtse and Samdrup Jongkhar have reportedly destroyed village houses and crop. According to reports from Sibsoo dungkhag, Samtse, five elephants destroyed seven houses completely and uprooted several banana and arecanut trees. They also tore down the latrine of the Peljorling Primary School.

In one case, a family returned home from a dinner in the *gup's* house to find their house totally dismantled. They are presently lodging with relatives. For another man in Hangay village, the loss became twofold when the elephants ripped open and consumed a sack of gain which also contained Nu. 2,500. Villagers used fire torches and crackers to chase away the elephants who crossed the Jaldhaka river and disappeared into the Kumini jungles in India.

The popular reasoning behind the sudden attacks from the elephants is the absence of crop in the fields.

In Samrang under Bhangtar dungkhag, Samdrup Jongkhar, a herd of more than 35 elephants destroyed the entire maize crop of the village. The maize crop was about to be harvested when the incident took place. According to the villagers, the elephants even tried to pull down their houses. "The villagers have put in a lot of work to raise their crop and when the time came for them to reap the returns, the elephants have destroyed the crop," said the village official Buddhiman Rai. "We have now started transplanting paddy and god knows what will happen," he said.

According to Buddhiman Rai, the elephants are causing so much destruction because of the decline in number of people living in the area. ... **Elephants destroy houses & crops in the south, KUENSEL July 30, 1994.**

BHUTAN: FORCIBLE EXILE Amnesty International

AI INDEX: ASA 14/04/94, August 1994

Amnesty International's attention was first seriously drawn to Bhutan following the abduction of Tek Nath Rizal and his two associates from Nepal in mid-November 1989 and the subsequent crackdown on dissent in Bhutan. Concern over the human rights situation in the kingdom continued to grow, especially after widespread government repression came to light in the aftermath of the September-October 1990 public rallies in southern Bhutan. Following months of efforts, Amnesty finally succeeded in obtaining permission to visit Bhutan. In January 1992, a three member delegation led by Secretary General Ian Martin visited the country upon the "invitation" of the Royal Government.

The delegation was granted an audience with the King, held discussions with officials of the government, and was allowed to meet some of the "anti-national" prisoners being held in custody without formal charges for over two years. The delegation was denied permission, for "security reasons", to visit Chirang, the district where repressive administrative measures to force people into exile were being implemented in full swing. Instead, the three were taken to Samchi district where no eviction programme was in force at the time. But even then no chances were taken - only select villagers met the visitors quite by "chance", coached representatives spoke glowingly of government policies and condemned "anti-national terrorists", and many village elders surprisingly found themselves enjoying government arranged picnics on the day the team was in their village.

Despite the massive arrangements, however, Amnesty International was not completely fooled. The report on the visit, **Bhutan: Human rights violations against the Nepali-speaking population in the south, December 1992, AI Index: ASA 14/04/92**, was critical of the human rights situation in the country and expressed serious concerns over the treatment of political prisoners in the kingdom. But meanwhile, between Amnesty's visit and the time the report was released, the regime forced into exile the majority of the refugees who are now in the refugee camps in eastern Nepal - 64,640 between February '92 and November '92.

Since the time of the visit to Bhutan two and a half years ago, the government's credibility has taken a beating and a clearer picture of what is really happening in the country has emerged. Concentrating this time solely on forcible exile, Amnesty International demonstrates that the Bhutanese regime is clearly guilty of violating the basic rights of individuals in southern Bhutan purely on account of their ethnic origin or political beliefs.

BHUTAN: Forcible Exile unambiguously indicts the regime for adopting unlawful, unacceptable and immoral means to drive out citizens from the country simply because of their race. The Royal Government will find it dif-

ficult to label this report "very favourable" as the Foreign Minister is wont to claim about all independent reports on the regime's performance regardless of how scathing the remarks. The public, of course, never gets to see any report that is critical of the regime.

