

# The Bhutan REVIEW

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## Round Table Meeting of Bhutan's donors

A Round Table Meeting (RTM) between the Royal Government of Bhutan and its development partners was held in Geneva on January 17. The one-day programme co-chaired by the UNDP and the World Bank brought together 55 representatives from the donor community. The Bhutanese delegation led by the Planning Minister Lyonpo C. Dorji included the Deputy Minister in the Royal Civil Service Commission Khandu Wangchuk and Finance Secretary Yeshey Zimba.

Bhutan's major bilateral donors include India, Japan, Denmark, The Netherlands, Austria and Switzerland. Various United Nations agencies, the World Bank, the International Monetary Fund, the Asian Development Bank and the European Commission are among the main multilateral donors.

Among the 34 projects submitted by the Royal Government for possible financing were programmes related to Human Resource Development (HRD) and Education. This attempt to mobilize additional resources in these sectors must be viewed against the following reality: Bhutanese of Nepalese ethnicity have generally been denied fellowships and training since 1989, a consequence of which has been the understandable reluctance of the donor community to respond to Bhutan's requests in this area; many educated and trained Bhutanese have been forced to leave the country simply because of their ethnicity; many of the schools in the southern part of the country remain closed.

## Seminar on Bhutanese Refugee Crisis in the United States

The Centre for the Study of Human Rights and The Southern Asian Studies Institute, School of International and Public Affairs, University of Columbia and The Alliance for Democracy and Human Rights in Nepal are jointly organizing a one-day seminar in Columbia University, New York, on February 18, 1995. The seminar **BHUTANESE REFUGEES: An unresolved crisis is being organized with the aim of bringing together representatives of concerned governments, international community, human rights organizations, academics and Bhutanese dissidents to analyze the Bhutanese refugee issue in the context of other refugee problems and to explore and recommend viable policy options for a possible solution.**

The seminar is expected to begin with an update and analysis of the crisis and conclude with some concrete recommendations. Those who have confirmed their participation include US Congressmen, academics, human rights groups and journalists.

## Bhutanese refugee women appeal for speedy repatriation



Bhutanese refugee women took to the streets in Jhapa on January 13 to draw the attention of the new government in Nepal and the international community, in particular the development partners of Bhutan, about the plight of Bhutanese in exile.

Timed to remind donors at the Round Table Meeting for Bhutan on January 17 in Geneva to discuss development assistance to the Kingdom, over 200 refugee women accompanied by some children with placards undertook a silent march in Birtamod.

The rally proceeded from Anarmani to the town-centre and handed over a letter addressed to Nepalese Prime Minister Man Mohan Adhikari at the local police station. The letter called on His Majesty's Government of

Nepal to consider the inclusion of a third party and Bhutanese dissident groups in the on-going bilateral talks between Bhutan and Nepal. It further urged that the forthcoming fifth round of bilateral talks focus on the speedy repatriation of refugees.

Attributing the present stubborn position of the Royal Government largely to the indifference of the donor community, the letter said: "Despite inhuman treatment of its own people, ... the Royal Government obtains large amount of development budget from neighbouring country and overseas."

"For the last four years, we have been spending our time idly, while our farms in Bhutan remain barren, and our children's

future remain uncertain. Food and shelter provided to us are not adequate means of livelihood. We want to go back and lead normal life with dignity," stated a Press Release issued on the occasion. "We feel we are doubly ignored; first being a woman in a traditionally bounded Asian society and as refugees largely ignored by the outside world," the release added.

The rally drew the attention of Bhutan's development partners meeting in January to discuss further assistance to the Royal Government of Bhutan. The Press Release called upon Bhutan's donors to "consider the plight of the Bhutanese refugees and suppression of human rights, before committing further aid to Bhutan."

## 60% OF WORLD'S NATIONS DEMOCRACIES: BHUTAN AMONG 21 MOST REPRESSIVE STATES

In a survey of the global status of political rights and civil liberties conducted by a U.S. human rights group, Bhutan figures at the bottom of the list.

The number of democracies has doubled over the past two decades but liberties are still limited or totally denied to most of the world's population. **Freedom House** reported in its annual report for 1994 released on January 1.

Freedom House which describes itself as a nonpartisan, non-profit, nongovernmental group was founded in 1941 and has been monitoring civil liberties and political rights across the globe since 1971.

In the 1994 report on 191 nations and 58 territories, 60 percent of the countries are now "formal democracies," defined as systems where people freely elect authorities among competing groups or individuals. The tally of 114 democracies, double the number Freedom House found during surveys in the 1970s, represents the largest number in history and seven up from the last year. The new entrants are South Africa, Haiti, Ukraine, Mozambique, Malawi, Guinea-Bissau and Palau. Only one

country, Gambia, lost its standing as a democracy.

"Never before have so many countries been trying to follow democratic rules," said Bette Bao Lord, chairperson of the New York-based group. "But these democracies are hardly home free."

