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Imprisoned for failing to meet forced labour quota

20 persons in Wangdiphodrang district have been sentenced to prison terms ranging from 2-3 years. The punishment was meted out when 200 households of Sephug Gewog under Wangdiphodrang district failed to contribute labour to the district administration.

Unable to tend to their own fields while at the same time meeting government requirement for labour, the villagers from Sephug reportedly petitioned the Dzongdag (district administrator) for waiving-off part of the labour contribution of the village. Instead of a sympathetic hearing, the Dzongdag ordered the imprisonment of the 20 village representatives, including one woman, for daring to question government policy.

The practice of forced labour is an age old problem in Bhutan. Every citizen in the 17-60 age group has to contribute labour in various forms. The government mobilizes manpower through various mechanisms based on households and population. While no payment was made for any kind of labour contributed by the public till the 1960s, with the commencement of development activities the government began paying a paltry sum to persons conscripted for projects. In a society where almost every household is dependent on agriculture or animal husbandry for survival, it is difficult for people to always meet the requirement of the government, especially during the agricultural season.

Since the mid 1980s the government also conscripts citizens for the National Work Force (NWF) which is deployed nationwide, and pays a minimum wage. This programme is resulting in the creation of a labour class wherein even the children are forced to take up work on the road/project sites as a profession since they are left with no other opportunities. Additionally, because of the heavy labour contribution requirement, villagers are compelled to send even children to work.

The elite, if they are included in the labour roster, make payments in lieu of service. In the face of a chronic labour shortage due to government policy with regard to import of labour, this means even more forced contribution from the poor villagers who are slapped with fines or imprisoned if they are unable to fulfil the requirements. Excessive demands for labour contribution has also resulted in large areas of fields remaining fallow. In the south, it is still employed as a tool to harass the people to force them to leave the country.

DASAIN GREETINGS

AS WE ARE FORCED BY CIRCUMSTANCES TO CELEBRATE YET ANOTHER DASAIN IN EXILE, LET US HOPE THAT THE FESTIVAL'S MESSAGE OF "VICTORY OF GOOD OVER EVIL" WILL ULTIMATELY PREVAIL AND LOOK FORWARD TO CELEBRATING DASAIN BACK IN OUR OWN HOMES IN BHUTAN. THE REVIEW FAMILY WISHES ALL ITS READERS A VERY HAPPY DASAIN.

Chief of Royal Bhutan Police imprisoned

Col. Tandin Dorji, Bhutan's Chief of Police, was sentenced to 3 years in prison by a military tribunal headed by Lt. General Lam Dorji, the Chief Operations Officer of the Royal Bhutan Army. In a case relating to a jail-break by two inmates from the Chemgang prison, the Police Chief was found guilty of all seven charges brought against him. The Superintendent of Chemgang Central Jail Major Namgay Tshering also received a 3 year sentence. Corporal Tsagay has been sentenced to 2 years while three constables received 1 year sentences each. Chief Justice Dasho Sonam Tobgye is reported to have observed the trial.

The court martial of Col. Tandin is seen widely as the regime's way of "punishing" the Police Chief for his failures as well as his family connections. Col. Tandin is the brother-in-law of Rongthong Kunley Dorji, Chairman of the Druk National Congress (DNC), who fled Bhutan in 1992. In September last year, the Royal Government sent Col. Tandin as an emissary to Kathmandu to convince Rongthong Kunley to give up his crusade for political reforms and to return to Bhutan. Col. Tandin obviously failed since Rongthong Kunley refused, choosing to continue his struggle for human rights and democratic reforms in Bhutan. The former Police Chief's failure to anticipate and thwart the

widely successful nation-wide poster campaign by DNC earlier this year, in which even policemen reportedly participated, gave the Government further cause for initiating action against Col. Tandin.

To cover up this obviously politically motivated action against the Chief of Police, the government trumped-up seven charges, including "gross negligence of duty" and "breach of discipline". He was found guilty of leaving the construction of Chemgang prison complex incomplete and submitting false reports regarding the state of the prison compound walls and other security measures in the jail. Col. Tandin was also accused of not taking the necessary extra security measures after the King commanded the removal of fetters from the prisoners in 1992, and for not exercising proper command and control. Further, he was charged with letting in visitors into the prison compound, allowing prisoners out of the prison compound, and permitting them to play unauthorised games and sports. Maj. Tshering Namgay was also specifically charged for using prisoners to plant potatoes in his fields.

The Royal Bhutan Police (RBP) falls under the administrative control of the Royal Bhutan Army (RBA). The Chief of Police is directly responsible to

the Chief Operations Officer of RBA. Also, it is the Army Chief who receives direct commands from the King and relays instructions to the Chief of Police. In essence, therefore, it is the Chief Operations Officer who should be held responsible for any shortcoming in the functioning of the Police force.

The question of any individual not obeying the King, whether the command is directly issued or sent through another official, can never arise. However, conflicting instructions are difficult to handle: prior to the inspection of prison facilities by outsiders such as the International Committee of the Red Cross, the Police Chief is ordered to be liberal - prisoners are given generous visitation rights, facilities and recreation opportunities - at other times, the warders are expected to be extra-strict. Under contradictory and often confusing instructions which change very frequently, lapses are bound to occur. Rather than improving the system, a few individuals have been picked up for punishment! It is unfortunate for Col. Tandin Dorji that he happened to be related to a prominent dissident. Southern Bhutanese dissidents and their relatives suffered regime's wrath in the past; it now appears that Royal Government is starting to comb the capital itself to exact revenge.