From interviews conducted by Amnesty International, individual testimonials and documents made available to it, the report concludes that from mid-1992 the straightforward acts of gross violations such as mass arrests, torture and rape (reported in the 1992 AI report) to force people into leaving the country changed to primarily administrative measures accompanied by threats of large fines and imprisonment. The bulletin provides cases which illustrate three different methods employed by the Bhutanese authorities to impose forcible exile on the southern population; arbitrary census enumeration, collective punishment for the crimes of others, and "voluntary" migration.

According to the report, many refugees who previously held Bhutanese Citizenship Identity Cards issued on the basis of a nationwide census conducted during 1979-82 and believed their status in Bhutan was secure on the basis of past census exercise, found themselves classified as non-nationals or "illegal immigrants" in fresh census operations, and were required to leave the country. Some were declared Bhutanese nationals, but were then pressurized into migrating "voluntarily" because they were related to political prisoners, or because they already had relatives living in the refugee camps. In some instances, families from an entire group of villages were forced out *en masse* despite being recognized as Bhutanese citizens, apparently in retaliation for a robbery or attack on a local government official attributed by the authorities to "anti-national" elements. Some people in the camps were themselves local officials who had been ordered to participate in the eviction and exile of neighbours. Some were forced to sign "voluntary migration forms" and leave the country after they failed to obey orders to demolish houses of those who had been earlier forced to leave the country.

ARBITRARY CENSUS: The report provides illustrative cases which "demonstrate that people whose own country is Bhutan, and who have no other nationality, were classified as non-nationals during the census and subsequently forced to leave the country." In the contrived and premeditated census exercise begun in 1988, because Bhutanese of Nepalese ethnicity residing in the southern half for generations were formally accorded citizenship in 1958 by royal decree (no papers were issued, nor did citizens living in the north then hold any documents as proof of citizenship), to be classified as a Bhutan citizen individuals in the south were required to produce land tax receipts for the year 1958 as proof of being resident in Bhutan at the time citizenship status was granted. Inability

to do so meant that the person was declared a non-national or "illegal immigrant". Land tax receipts for any other year, even 1957 or 1959, were not acceptable. People classified as non-nationals in this manner were told by local officials or the census team to leave the country within a short time or pay a fine or go to jail. Some who left in the earlier period (91-92) were harassed and threatened by army personnel or witnessed other villagers being beaten and women molested and decided to leave before they themselves fell victim to the same treatment. Those who left later described less brutal, but no less effective, methods of making them leave.

COLLECTIVE PUNISHMENT: A large-scale eviction was reported following the assassination, attributed to "anti-nationals", of the subdivisional officer (*dungpa*) Chhimi Dorji in Sarbhang District in May 1992. According to the villagers, everyone from the *gewog* (group of villages) was forced to hand over all documents and identity cards and to sign "voluntary migration forms". The King visited Gaylephug the next day and asked them not to emigrate. But after the King left, the villagers were threatened by the army and police, and warned by the new *dungpa* to leave, otherwise they would be forced to go "by any means possible".

"VOLUNTARY" MIGRATION: Many refugees stated that they had been forced by local officials to sign "voluntary migration forms" which said that they agreed to accept compensation for their land and that they were leaving the country willingly. The contents of the forms in Dzongkha were not known to most, while those that were aware of what the forms meant signed under threats of fines and imprisonment in case they refused to do so. Some received no compensation at all, some received compensation which did not reflect the true worth of their property, while yet others had most of the compensation deducted by officials as "payment for education, medical services and, in some cases, the cost of being maintained while in jail". Those that received payment were video-filmed receiving payment.

A farmer who was imprisoned on suspicion of having participated in the September-October 1990 demonstrations and having given donations to "anti-nationals" returned to his village after being released under an amnesty granted by the king. He was called several times to the police station or army camp and asked why he was still in Bhutan; after his release from prison, they said, he was expected to leave the country. He was threatened by the district administrator and the village head that he would be "blown away" if he did not sign the "voluntary migration form" and leave.

In some cases, the houses of those who had left the country were demolished on the orders, mostly verbal, of the local administration. People who refused to participate in such demolition were themselves forced to sign "voluntary migration forms" and leave

the country. Others have been required to sign "voluntary migration forms" and leave the country simply because they are related to people who have already left.