A majority of the world's population still lives in countries and territories that the Freedom House survey has categorized as only "Partly Free" or "Not Free", where basic rights are either curtailed or denied. Although 60 percent of the world's nations are now formal democracies, 80 percent of the global population still lacks full democratic freedoms, mainly because the two most populous nations, China and India, are rated as "Not Free" and "Partly Free" respectively.

Freedom House President, Adrian Karatnycky, said that despite the opportunities arising from the end of the Cold War, there is little evidence of a sustained global push towards societies that provide strong protection for those rights.

"Freedom continues to elude the vast majority of the world's

people, with nearly 40 percent living in partly free states and 40 percent living in Not Free states," he said.

The report has called on the United States to take the lead in helping stabilize unsteady democracies. "The survey indicates the U.S. has a historic opportunity to strengthen shaky democratic traditions," the report said.

"There is simply no compelling reason for U.S. foreign development aid funds to be spent on assisting the economies of dictatorships," the report said, adding that the United States should deny funds to those countries that make no effort to protect political and civil liberties.

The report's ratings are based on two dozen criteria involving political rights and civil liberties. On that basis, the survey ranked 76 countries "Free", 61 nations "Partly Free" and 54 nations "Not Free."

Bhutan is among the twenty one countries which were determined to be the "most repressive places on earth" having received the worst possible rating for political and civil rights.

## Bhutan-Nepal Talks on refugees to resume

Bhutan-Nepal Ministerial Joint Committee constituted to resolve the problem of Bhutanese refugee in Nepal which was set up in July 1993 has met four times without making any substantial progress. The fifth round of talks were scheduled to be held in Kathmandu in September 1994 but were postponed due the general elections in Nepal. The new government in Nepal has now initiated the process of resuming the talks. The Nepalese government has reportedly proposed that the fifth round of talks in Kathmandu be held between February 28 and March 2.

The issue of Bhutanese refugees in Nepal is likely to be on the agenda when the Nepalese Prime Minister Man Mohan Adhikari meets his Indian counterpart during the his visit to New Delhi scheduled to take place shortly. Deputy Prime Minister and Foreign Minister Madhav Kumar Nepal who will precede Adhikari is also expected to raise the issue while he is in India from February 6-10.

Talking to the national news agency RSS in Kathmandu recently, Deputy Prime Minister Nepal said: "Bhutan should take back its people with honour and dignity because Nepal cannot continue to bear a heavy burden of refugees as it is the problem created by Bhutanese authorities." Emphasizing the need for cooperation from all concerned, the Deputy Prime Minister added, "For this, we expect good understanding from Bhutanese government and seek cooperation and support of India and even the international community."

## REPORT '94

**BHUTAN: Rights and Refugees, Report '94**, the third in the series of annual publications by the Human Rights Organization of Bhutan (HUROB) has been released. The 40-page document briefly summarizes the human rights situation in Bhutan and provides an update on the Bhutan-Nepal bilateral talks aimed at resolving the Bhutanese refugee problem in Nepal. It also carries extracts from select publications of 1994 on human rights practices in Bhutan. Besides detailing some case-histories of people evicted from Bhutan and accounts of prisoners released during the year, *Report '94* summarizes events and developments of 1994 related to the current crisis in the country.

*Report '94* is available from the offices of the Human Rights Organization of Bhutan (HUROB) in Kathmandu and Jhapa.



# The Bhutan REVIEW

## TALKING AGAIN

Kathmandu has reportedly proposed that the fifth round of the Nepal-Bhutan Ministerial Joint Committee take place in the Nepalese capital between February 27 and March 2. If the Royal Government conveys its acceptance and the meeting convenes as proposed, the two sides, one with three new faces, will be meeting after a gap of precisely eight months. This protracted delay between two rounds of discussions, the compulsions necessitating the suspension notwithstanding, is a pointer to the general apathy associated with the search for a solution to the Bhutanese refugee crisis.

The resolution of the problem which purportedly "vexes" both governments necessarily needs to take into account the dual issues of reforms in Bhutan and refugees in Nepal. But even after eighteen months of dialogue, there are no indications that the deliberations are headed in a direction where a long-lasting solution is to be found. Instead, what has been amply displayed is the Royal Government of Bhutan's consistent campaign of equivocation and evasion. The regime's defiant attitude to begin with; next, its adamant refusal to concede that refugees in the camps were Bhutanese nationals; its reluctance in entering into a dialogue with Nepal after the Bhutanese status of at least some of the refugees was recognized; and finally the blatant manner in which the bilateral talks, once begun, have been made to flounder, all point to Thimphu's deliberate evasive tactics.