73rd session of the National Assembly

The long overdue 73rd session of the National Assembly of Bhutan was finally summoned on August 10. As in the past few sessions, the problem in the south dominated the discussions. However, this session saw the addition of a new Act in the well choreographed deliberations; Rongthong Kunley Dorji and his party, the Druk National Congress (DNC), was under the spotlight.

By convening the 73rd session after over two years, the government had enough time to tutor the members of the Assembly and to make other preparations. With agenda items that have lately become regular fixtures, the discussion and resolutions on the problem in the south followed the pattern of earlier sessions.

Following its divide and rule policy, the government made the members from the south take the lead in demanding a ban on the return of people who have left the country. Lyonpo Om Pradhan, Bhutan's sample Minister of Nepalese origin, used the occasion to display his complete "loyalty"

by lashing out strongly against Bhutanese in exile. "Even if one person from the camp returns, it will not be acceptable to us", he is reported to have told the 73rd session, adding "it is better for them to stay there where they can have human rights, democracy and people taking care of them."

There were calls for intensifying international lobbying efforts in order to stop assistance to the refugees in Nepal. Briefing the Assembly on the subject, Foreign Minister Dawa Tsering, inventor of "Greater Nepal" and "Greater Sikkim" theories, came up with yet another hypothesis as to why the refugees are getting assistance: "We have found that some of these agencies [donors] have the sole aim of converting people into Christianity," said the Minister. People were eager to be converted because of the free handouts, he said, and cautioned the Assembly not to take these developments lightly because "it is our tradition and culture and our sovereignty that is being threatened."

Bhutanese refugees at the Beijing conference

Twenty years after the first U.N. World Conference on Women in Mexico in 1975, the fourth Conference is taking place in Beijing, China between September 4-15. The mid-decade review conference took place in 1980 in Copenhagen while the 1985 meeting in Nairobi saw the historic formulation of the **Forward Looking Strategies for the Advancement of Women**.

The preparatory process for the Beijing conference has been a rough ride and full of controversies. However, expected to bring together over 50,000 delegates from both government and non-government sectors, the conference is taking place as scheduled. Despite some protests on the separation of venues, the main conference will take place in Beijing and the NGO Forum at Huairou Tourist Scenic Area, 20 miles outside the capital.

To raise international awareness about the dismal human rights situation in Bhutan and the Bhutanese refugee crisis, and more specifically the problem of women and children, Bhutanese refugee women are also participating in the NGO Forum. The 5-member delegation representing the refugee community is expected to actively participate in various thematic programmes in the forum besides undertaking lobbying and other publicity work.

Bhutanese refugees protest

The Bhutan National Democratic Party (BNDP) organized a mass rally in Siliguri on August 7 calling for human rights and democracy in the country. The rally was timed to coincide with the commencement of the 73rd session of the National Assembly of Bhutan which is meeting after a gap of over two years. The demonstrators carrying banners and placards chanted slogans calling for the immediate repatriation of all Bhutanese in exile. Besides Bhutanese refugees from Nepal and India, the rally saw a mass gathering of sympathisers and supporters from the region, included representatives from People's Union of Civil Liberties (PUCL), the CPI(M) and the Gorkha Democratic Front (GDF). The Association for the Protection of Democratic Rights (APDR) co-sponsored the programme.

The rally was addressed by the CPI(M) MLA from Kurseong, Tulsu Bhattarai, the former Secretary of the party's Sikkim unit, Duknath Nepal, Madan Tamang of GDF, Ahirjan Bhaduri of the APDR, Manas Dasgupta of PUCL and C.K. Shrestha, publisher of Nepali daily "Sunachari", and secretary of the Bharatiya Nepali Rashtriya Parishad. BNDP's Secretary Dr. C.L. Timsina spoke on behalf of the organizers.

Later, addressing a press conference, the APDR and PUCL leaders informed the media that they would launch a nationwide campaign to mobilize public opinion against violation of human rights in Bhutan and for the cause of democratic reforms.

In another development, the Youth Organization of Bhutan (YOB) also organized a rally in front of the Bhutanese Embassy in New Delhi on September 7. About 50 persons marching towards the Bhutanese mission were stopped by the police before they reached the Embassy complex. However, four representatives of YOB escorted by local security officials went to the Embassy and handed over a memorandum. The YOB has called upon the Royal Government to initiate democratic reforms in the country and has vowed to step up its campaign to achieve its objectives.

In yet another development, while the National Assembly of Bhutan was in session, five former members of the Assembly presently living as refugees in Nepal met with Prime Minister Man Mohan Adhikari on August 15 and apprised him of the problem of refugees. They also discussed the bilateral talks between Nepal and Bhutan. In a press statement the former members of the National Assembly of Bhutan urged the international community to pressurize the Royal Government to seek a political solution to the current crisis in the kingdom.

The Bhutan REVIEW

Conveniently "Loyal"

Ever since the Royal Government opened the national forum floor for discussion of the southern problem in 1991, members from southern Bhutan have been called upon to do more than their usual share of speaking. The alleged wrath of the people against alleged *ngolops* (traitors), the Government believes, appear more authentic when the denouncing and condemning are done by representatives belonging to the same community. And since the members who "represent" the public in the south are carefully vetted and selected by officials, and each one of these consequently "elected" individuals is painfully conscious of what he must do for his own survival, the Government has little difficulty in orchestrating a splendid show. Thus the National Assembly hall now routinely reverberates with a chorus of voices, appropriately in Nepali, damning their own kith and kin in refugee camps in Nepal.

Despite an "unconstitutional" two-year hiatus, the National Assembly during its 73rd session did not depart from tradition. It provided the usual Bhutanese-style collusion and theatrics, best exemplified by Minister Om Pradhan's defiant show of allegiance: "Even if one person from the camps returns, it will not be acceptable to us," he said, clearly not mincing his words. Provided with an opportunity to reaffirm his dedication and loyalty to king and crown, that too before the kingdom's supreme body, the Minister for Trade and Industry lived up to expectations.