The report notes that the practice of forcible exile by the Royal Government continues, and provides the case of 284 people who arrived in the refugee camps on April 9, 1994 from Denchuka and Myona *gewogs*, Dorokha subdivision, Samchi district. This included 27 families from Denchuka *gewog* that were ordered to vacate their houses overnight by an order issued on the instruction of the *dungpa* by the Denchuka *gup* on March 24, else they would be driven out of their houses by the police. Most of the families had been hounded since January to sign the "voluntary migration forms".

CATEGORIZATION CONCERNS: Since the refugees in the camps "would like to return to Bhutan when it is safe for them to do so", and the bilateral talks between Bhutan and Nepal are intended to lead to decisions on who will be permitted to return, Amnesty International raises serious concerns regarding the four-fold categorization process. The two governments have agreed to classify the people in the camps into four categories:

- 1) Bonafide Bhutanese if have been forcefully evicted
- 2) Bhutanese who emigrated
- 3) Non-Bhutanese
- 4) Bhutanese who have committed criminal acts

Amnesty International fears that this classification may not allow for the return of all those who have been forcibly exiled and who have a right to return to their own country. It is, in fact, already the cause for the current deadlock between the two governments -- Bhutan reportedly insists that only those, "if any", under (1) will be allowed to return, people under (4) should be extradited, all those falling under (2) have "renounced"/lost their citizenship and the right to return, while Nepal rightly maintains that all Bhutanese must be repatriated to Bhutan.

According to Amnesty International, crucial issues regarding classification need to be addressed in order to ensure that the guarantees of international human rights laws are fulfilled. The report expresses concern over how it will be decided whether a person is Bhutanese or non-Bhutanese, especially as prevailing Bhutanese laws are vague. This is further

compounded by the authorities who stipulate conditions that are impossible to fulfill. "Census registers are incomplete, some people have had their status as citizens altered, some people have had their names deleted from the census records, and many people who might otherwise be able to prove their residence in the country by producing their land tax receipts and other relevant documents have had them confiscated by local government authorities," the report states. To make it more difficult for refugees to prove their claim, more complications have been deliberately added; house and *thram* (land deed) numbering systems have been altered and all previous recording systems and registers substituted.

Amnesty International recognizes the potential flaws in the subjective manner in which people can be denied their right to nationality and be stripped of citizenship. Provisions in citizenship Acts for denial of nationality on account of "having spoken or acted against the King, country and people of Bhutan in any manner whatsoever", or "responsible for any activities against the Royal Government", or "without assigning any reason" can be used to arbitrarily exclude southern Bhutanese from the national census, Amnesty International fears.

Based on its myriad of concerns, Amnesty International seeks an assurance from the Royal Government of Bhutan that no restriction will apply to Bhutanese who had voluntarily emigrated and wished to return, as a refusal to permit people to return would amount to forcible exile. Amnesty International also recommends a full, independent assessment of human rights situation in southern Bhutan to ensure that those who return will not fall victim again to the kinds of violations that originally made them leave. Amnesty also believes that no persons should be returned to Bhutan before it has been determined that they would not be at risk of serious human rights violations if returned.

There is no doubt that if cases of physical atrocities and abuse by the Bhutanese authorities have reduced because of apprehensions on the part of the regime over being condemned by the international community, subtle and refined, but much more evil and destructive designs against southern Bhutanese are still being deployed. **BHUTAN: Forcible Exile** by Amnesty International provides this evidence.

REFUGEE CAMP INFORMATION

Location	District	Refugees	Students
Timai	Jhapa	8,209	3,275
Goldhap	Jhapa	7,830	2,877
Beldangi I	Jhapa	14,725	4,985
Beldangi II	Jhapa	18,281	6,889
Beldangi II Ext.	Jhapa	9,617	3,281
Sanischare(Pathri)	Morang	16,704	5,401
Khudunabari(N)	Jhapa	7,004	3,819
Khudunabari(S)	Jhapa	3,587	
Total		85,957	30,527

Cumulative births: 3,947

Cumulative deaths: 2,548

The above figures are as of August 31, 1994.