The first democratically elected government of the Nepali Congress made desperate attempts over the past four years, without success, to convince the Bhutanese regime to see reason and facilitate the return of refugees to their country "with dignity and honour." The growing number of Bhutanese refugees, a source of concern to both the government and the people of Nepal, in particular the local population in Jhapa and Morang, compelled the Nepali Congress government to seek an all-party mandate to chalk out a strategy and explore avenues to force a stubborn Thimphu to relent. To no avail. A Communist government is now in power Kathmandu, and a fresh Nepalese team will soon take up where the Congress left and take on the Bhutanese side led by Home Minister Dago Tshering.

Since the Communist Party of Nepal (United Marxists-Leninists) formed a minority government in Nepal, there has been much speculation as to how the handling of the talks to resolve the Bhutanese refugee problem will differ from that of the past government. While there are those who might hope that a dramatic transformation is in the offing, or some who might actually dread such a possibility, considering that Nepal has followed a path in the negotiations with Bhutan in keeping with decisions generated in an all-party meeting, it is difficult to foresee any major deviation from the policies and strategies of the past. However, because all three Nepalese members in the Ministerial Joint Committee are new (Home Minister K.P. Sharma Oli, Royal Nepalese Ambassador to India and Bhutan Harsha Dhaubahadel, and Joint Secretary in the Ministry of Foreign Affairs Govinda Dev Pant), this situation will automatically mean some subtle shifts, however minor. Whether this will be positive and helpful and adequate to move a resolute Thimphu will only be seen in the days ahead.

The task for the new Nepalese team, however, is uphill. Besides the fact that it is faced with a government determined to prevent the talks from heading in the direction of a possible solution - and skillful enough to achieve it so far - more significantly, it has inherited an almost insurmountable hurdle in the form of the categorization agreement. In a probable case of sheer oversight, Nepal agreed to be a party to the classification of foreign nationals when it was agreed that the Ministerial Joint Committee team will determine and verify four categories of refugees in the camps. Three of the four categories are Bhutanese. More than the implied agreement on the part of Nepal to "interfere" in the affairs of another state by helping to classify its citizens, the agreement has ensured that progress of the negotiations has become tied to this difficult physical activity. Bhutan, which insisted on this process precisely for its delaying value, has missed no opportunity in taking advantage of it. And not unexpectedly, three subsequent rounds of talks since this agreement have led nowhere.

Despite the depressing reality of a bilateral process that is completely bogged down and shows little promise of being able to extricate itself from the present quagmire, it may be premature to be overly pessimistic and completely write off the talks between the two countries. The new government in Kathmandu and the fresh team in the talks might yet succeed where past efforts failed. In this regard, the impending visits of Nepalese leaders to India takes on added significance. Both Prime Minister Adhikari and, prior to him, Deputy Prime Minister and Foreign Minister Nepal are expected to raise the Bhutanese issue. These discussions could spell some changes in perceptions among the leadership in all the three countries, resulting in fresh, positive positions at the talks.

## ASIAN VALUES AND THE ASIAN SOUL

### Asian Values

Civilizations on the rise like to explain their economic success not through some dreary shift in comparative advantage or the technological change but by pointing to a set of virtues unique to their culture. So Britons believed that a special spirit of industry enabled them to turn the globe red and America saw its strength born of the rugged individualism of its pioneering past. With the countries of East Asia having scored one economic triumph after another for the past two decades - and, by most guesses, set to do so for at least another decade to come - some Asians have begun proclaiming that their success is due to the superiority of "Asian values" over those of the decadent West.

There is something important in this - and much confusion about what it may be. One reason for the muddle is that "Asia" is an even bigger and more diverse place than westerners think, with not only 60% of the world's population but four or five major cultures, several distinct forms of social organization, an ethnic mosaic of astonishing complexity, and three or four big religions. It may make sense to talk about Confucian values, or Islamic values, maybe even Japanese and Hindu values. But

The magazine covers and newspaper headlines of 1994 said it all: 'Asia Ascendant', 'Asia Unleashed', 'The Rise and Fall of Asia'. Never mind that when blurb writers talk about Asia they mainly mean the economic over-achievers on the Pacific Rim, the message is clear: a richer, more powerful Asia-Pacific is turning politically assertive and will become more so in the last five years of this century and into the next one.

After shamelessly trying to be more materialistic than the West, after showing the world what capitalism really means and after attaining living standards that now rival or approach European levels, countries like Japan, Singapore, Taiwan, Korea, Malaysia and to some extent China are trying to rediscover their Asian soul. Open the opinion page of any Asian newspaper today, and it is dominated by the debate between the proponents of Asian and Western value systems. They delve into the search for the Asian way, the Asian definition of democracy and human rights, the Asian concepts of social justice.

In 1995, there will be endless ceremonies to mark the 50th anniversary of the end of the Pacific War. And the irony of it will not be lost - the East Asian co-prosperity sphere over which Japan entered the war has actually come to pass. Asia's new assertiveness is largely a factor of the surprising shift in Japan in 1994 that made politicians, academics and businessmen less squeamish about openly criticizing the West, especially the United States.