Om Pradhan is a Minister simply because he happened to be the right Nepali-origin southern Bhutanese at the right place at the right time. But he has remained there largely because of his own shrewdness and tact. Having reached the top, he is capable of doing everything he possibly can to hang on, a determination he has displayed in ample measure over the past few years.

When the problems of southern Bhutan first surfaced in 1988 he was there in discussions with Tek Nath Rizal and senior southern Bhutanese bureaucrats. In fact he was responsible for goading Rizal into submitting the petition that was subsequently deemed seditious. Not surprisingly, once the government took unkindly to the petition he quickly turned around and became the architect behind the 'dress-code' policy. It was Om Pradhan who made a round of the southern districts "convincing" village elders that it would be wise on their part to embrace the government initiative on the dress issue, and it was he, along with Home Minister Dago Tshering, who was made responsible for selecting and importing the large volume of cloth required for *ghos* and *kiras* through the State Trading Corporation of Bhutan after the government ruled overnight that national dress was to be worn at all times.

Only a year later, when Thimphu was in a state of panic after dissidents announced massive protest rallies and marches, in private conversations with southern Bhutanese officials a scared and suddenly sympathetic Om Pradhan found the same government regulations relating to the national dress foolish and unacceptable. But a month thereafter, when it was clear that the government had the situation in the south fully under control, the same Om Pradhan was back to supporting government regulations with a vengeance.

The Trade and Industry Minister's current phase of "loyalty" and dedication to the *Tsa Wa Sum* (King, Country and People) must be viewed in the light of this feature in his character which enables him to effortlessly discard conviction and principle for convenience. He is dedicated and loyal to any cause only for as long as is necessary. He has shown on innumerable occasions that he is willing to go to any length to be seen with the winning side. Unfortunately, for Om Pradhan, like us, the government too will have seen the blindingly obvious, and he will always remain, as some National Assembly members themselves might say, a wolf in sheep's clothing.

If Om Pradhan is a wolf in disguise to the regime, to the southern Bhutanese he has long since transformed himself into and been appropriately nicknamed a bat - neither fish nor fowl. Having disowned his own heritage, he could be brutal in his views since he has nothing in common with the thousands who have been forced to seek sanctuary in the refugee camps. They are, after all, Nepalese in origin whereas he is, he has been insisting ever since the developments in the south to anyone in the north who will listen, an international personality without communal ties. That he is currently encumbered with a mother who happens to be of Nepali origin is only a temporary embarrassment.

Om Pradhan probably believes he is succeeding in his games. But he is only fooling himself. If the simple National Assembly members are being blatantly used by the regime to lend a voice to a prepared script, at least they recognize the fact that they are being manipulated. Om Pradhan is serving the same purpose, but on a grander scale. Om Pradhan can shout himself hoarse against *ngolops* and dissidents to prove his loyalty, but he too is already tainted. The *chamchas* (stooges) in the villages who were forced to collaborate with the administration to clear the villages in 1992 only to find themselves on the eviction list afterwards should serve as a warning. The authorities had a point: "If you could be so heartless with your own people, how can we trust you if you stay among us," they said.

ONE STEP FORWARD OR TWO STEPS BACK?

Human rights activists across the world believed they had achieved a major victory with the creation of the post of UN High Commissioner for Human Rights. Nearly two years after the fact they find little to cheer about. Helena Cook of the Human Rights Centre at the University of Essex reviewed the High Commissioner's role for the American Society of International Law's Annual Meeting in April 1995. The following has been adapted from her paper reproduced in the Human Rights Defender, University of New South Wales.

A small piece of history was made on 20 December 1993 when the General Assembly decided to create the post of UN High Commissioner for Human Rights. This long-awaited decision has the potential to be one of the most far-reaching developments for the international human rights system for some time, raising the status and profile of human rights work and giving it a more prominent and central role within the UN. As the first High Commissioner himself has said, the establishment of this post "is a dream almost as old as the United Nations."

The High Commissioner for Human Rights was confirmed by the General Assembly in February and he took up his duties on 5 April 1994. It is not very easy to determine the full scope of the High Commissioner's program of activities during his first year in office, still less to undertake an in-depth evaluation of it. In the manner of too many UN documents his first two reports to the General Assembly and to the Commission on Human Rights provide surprisingly little hard factual information about his objectives and activities. It requires an understanding of the highly charged political context in which he is operating and careful reading between the lines in order to begin to decipher his aims and how he has begun to implement these.

Country Visits

Given the reticence of governments to invite UN human rights scrutiny, it is notable that in his first year in office the High Commissioner has apparently received more than 60 invitations to visit countries and has so far undertaken 20 country visits. [High Commissioner Jose Ayala Lasso visited Bhutan in July 1994 - Ed]. However, there is no indication of his priorities or the criteria he may have used in deciding which countries to visit. With the exception of Rwanda, when he issued a full report on his first mission, he has given only the sketchiest reports of the aims and objectives of these visits and of the issues he has raised with the governments concerned. Nor does he appear to have consulted with or coordinated these visits sufficiently closely with the country and thematic rapporteurs appointed by the Commission who should serve as his eyes and ears and be able to provide him with expert advice and information.

His visit to Colombia, for example, came almost immediately after the visit there of the two thematic rapporteurs dealing with extrajudicial executions and torture but he has given no public indication as to how his visit was linked to their findings and recommendations and, in particular, their call that a

Special Rapporteur should be appointed to investigate the human rights situation in Colombia. Also of concern was the High Commissioner's November visit to Cuba - a country which has refused to cooperate in any way with the Special Rapporteur on Cuba and has consistently denied access to the Rapporteur since his appointment.

There is real danger that such governments will exploit such visits by the High Commissioner to demonstrate their "cooperation" with the UN, thereby avoiding more intensive and public scrutiny by country or thematic rapporteurs. It is perhaps hardly surprising that countries such as Iran, Iraq and Sudan are all now reported to be clamouring to receive the High Commissioner; all these countries have been highly obstructive to the work of the country rapporteur appointed by the Commission on Human Rights and have refused them access to carry out visits.

Certainly, country visits ought to be an important and regular aspect of the High Commissioner's work. Certain conditions and modalities should, however, be established for all visits to ensure that these cannot be misused by governments and that the High Commissioner is never placed in a position of negotiating on issues of human rights protection.

Visits should be agreed upon only after close consultation with relevant rapporteurs, UN experts, treaty bodies and Centre staff who should have inputs into the aims and objectives of a visit. The High Commissioner's schedule of visits should be public and there should be a central coordination point in the Centre responsible for preparing full briefings drawing on information from UN mechanisms and bodies and from NGOs.

In respect of countries with grave human rights problems, it would be desirable for the High Commissioner to insist first on a mission by the relevant thematic mechanisms as he is not in a position to carry out such in-depth investigations himself and must always have full and authoritative information in order to open a dialogue. He should not generally agree to visit countries which refuse cooperation with other UN mechanisms, although he could usefully bring pressure to bear on recalcitrant governments by other less high-profile means such as exchange of letters or contacts with diplomatic representatives.

The High Commissioner should always provide a full and detailed public account of visits which constitute high-profile official activities. Reporting should elaborate his aims and objectives, his activities and contacts in the country, his findings and the outcome of discussions, including commitments undertaken by the government which should then be regularly followed up. Quiet diplomacy may be a useful and necessary tool in some circumstances, but it should not be a regular operating method which governments know they can hide behind and should never be a condition of undertaking a visit.

Advisory Services

Another of the High Commissioner's early priorities

has been the expansion of the advisory services and technical assistance programme. As he pointed out, "in political terms, technical cooperation is among the activities of the UN human rights programme which are least threatening to governments and, therefore, most acceptable." Exactly, and it is precisely for this reason that many governments were eager to stress advisory services as a core component of this mandate and why this programme figured so prominently in the Vienna Declaration and Programme of Action.

The provision of technical assistance is potentially very valuable, but only where a government is genuinely committed to addressing human rights problems and has the capacity to benefit from assistance. It is all too easy for governments to request technical assistance as a means to head-off more confrontational forms of international scrutiny and criticism of poor human rights record. [The technical and advisory services mission visited Bhutan during the last week of June 1995 - Ed]. The Commission itself has often been the culprit - mandating advisory services in the past in countries such as Haiti, Guatemala, El Salvador and Equatorial Guinea where gross violations were going on that cried out for much tougher measures.

Technical assistance is also a highly specialized area requiring expertise in such diverse and sensitive areas as constitutional and legislative reform, criminal justice systems, security force training, education, institution-building and electoral processes, as well as a highly sophisticated knowledge and understanding of the political, social and historical context within which assistance is to be provided. At present the UN Centre for Human Rights clearly does not have the necessary capacity nor resources to expand the advisory services programme in the way that the High Commissioner appears to envisage.

Advisory services and technical assistance should not be seen as the antidote for all ills. Projects must not be committed in haste after every visit of the High Commissioner. Great care must be taken in each and every case to carry out a careful and thorough needs assessment and projects then agreed only in situations where the government has the political will to cooperate fully with the UN and is committed to respect for human rights. The rapid expansion of the programme must be matched by an injection of human and financial resources, including the necessary specialist expertise.

If a country situation requires human rights monitoring, this should not be concealed behind technical assistance projects. While a substantial UN presence as part of a technical assistance programme may have an important deterrent effect, if full-scale monitoring is required field staff should have a clear and unambiguous mandate to carry out such activities: to take protective measures, to intervene with authorities, and to submit public reports.

Letters from Hong Kong

Brian Shaw, Honorary Research Fellow at the University of Hong Kong, is dogged. A little over two years ago his academic credentials and credibility took a severe beating at the first-ever conference on Bhutan (**Bhutan: A Traditional Order and the Forces of Change**, London, March 1993): in his efforts to display his complete loyalty to the regime, Shaw went so completely overboard in his praise and not-so-skillful defense of the Royal Government that even Thimphu was reportedly embarrassed. Under the circumstances, most people would have wisely withdrawn from the debate. Not Shaw: time and again he continues to surface either on the Internet or in Letters to the Editor columns in different publications. Most recently, an article by Vivek Raghuvanshi in the *Sunday Morning Post* in Shaw's home base Hong Kong drew the attention of the loyal "Bhutan expert". And, as always, quickly responding, Shaw once again managed to exhibit his uncanny ability to tie himself in knots each time he speaks or writes on the subject of his "expertise".

Shaw's response to Raghuvanshi's story, which admittedly suffered from hyperbole and inaccuracies, received the treatment it deserved from another Hong Kong-based academic John Whelpton. Shaw followed up with another letter, but succeeded only in further exhibiting his bias and blind support for the regime while failing miserably to defend his views.

[The three letters are reprinted in full on page 4 - Ed]

For someone who has never met a senior Indian bureaucrat or an Indian politician, let alone a ranking government official empowered to discuss the Bhutanese political situation and authorized to disclose the Indian position, Shaw is quite sure of himself. India "fully" supports Bhutan and is "committed" to bilateral solutions, he states with finality. Whether or not this is the truth, Shaw is hardly in a position to make such a claim. But Shaw, being Shaw, assumed he should share, despite his own better judgement as he himself admits, his version of a "documented fact". The next time he decides he must be the spokesperson for the Indian government, Shaw might care to remember his own counsel that the Government of India can indeed speak for itself.