Trade friction with the West and its inability to gain permanent membership of the UN Security Council has irritated Tokyo, which now sees itself less dependent on a US security umbrella over the Western Pacific in the post-Cold War era. In addition, Japan's trade and investments in Asia are soar-

"Asian" values is a tall order.

One result is that some spokesmen for the Asian way, when pressed to delineate it, come up with descriptions of such stupidity that they tell you nothing. Tommy Koh, a former ambassador of Singapore to the United States, is a thoughtful man, but nonetheless recently wrote that Asian values consist of (among other things) the family, education, high savings, hard work, home ownership and clean living. It is this sort of thing that makes some westerners smell a rat. They suspect that the real point of "Asian values" is to give Asian authoritarians who do not want to surrender power, or even entertain the possibility of a western-like alternation of parties in government, a respectable cloak for their personal ambitions.

That undoubtedly plays a part (as personal ambition also does in the philosophical pronouncements of most western politicians). But is there nothing more to it? The countries from which the "Asian values" signal is currently being beamed most strongly - Malaysia and Singapore - are, like many of their Asian sympathizers, among the world's most successful countries by any measure at im-

proving their citizens' welfare over the past quarter-century. Unless their governments had almost nothing to do with their success, which seems improbable, their leaders deserve at least a hearing on the question of how their odd mixture of formally democratic politics with what is in practice a one-party, strict (indeed authoritarian) controls on freedom of expression and public behaviour, and small, anti-welfare and pro-business government, managed to produce what it did...

The argument over "Asian values" is not about whether the tide of history may now be moving east after 500 years of moving west (though that may well be happening) nor about an impending "clash of civilizations". It is about how to organize any rich, modern society late this century and early next; and about how to strike a balance anywhere between freedom and order, and between government responsibility and individual and family responsibility. Thus, fascinating though the questions are of the fate of Asia's great poor countries - China, India and Indonesia - they are beside the point in the debate about Asian values...

**The Economist, May 28, 1994.**

### Searching for an Asian soul

ing while economic links with the United States and Europe are either falling or stagnant.

Irked by Anglo-Saxon arrogance, the Japanese are looking for a role model. They seem to have settled for Malaysian Prime Minister Mahathir Mohamad who in 1994 got unprecedented adulation in the Japanese media as a messiah of the Asian Way. But not everyone in Asia agrees with Mahathir's brand of obstreperous confrontation with the West. And even his presumed heir apparent, Anwar Ibrahim, while condemning Western "arrogance" has been making conciliatory speeches calling on Asians not to go for knee-jerk anti-Westernism.

"It is shameful, if not ingenuous, to cite Asian values as an excuse for autocratic practices and denial of basic rights and civil liberties," he said in Hong Kong in early December. At a conference looking at the Asian definitions of human rights in Kuala Lumpur a week later, Anwar said: "Development cannot be used as an apology for authoritarianism."

Many see the backlash against Western thought, media and big-business as a sign of affluent Asia's search for its soul and understand the motivation that drives it. David Howell, Chairman of the British House of Commons Foreign Affairs Committee, is clear what is happening: a shift in the centre of gravity in human affairs from Eurocentric thought and skills that dominated the world for 300 years to East Asia.

"It seems that the rise of Asian power, both economic and political, dwarfs even the fall of the Berlin Wall," Howell writes. "Western thinkers and the political leaders who follow in their tracks must stop and reconsider. Something is fundamentally wrong not just with their eco-

nomics but with their assumptions of moral superiority."

To be sure, the Asian concept of human rights and democracy has been a ruse for many autocrats in the region to hold on to power. It is also true that Asian autocrats have achieved phenomenal economic results, but South Korea, Taiwan, Thailand and even the Philippines are now showing that governments do not necessarily need to curb pluralism and muzzle the press to spur their economies.

Then there are the Western expatriate commentators in Asia like Liam Fitzpatrick of Hong Kong's *Eastern Express* newspaper, who are fed up with all this 'Asia Uber Alles' stuff. "Barely a summit goes by without some batik-clad diplomat rabbling on about how Asian his Asian values are," Fitzpatrick writes. "There is nothing un-Asian about wanting to be free from arbitrary punishment, or the desire for free political, artistic and religious expression."

East Asia's affluence in large measure came about because their people were willing to sacrifice a degree of individual freedom so pro-growth policies could take hold in an environment of political stability. In 1995, Communist Party-governed China and Vietnam and junta-led Burma will continue to emulate the authoritarian capitalist model of Singapore and Malaysia.

But there is enough evidence to show that Asia's rising prosperity during this decade must be matched with greater political openness, and the freedom and economic growth need not be mutually exclusive. Across East Asia, there is now a serious search for political, economic and cultural alternatives to Western models, and these could have universal applications in the next century.