Shaw conjures up figures and situations at will. To lend credence to his tales and theories he believes it is sufficient for him to declare, often falsely (he was not, as he claims in his August 13 letter, in southern Bhutan during the September 1990 demonstrations), "I was there". And, in his own special bumbling fashion, he makes sure that he embarrasses those he is desperately trying to defend. Case in point: for a regime tirelessly working to convince the world that it has never forcibly evicted anyone, Shaw is hardly helpful with his disclosure that 40,000 people were evicted. He does, of course, as is his wont, manage to get the dates wrong. He claims that militants gathered this huge mass of people evicted from Bhutan after 1988 in camps in eastern Nepal. For the record, when the camps were officially recognized in January 1992 there were only 6,000 refugees, all of whom had arrived during 1991.

The bulk of the current refugee population that now exceeds a hundred thousand were forced out during 1992.

Considering the frequency with which Shaw manages to shoot himself in the foot, it is surprising that he is still left standing. In his "scholarly" paper in 1993 he shocked everyone with his claim that poor ordinary Nepalese farmers had illegally entered Bhutanese citizenship registers by bribing local officials with... hold your breath, Rolex watches. Now, after first maintaining that 40,000 illegals had been detected and "evicted from Bhutan from February 1988", he manages to totally confuse himself by claiming that the demonstrations of September 1990 was "cunningly-organised" by illegal immigrants "to bypass detection and inevitable expulsion". For good measure, in the same letter he also maintains that the government has "neither a policy nor practice" of forced evictions.

Shaw drops numbers with complete confidence. As with his statement of Indian foreign policy as if he were privy to every Indian state secret, he claims that "anti-nationals" seek to return the alleged 40,000 illegals evicted in 1988 along with "60,000 or more other Nepalese". What happened to the legal Bhutanese who he claims emigrated "voluntarily"? The numbers he adopts conveniently happen to roughly represent the refugee population. More conveniently, he chooses either not to know or to disclose the fact that dissidents have never talked of numbers but continuously insisted only on the principles; all legitimate Bhutanese citizens, regardless of the numbers, must have the right to return home.

Shaw is guilty of gross misrepresentation of fact when he insists that it was "at Bhutan's initiative" that talks were begun between Nepal and Bhutan to resolve the matter of Bhutanese refugees on Nepalese soil. But even the indifferent reader is unlikely to be taken in by such a claim considering that, according to Shaw's own version of the background of the problem of refugees in Nepal, Bhutan had little reason to be bothered about people in the camps who were either "illegal Nepalese immigrants" evicted by the Bhutanese authorities or citizens who had left after "voluntarily renouncing their citizenship rights." The international community, forced to provide for refugees, and Nepal, on whose soil the refugees were compelled to seek sanctuary, had to go to tremendous lengths to get Bhutan to agree to talk.

If Shaw's rejoinder to the original article was replete with untruths, inaccuracies, and contradictions, his efforts to rebut Whelpton's comments are pitiful. To begin with, he pompously starts with the assertion that his reservations about government policy implementation are "well-known" (by whom?) and "rest on documented facts". Since Shaw has this habit of stating as "fact" anything which he himself cooks up or wishes were true, his collection of "documented facts" obviously needs to be carefully sifted. His "fact", for example, that the International Committee of the Red Cross first visited Bhutan in January 1991 is incorrect by only a couple of years!

Shaw also has astonishing

gall. After trumpeting his own long association with Bhutan, "personal experience since 1980", and "on-the-spot research", he has the temerity to ingenuously suggest that Whelpton and others like him who have a "close emotional bond with contemporary Nepal" have allowed this connection to cloud their professional judgement. Thus, prejudiced Whelpton's association with Nepal causes him to be biased and unfair; righteous Shaw's association with Bhutan makes him impartial and just!

Unquestionably Bhutan has no "moral obligation to accommodate many more Nepalese", but the Bhutanese leadership, equally incontrovertibly, has no right to expel legitimate citizens merely because they happen to be Nepalese in origin. That Shaw deliberately chose to misconstrue Whelpton's comment about overpopulated Nepal is understandable, but one can make little of his strange and unconnected comments about Nepal. The purported Nepalese attempt to rope in regime-friendly American academic Leo Rose to help mediate a solution, if true, is deserving of Shaw's ridicule, but his comments regarding Nepalese history of aid utilization and the people of Nepal deserving better leadership are totally out of place.

Shaw comes up with a number of rhetorical questions. If he cared to exercise his mind, answers to his own queries could help Shaw remove his litany of contradictions. Why indeed should anyone whose citizenship, according to Shaw, "had not been legally acquired" foolishly and endanger his position by resenting political and civil obligations? Why were public facilities such as schools and clinics, but never security forces or installations the targets of alleged terrorists? Why is it that despite the huge presence of security forces in the south, terrorists are invariably apprehended only by villagers themselves? Why, indeed, are identity cards stolen if the refugees in Nepal, according to the Royal Government, are already guilty of mass forgeries of this document?

Shaw contends that "local authority zealotry over citizenship laws" was vigorously combated by higher authority. His observation, however, that "penalties for unofficial actions resulting in such forced evictions [of citizens] were reaffirmed in January, 1993" will hardly comfort the 90,000 who were already forcibly expelled from the country by December 1992. Shaw's naive attempt to absolve the government of wrongdoing on convoluted logic based on the lower level of corruption in Bhutan's central administration relative to other south Asian bureaucracies is also silly. To the 'clean and competent' bureaucracy he might, instead, have considered attributing 'ruthlessness and efficiency' in implementing misguided government policy. Also, missing the point completely, and as if implying that injustice at the hands of one's own kind makes a wrong more palatable, Shaw points to ethnic Nepalese village-level officials who he says must "also" share the blame.

If Shaw believes that the main issues are being "smooth-talked away" by some, he is himself guilty of glossing over the "main issue". The "entire basis of state

sovereignty", Shaw might note, is not physical territory or the government that oversees and administers this entity but the people who represent and constitute the state. The crux of the Bhutanese issue is that fraudulent and forceful means were adopted by the regime to declare a large number of legitimate citizens as non-nationals primarily on account of their ethnic origin. Shaw's acceptance that 40,000 "illegals" were evicted in the same breath as his acknowledgement that the process of clarifying citizenship rights is itself "still being refined" is evidence enough of foul play. To argue that a government can implement laws and regulations and use force to deprive citizens of their right to nationality to supposedly "protect" state sovereignty, or whatever else the justification, is immoral and unacceptable.

"IN QUOTES"

"The first crime reported in Bhutan was a robbery in 1989."

Kinley Dorji, editor of Bhutan's only newspaper, the weekly *Kuensel*.

"Relaxing the rules, the DDC told *Kuensel* this week that all shops, businesses, and companies would now be allowed to paint their own signboards and DDC officials would be available to advise on the details of the letters and spellings. But if people mis-spelt words or did not follow the specification, they would be made to get their boards done again."

July 29, 1995 issue of *Kuensel* writing on the non-compliance of July 25 deadline for all signboards in Thimphu to be converted into Dzongkha.

MEDIA SCAN

DIPLOMACY TRAINING PROGRAM Kathmandu Session

DTP's first regional training session in South Asia was held from May 1-16 in Kathmandu, Nepal.

With the collaboration of South Asia Forum on Human Rights, DTP conducted the session using international and local workshop convenors.

International guests included Clarence Dias of the International Centre for Law and Development in New York, and Ravi Nair from the South Asia Documentation Centre for Human Rights in New Delhi.

31 participants came from Bangladesh, Bhutan, India, Nepal and Sri Lanka. The session was funded by SAFHR and the National Council of Churches in Australia.

The presence of 9 participants from Bhutan - all refugees of that kingdom's ethnic cleansing policies against Nepali-speaking Bhutanese - gave the session a strong emphasis towards advocacy on this important issue.

The involvement of the UN human rights system has so far had a negative effect on the situation - an enormous amount of work is required to make for damage that has occurred so far through the visits of "independent experts" from the Sub-Commission and the High Commissioner.

Further DTP sessions are planned in South Asia over the next few years.

Human Rights Defender, University of New South Wales, Australia, Vol 4 No 2,3 June 1995.

Bowing to the TV god

The 20th century has finally reached Bhutan, one of the world's most isolated countries. King Jigme Singye Wangchuck, ruler of the small Himalayan kingdom on the border between Tibet and India, has been trying to protect his people from western influences. This, he decided, required the banning of television, fast food and jeans.

Now the king is relenting. He plans to set up the country's first television station in a bid to preserve Bhutanese culture. Although television is outlawed, there is no rule against videos and at least seven video rental shops in Thimphu, Bhutan's capital, do a roaring trade in pirate copies of the latest western films, which are blamed for Bhutan's discovery of crime. According to Kinley Dorji, editor of *Kuensel*, Bhutan's only newspaper, the first crime reported in Bhutan was a robbery in 1989. Now, he says, petty theft is becoming common in the towns.

The increasing availability of satellite technology is further complicating the king's struggle against the influence of the West. In the past, police prevented illegal television viewing by disconnecting sets and uprooting satellite dishes. "It is inevitable that satellite technology will become so cheap that it will be difficult to stop people from putting up their own dishes," said Dorji. "The police can't go from house to house telling people not to watch television. There is a need for Bhutan to set up its own television station. It will help preserve the cultural heritage of Bhutan before it is swamped by foreign programmes."

Programmes on the national network will be chosen carefully by the king for their educational value. There will be no foreign soap operas, but many programmes about the environment, health, agriculture and Bhutanese culture....

Some welcomed the news that television could become legal. "Television has been banned because the king is trying to protect us and our culture from western influence," said Pema, a student. "But it is making us too inward looking, we do not know enough about the world." **Caroline Lees, *The Sunday Times*, London.**

THE HONG KONG EXCHANGE...*Sunday Morning Post*

June 11, 1995... Villagers hoodwinked

I refer to the article which appeared on page three of *Agenda* in the *Sunday Morning Post*, on May 28, headlined, "Nightmare in the Himalayas", which I believe was inaccurate.

The so-called "pro-democracy movement" in Bhutan of September, 1990, was a cunningly-organised but ultimately futile effort by persons illegally or illicitly settled in Bhutan since 1958, to bypass detection and inevitable expulsion. In that month, villagers were hoodwinked or cajoled into joining demonstration marches on district offices in southern Bhutan. The "movement" was (and continues to be) solely an ethnic Nepalese political tactic.

Some 40,000 illegal Nepalese immigrants were evicted from Bhutan from February 1988. Militants gathered these people into camps in eastern Nepal. After 1990 other (legal) villagers left southern Bhutan - many voluntarily renouncing citizenship rights in response to pressures from Nepali activists, and were transported to the camps. The "anti-nationals" seek to return the illegals, plus 60,000 or more other Nepalese, to settle on Bhutanese territory as if they were full Bhutanese citizens. Meanwhile, many loyal Bhutanese villagers of Nepali origin remain in the south despite regular threats and actual violence against their property and lives.