**Kunda Dixit -  
Inter Press Service**



## Arbitrary Detention

### PEMA TSHERING - Arbitrarily Detained

Pema Tshering, a *ngalongpa* (western Bhutanese), has been in custody for the past four years. He has not been brought to trial, nor have formal charges been filed against him. He has begun his fifth year in detention on account of his alleged contribution of money to the Bhutan Peoples Party (BPP).

Holding International Committee of the Red Cross (ICRC) prisoner card number BTT/139, Pema who is currently being held in Chemgang prison was born in Khuru village in Punakha district. In 1989 his census was transferred to Chirang district under Dalyani village in Chirangdara *gewog* (block). He is married with two wives and has four children, the eldest being 12 years old.

Pema was a businessman in Gomtu, a town in Samchi district built around the Penden Cement Plant, the largest industry in the country until a few years ago. In addition to holding a licence as the official agent of the Food Corporation of Bhutan, Pema ran a general goods store, a grocery shop, and a hotel and bar. At the time of his arrest, he was busy constructing a double-storied building.

Pema Tshering was picked up by a combined Royal Bhutan

Army (RBA) and Royal Bhutan Police (RBP) force in November 1990 for allegedly donating money to the banned Bhutan Peoples Party. The fully-armed security forces arrived at his house in Gomtu at around 8 o'clock in the evening. All family members were bodily searched and escorted out of the house at gunpoint. Everything in their pockets, including cash was removed. The family observed soldiers and policemen grabbing their household goods. No member of the family was allowed to bring out anything except the clothes on their backs.

Pema was kept in military custody in Gomtu for a week. He was severely tortured until he "confessed" that he had donated a huge amount to the "anti-nationals". Thereafter he was moved to Samchi and was confined to Samchi jail for a year. From Samchi he was transferred to Chemgang prison near Thimphu and was kept in shackles. 15 days later he was once again transferred, this time to the Thimphu Central prison within the RBP headquarters compound.

In Thimphu prison, Pema was kept with 3 other northern Bhutanese prisoners, Sonam Tshering, Tshering Phuntsho

and Ngawang Dukpa. [Sonam Tshering was released in August 1994. The other two are still in prison with Pema]. The shackles were replaced by a solid iron bar. The four were kept in a tiny room. There was not enough space to even stretch their legs. They were allowed no visitors during the 13 months that the four of them spent in that tiny space. The only time that they saw others was when they were taken out to put in hard labour.

At the end of 1992, just prior to the first visit of the ICRC, the iron bars were removed. They were told that the king had pardoned them because Bhutan was a country of Buddhism. They were made to sign a statement which said that they were grateful for the pardon, and that they were "ready to face the bullet" in case of any future offense. The four were then transferred to Chemgang prison.

Pema's family was not allowed to take charge of his business after his arrest. All his property was auctioned by the government. As the family was in dire straits, his mother and his first wife appealed to the king. The *Gyalpoi Zimpon* (Welfare Secretary to the king) publicly humiliated the two, spitting on them and alleging that they had

conspired with "anti-nationals". On being granted an audience with the king, the wife was asked what she desired more, her property or her husband. Stating that her husband was the breadwinner in the family, she appealed for her husband's freedom. The king commanded her to get out. She would not get back her husband, he said, because he was an "anti-national".

Pema has begun his fifth year in prison. His family is struggling to survive. They are now staying in Chirang and supporting themselves by doing manual work. In October last year experts of the Working Group on Arbitrary Detention of the UN Commission on Human Rights [See Box] visited Bhutan. Pema Tshering, a victim of arbitrary detention who has been incarcerated since 1990, appealed to the visiting delegation in writing. He is still awaiting a response.

### "IN QUOTES"

*From the Universal Declaration of Human Rights adopted by the UN General Assembly on December 10, 1948.*

"Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law." Article 9.1

"All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." Article 10.1

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation." Article 7

## MEDIA SCAN

### IN BLACK AND WHITE

"Six years in detention and a Nobel Peace Prize in between, Aung San Suu Kyi is still under a spell of uncertainty as to when Myanmar's State Law and Order Restoration Council will release her. Western news media last month raised hopes, apparently on their own, that the leaders in Yangon could at long last free Suu Kyi whose leadership enabled the National League for Democracy to sweep the 1989 general elections, winning over three-fourths of the parliamentary seats. The NLD was, however, not handed over the reins of power; the military took over.

At the fag end of January 1995, the media is at a loss over the prospect of Suu Kyi's release. Human rights organizations continue to press for her freedom, and rightly so. Married to a British national, Suu Kyi faced the question of her nationality shortly after the 1989 poll outcome. But the issue quickly got buried when the military government tried to persuade her to agree to leave the country if she was released from house arrest. She has relented not an inch from her position, reassuring her admirers and followers that she stands by her principles. In the process, she has also been awarded the Nobel Peace Prize which Yangon suspects as a design by its detractors to intimidate SLORC.