My on-the-spot research in the Samtse and Gomtu areas confirms that the "shooting of 300" in September 1990 is untrue. The alleged "demolition" of "several hundred thousand... houses, shops or places of worship" is also untrue. Bhutan is a very small country, with a very small population. I visited many "working" Hindu temples in southern Bhutan in the winter of 1993. Bhutan's royal family has for many years displayed respect for Hinduism. Bhutan's 1989 dress code, requiring formal national dress for formal occasions, was adopted following extensive discussions throughout the country and was agreed to by several representative meetings of all southern village heads.

Tek Nath Rizal's so-called "campaign for human rights" from 1989 onwards was a plan for the wresting of political power from the throne and assembly in Thimphu. Rizal was tried and sentenced in 1994 to life imprisonment for treason, with an extensive reasoned judgement by Bhutan's High Court. King Jigme Wangchuck granted him full reprieve, effective from the time of settlement of Nepal-Bhutan differences over the people in the Nepal camps.

The Working Group on Arbitrary Detention under the UN Commission on Human Rights visited Bhutan in 1994, and reported to the UN Commission on Human Rights (51st session, Geneva, March 1995) that: "The detention of Tek Nath Rizal is not held to be in contravention of Articles 9, 10 and 19 of the Universal Declaration of Human Rights and Article 9, 14 and 19 of the International Covenant on Civil and Political Rights, and is therefore declared not to be arbitrary."

At the invitation of the Bhutan Government, the International Committee of the Red Cross since January, 1991 (actually 1993-Eds), has regularly (most recently last month) sent

inspection teams to review detention conditions and to speak with detainees, including Tek Nath Rizal. Bhutan does not have the capacity to hold "close to 10,000 activists". There are few jails in Bhutan. The purpose-built facility in Chemgang houses less than 200 "anti-national" detainees charged with criminal offences. Nearly 2,000 southern detainees have been amnestied since September, 1990, and most flee the country on release. There is neither a policy nor practice of eviction of citizens. Penalties for unofficial actions resulting in such forced evictions were reaffirmed in January 1993. If legitimate citizens prove they were forced to leave, the door to redress remains open.

At Bhutan's initiative, the Nepal and Bhutan governments have been meeting since July, 1993, to settle the question of precisely who in the camps are Bhutanese citizens. Nepal's newly-elected Marxist-Leninist government asserted (at the March, 1995 meeting of the joint committee) that all the people in the camps should be settled in Bhutan. This rhetorical view, reverting to the initial position of the former Nepal government, is both unacceptable to Bhutan and at variance with documentary evidence. Nevertheless, its repeated public assertion may preclude a privately more rational analysis.

Your correspondent asserts that "Nepal officials [and others] believe that Indian government intervention is necessary to solve the problem". The Indian Government can speak for itself, but it fully supports Bhutan. Both Bhutan and India are committed to the settlement of the issues between Nepal and Bhutan as a strictly bilateral issue. Only Nepal wants to involve India.

Brian C. Shaw, Honorary Research Fellow, Centre of Asian Studies, University of Hong Kong

July 16, 1995... Vicious cycle

Brian Shaw has long been well-known for his total endorsement of the Bhutanese Government's position on the exodus of ethnic Nepalese from southern Bhutan, so it is not surprising that his letter in the *Sunday Morning Post* of June 11, was as partisan as the original article he was criticising.

I do not claim to be an expert on Bhutanese affairs, but feel I can still respond as a student of Nepalese history and politics for many years and as someone with friends who have been in Bhutan and talked with refugees in the camps in south-eastern Nepal.

Dr Shaw makes many categorical statements without warning readers that virtually every statistic and every claimed fact about the Bhutanese problem is unsubstantiated.

Conflicting figures have been suggested for the total population of Bhutan and its ethnic composition: estimates of the proportion of Nepali speakers before the exodus vary from below 30 per cent to just over 50 per cent, and the Government itself revised its estimate of the total population down from 1.2 million to 600,000 after the 1988 census exercise which supposedly discovered 100,000 illegal Nepalese immigrants inside the country.

Pictures which the Government claim show captured guerrilla fighters and weapons are denounced by the other side as fakes and the Government in turn alleges that the documents many in the camps say prove their

Bhutanese citizenship are forgeries.

The only hope of establishing the truth on the issue of who in the camp is or is not a Bhutanese citizen would be through an independent investigation and this the Bhutanese Government seems unwilling to accept: it is distrustful of the United Nations High Commissioner for Refugees (UNHCR) and has reportedly rejected a Nepal Government suggestion to establish a commission under Professor Leo Rose, an American specialist on Himalayan politics usually regarded as pro-Bhutanese.

Amidst this uncertainty, it can, however, be pointed out that the Nepali-speaking population in the south-east of Bhutan was put around 60,000 by a British observer in 1932 and that, on the plausible assumption of between two per cent and three per cent per annum natural increase, this total could easily have grown to 200,000 (the Bhutanese Government's own estimate of the pre-exodus Nepali population) without assuming further immigration either before or after the official closing of the borders to Nepalese settlers in 1958.

Many villagers who the Bhutanese Government did acknowledge as its citizens have left the country since 1980 and Dr Shaw suggests this is as a result of "pressures from Nepalese activists". I am willing to accept that there could have been intimidation by extremists in some cases, but the weight of evidence from these villagers themselves is that they felt threatened by the local representatives of the Bhutanese state despite public appeals from King Jigme for them to stay in the country.

Although some of the wilder reports of government atrocities (such as the rumoured "shooting of 300" by the army) were untrue, there is little doubt that many people arrested for taking part in the demonstrations of 1990 and 1991 were physically tortured and that "voluntary emigration" forms were often signed under duress. The resulting lack of trust means that, without the involvement of some outside guarantor, the Government's promise of redress "if legitimate citizens prove they were forced to leave" is of little value.