Comparison can be odious but not always. At times, it become necessary to highlight a point. Close to Myanmar is Bhutan and a prominent prisoner of conscience, Tek Nath Rizal, who has completed five years in prison, marked by prison brutalities, away from media attention and yet further away from the hearing of the Nobel Prize committee.

However unfair the situation might be, Suu Kyi does have the option of leaving the country; not Rizal who was abducted from eastern Nepal five winters ago and whisked away to Thimphu. What awaited the champion of Bhutan's democracy and human rights could easily be imagined by the brutality with which the Thimphu regime's men greeted him. As soon as Rizal was shoved into the aircraft, the men from Thimphu showered on him a torrent of blows, kicks and abuses. For four years his whereabouts were not known. Last year, the Bhutanese radio service announced a verdict that Rizal was found guilty of working against the King and the state. King Jigme quickly announced a royal reprieve pledging Rizal's release once the trouble in the country's southern part subsided. The "trouble" denotes the movement for democracy and human rights in a country where political parties are banned, general elections based on adult franchise absent, and to criticize the absolute monarch is to invite charges of sedition.

No Bhutanese dare hang Rizal's portrait on the wall of his or her home without risking harassment or imprisonment. Mere mention of Rizal's name is to risk trouble of one kind or other. Human rights organizations of the world, wake up. The media of the world, particularly in South Asia, spare some space/air time for Rizal too."

P.Kharel, *The Rising Nepal*, Kathmandu, January 29, 1995.

### UN COMMISSION ON HUMAN RIGHTS AND ITS WORKING GROUP ON ARBITRARY DETENTION

Human rights activities within the United Nations are pursued by bodies created under the authority of the UN Charter or bodies established under various human rights treaties. The Commission on Human Rights and its Sub-Commission meet exclusively in Geneva. It is responsible for monitoring existing international standards, recommending new international standards, investigating violations, submitting proposals for new programs and policies related to human rights, providing advisory and technical services to countries needing assistance in protecting human rights, and pursuing other related objectives. The Commission is composed of 53 governmental members elected in regional groupings by the Economic and Social Council (ECOSOC) for staggered three-year terms. Bhutan began its term on January 1 this year.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities is the only sub-commission of the Commission on Human Rights, and as such, reports annually to the Commission. Twenty-six members nominated by their governments from various regions are elected to the Sub-Commission by the Commission every two years to serve in their individual capacities.

Communications containing complaints of violations of human rights are summarized and sent confidentially to the 53-member Commission on Human Rights, which is the "functional com-

mission" of ECOSOC, and its Sub-Commission. Copies of complaints are also sent to the Member States. The identity of the writers is not disclosed, unless they have consented to disclosure. Any replies from the Government are forwarded to the Commission and Sub-Commission.

At its 1991 session the Commission on Human Rights established the Working Group on Arbitrary Detention, consisting of members from the five regional groupings. The Working Group is charged with the investigation of complaints where detention has been imposed either arbitrarily or otherwise in a manner inconsistent with relevant international human rights standards, including both administrative detention and post-sentencing detention.

The Group meets twice a year in Geneva. The Group receives complaints from governments, intergovernmental organizations, NGOs, and individual complainants. The Working Group has the authority to issue urgent appeals and to visit individual countries from time to time.

The intervention by the Working Group is guided by the humanitarian aspect and does not in any way prejudice the final assessment of the arbitrariness of the detention. Urgent appeals are addressed with the single objective of ensuring that the right to life and physical integrity of the detained person are respected.

The experts in the Working Group not only have the mandate to receive and transmit communications but can also take decisions on the arbitrary

nature of the detention in question. In addition, the Commission mandated the Working Group in their deliberations at the 50th session in 1994, to take into account not only the international legal standards, but also the national legislation. The work of the Group thus constitutes a quasi-judicial body, and the considerations taken for each decision is of utmost importance to human rights organizations.

In 1993, 183 individual cases were submitted for observation to different Governments by the Working Group. Out of this total, 8 had been submitted by family members of the person concerned. The Group has taken 50 decisions on individual cases until the last report of 1994.

The initial mandate of three years of the Working Group was extended for a further period of three years in 1994. The Commission has urged Governments to cooperate with the Working Group which has been charged with the task of "*investigating cases of detention imposed arbitrarily or otherwise inconsistently with international standards set forth in the Universal Declaration of Human Rights, or in the relevant international legal instruments accepted by the States concerned.*"

A six-member delegation of the Working Group visited Bhutan in October 1994. The report of the delegation led by the Group Chairman L. Joinet of France has not been made public so far. However, it has reportedly been agreed that the Group will revisit the Kingdom again within six months, i.e. before April 1995.