The origin of this whole episode lies in the Bhutanese Government's change of stance towards its Nepalese minority in the mid-1980s. Before then, the Nepalese had full freedom to maintain their Nepalese cultural identity and felt secure in their status as citizens. In 1985, however, a new, more restrictive citizenship law was brought in and applied retrospectively, and this was followed by the compulsory dress code and by the abolition of instruction in Nepali in schools.

It is possible to feel some sympathy for the northern Bhutanese, who have seen the results of ethnic Nepalese assertiveness in Sikkim and in the Darjeeling hills and felt threatened by the size of their own Nepalese community. However, it is not surprising that their measures were widely resented, particularly because enforcement action by local authorities exceeded what was prescribed on paper: for some months in 1989, for example, anyone going outside their house without wearing Bhutanese national dress risked being fined, beaten up or imprisoned.

The protest campaign

launched by ethnic Nepalese in Bhutan may have owed something to the "democracy wave" in Europe in 1989 and in Kathmandu in 1990, but it was largely a direct reaction to this kind of treatment. The result was to deepen northern Bhutanese apprehension and lock both the communities into the vicious cycle of resistance and repression which has produced the present crisis.

Resolving the problem in a way that is fair to all Bhutanese communities and to Nepal (a much more over-populated country than is Bhutan) will be difficult without greater involvement of the international community.

John Whelpton, Kowloon.

August 13, 1995... Highly regarded

John Whelpton (letters, *Sunday Morning Post*, July 16) shows some animus and poor judgement. My reservations about aspects of past policy implementation in Bhutan are well-known, and rest on documented facts and personal experience since 1980. I was also in southern Bhutan at the time of southern Nepalese (Lhotshampa) anti-government demonstrations (September, 1990).

Readers should know that Mr Whelpton, like some of his friends "who have been in Bhutan", has a close emotional bond with contemporary Nepal, and this may cloud professional judgement. He seems unfamiliar with the facts and politics of population migration, or of "refugee politics". The main issues should not be smooth-talked away.

Bhutan, developing from isolation, has come in the space of only three decades to be highly regarded by both UN and private aid agencies as an exemplary and efficient utiliser of foreign development funds for all-round modernisation. This is on the record. In Nepal, the history of development aid is otherwise: there is envy of Bhutan in some quarters.

A major part of Bhutan's modernisation has been to update its legal code and procedures, and to clarify its citizenship rights and duties - a process still being refined - in a principled way. Illegal Nepalese settlers were evicted from Bhutan from early 1988, and it has been entirely proper and necessary for Bhutan to clarify and implement its nationality law. To argue otherwise is to deny the entire basis of state sovereignty anywhere in the world.

Bhutan's 1985 citizenship law was not "applied retroactively". It built upon and logically extended the first nationality law of 1958 (revised 1977) which granted citizenship to some existing Nepalese settlers. Indeed, the 1958 law was more generous in its statement of conditions for foreign Nepalese to

receive the citizenship grant. By 1987, many migrant Nepalese in southern Bhutan who did not have citizenship, had "acquired" land: these laxities had to be rectified, yet many cases received the benefit of doubt.

Local authority zealotry over citizenship laws, when it briefly erupted, was vigorously combated by higher authority. Bhutan's central administration is much less corrupt than other south Asian bureaucracies. If blame is to be apportioned, between 1988 and 1990, some Lhotshampa village-level officials were also over-zealous in applying regulations.

It is untrue to state that pre-1980s the Nepalese in Bhutan "felt secure in their status as citizens". This "golden age" theory implies the willing acceptance of obligations. But many Lhotshampa whose "citizenship" status had not been legally acquired resented political and civil obligation, while making extensive use of social welfare facilities and (successfully) requesting more.

Some Nepalese childishly seek only to impose their will on Bhutan, without regard to the political realities. The suggestion that an American academic chair a commission to adjudicate the status of Nepalese gathered into the Jhapa camps lacks seriousness. The only viable, lasting solution to the issues that have come between Bhutan and Nepal must be based on unemotive, unforced and principled mutual acceptance of sovereignty rights, and respect for civic obligations and civic rights - including those involving regulation of one-way population transfers.

Mr Whelpton reluctantly asserts there "could have been" "intimidation" of southern villagers in "some" cases. But the victims themselves are proof of continuous armed terrorism launched from Jhapa. If villagers feel "threatened" by local officials, why do the majority of Lhotshampa citizens stay put, organise village self-defense teams, and arrest terrorists from Jhapa? Does the Bhutan army dynamite or burn its own schools and clinics? Why are identity cards stolen from villagers? Finally, Mr Whelpton seems to imply that because Nepal is "much more over-populated", Bhutan has some kind of moral obligation to accommodate many more Nepalese within the state.

From a humanist and legal view, the people of Nepal deserve better leadership than they have had; likewise, tiny Bhutan deserves to have its sovereignty - and the facts, not rumours, of its situation - respected.

Brian C. Shaw, New Territories

REFUGEE CAMP INFORMATION			
Location	District	Refugees	Students
Timai	Jhapa	8,372	2,938
Goldhap	Jhapa	8,048	2,929
Beldangi I	Jhapa	15,162	4,987
Beldangi II	Jhapa	19,047	7,020
Beldangi II Ext.	Jhapa	9,515	3,246
Sanishare(Pathri)	Morang	17,295	5,792
Khudunabari(N)	Jhapa	7,296	3,816
Khudunabari(S)	Jhapa	3,889	
Total		88,624	30,726
Cumulative births:		6,982	
Cumulative deaths:		2,813	
The above figures are as of August 31, 1995.			