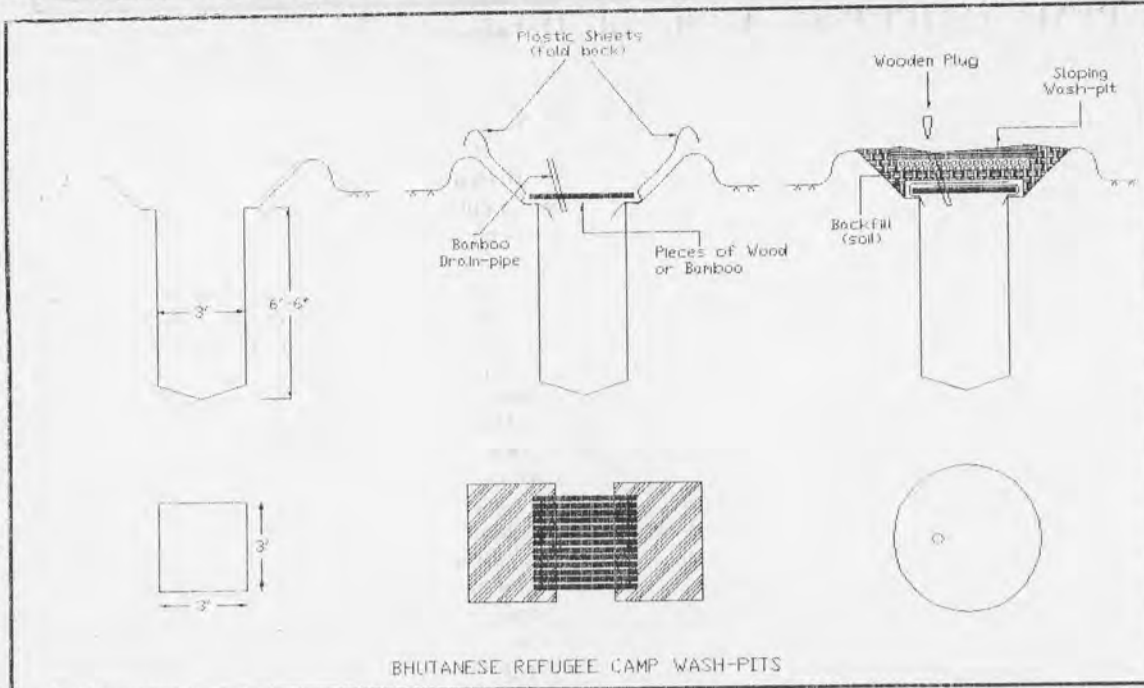
**From BHUTAN: Rights and Refugees, REPORT '94**

The human being is able to draw upon surprisingly phenomenal reserves of resilience and ingenuity when called upon by circumstances to adapt to new situations. Incredible amounts of determination and willpower along with new skills suddenly appear when one is confronted with having to survive in a new environment. Forced to survive in a completely different environment and to conform to an alien lifestyle, individuals and communities can be amazed by their own creativity and resourcefulness as well as their increased level of tolerance. Bhutanese refugees in Nepal provide proof of this.

Southern Bhutanese whose peaceful and comfortable world suddenly turned upside down, becoming homeless and stateless refugees overnight, were forced to adjust to a strange and difficult life in refugee camps far from home. If they shared a common ancestry and language with the local population, nothing else was familiar. Beside the shock of having to adjust psychologically to receiving handouts, a host of other adjustments had to be made. Much of the physical and psychological stresses on the Bhutanese refugee stemmed from the forced intimacy with neighbours not of one's own choosing. Villagers used to large distances separating them from neighbours -- cluster of houses to form a village is still an alien concept in the south Bhutan - have had to adapt to the uncomfortable situation of having to live literally at arms length from the next family. Having come from a place where the population of the largest town was under a thousand, the average subsistence farmer with his extra-large family as well the formerly well-to-do business family have learnt to cope with the crowded conditions and cramped quarters. Most had never seen toilets before while a few may have been used to more luxurious systems, but both quickly adjusted to building and using the shared family toilets (VIP pit latrines). Everyone contributed time and labour in the construction of schools and health units, finding out from experience the many additional uses of bamboo and wood. In their spare time refugees whittled wood and bamboo to make "furniture" and other everyday items of use.

Considering the overcrowding, a largely rural and illiterate camp population, and limited facilities, visitors to the Bhutanese refugee camps cannot be blamed for expecting to witness appalling sanitary conditions. Instead, even where there are as many as 42,000 people at a single site in Beldangi (twice the population of Bhutan's largest city, the capital Thimphu!) the camps and the surroundings are relatively clean. First-time visitors who make the trip to south-eastern Nepal cannot but fail to make two pleasant observations; the remarkable absence of stray dogs and flies in the refugee camps.

# REFUGEE TECHNOLOGY



BHUTANESE REFUGEE CAMP WASH-PITS

More than any other sign, the absence of stray animals and flies, both dangerous and bothersome, bears testimony to the ability of people used to living far apart to adapt to totally different living conditions. Despite the overcrowding, the camps are neat and clean without garbage, litter and kitchen waste lying around to attract flies and strays. It is a reflection of the community's successful collective efforts directed to maintaining a hygienic environment. Besides the pit latrines, the single most important innovation contributing to healthy sanitary conditions in the Bhutanese refugee camps is undoubtedly the wash-pit.

The simple wash-pit system evolved over a period of time in the early days on the banks of the Kankai Mai river, the first stop of Bhutanese refugees. In the extremely overcrowded conditions at Maidhar camp - final population exceeding 24,000 in about 5 hectares of space - it became imperative that

surroundings be kept clean, both from the point of view of general hygiene and sanitation as well as to ensure the maximum possible density of temporary shelters. With the threat of an epidemic spreading among the malnourished population always looming large, a regular vigil was maintained to ensure a clean environment under the circumstances. Kitchen waste attracting flies and dogs was recognized as a major source of problems. Strict monitoring at sub-sector levels (groups of around 15 shelters) and formation of women's groups to educate people about the values of a clean environment helped ensure relatively hygienic conditions even in the dangerously overcrowded camp. As refugees themselves learnt from experience, and as each improvement was made mandatory by the camp management committees, from open pits to pits with removal covers to soakpits with permanent covers, it did not take long for the present system to evolve. By the

time official camp sites and regular UNHCR assistance became available, the potential problem that kitchen waste could have become, had already been permanently tackled; the wash-pit had become mandatory for every family unit.

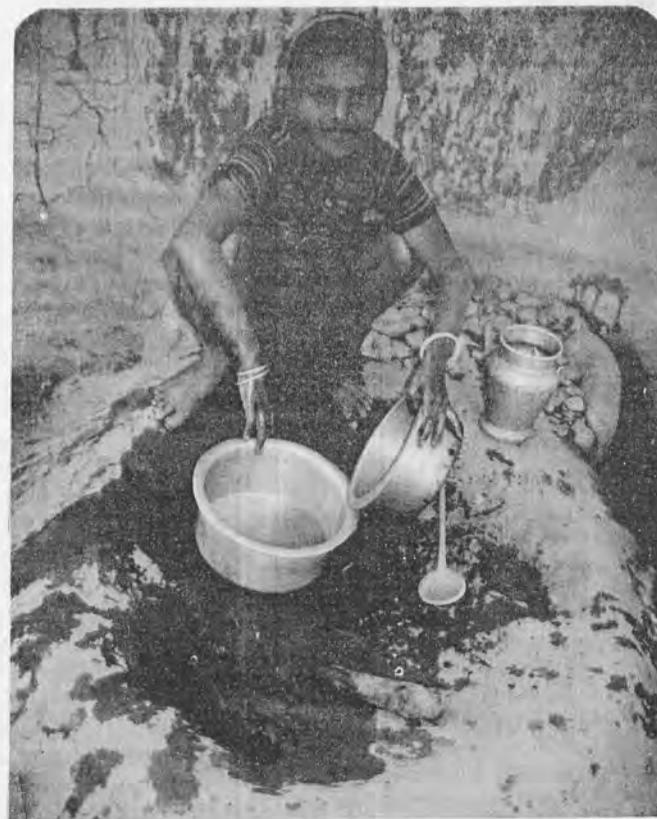
The wash-pit in the Bhutanese refugee camps is simply constructed using locally available materials. First, an open pit, roughly 6 feet deep and measuring around 3 feet square or round, is excavated. Wooden or bamboo pieces are used to carefully cover this opening. A plastic sheet can be placed over the bamboo/wood structure to prevent soil from falling through. A bamboo pipe is left inserted at this stage to function as the drain pipe. Soil is then backfilled and compacted over the bamboo/

wood frame, sloping down from all sides towards the top of the drain pipe which, when in not in use, is kept closed with a wooden plug. A final fine mud-plaster finished by hand ensures a weather-proof coating to the "wash basin". The entire basin area is raised twelve to eighteen inches from the ground so that dirt and water from the surroundings do not enter the soakpit.

The wash-pit has provided excellent service. Even during the height of the rainy season the soak pits have functioned properly. Because of this simple innovation which requires only labour and locally available materials, the camp areas have been kept free from dirty water and waste. As a result the camps are free from flies and dogs. Villages and urban areas in the region could adopt the humble low-cost Bhutanese refugee wash-pit for improved hygiene.



Pit Latrine



REFUGEE CAMP INFORMATION			
Location	District	Refugees	Students
Timai	Jhapa	8,247	2,903
Goldhap	Jhapa	7,911	2,814
Beldangi I	Jhapa	14,981	4,858
Beldangi II	Jhapa	18,486	6,902
Beldangi II Ext.	Jhapa	9,266	3,179
Sanischare(Pathri)	Morang	16,924	5,367
Khudunabari(N)	Jhapa	7,075	3,533
Khudunabari(S)	Jhapa	3,681	
<b>Total</b>		<b>86,571</b>	<b>29,556</b>
Cumulative births:		4,709	
Cumulative deaths:		2,642	

The above figures are as of December 31, 1994.