

The Bhutan REVIEW

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BILATERAL TALKS TO RESUME

Bilateral talks between the Royal Government of Bhutan and His Majesty's Government of Nepal to resolve the problem of Bhutanese refugees in Nepal, stalled since April 1995, is scheduled to resume during the first week of April. The Joint Ministerial Level Committee set up in July 1993 under the respective Home Ministers, met six times but made little progress.

Discussions will now take place at the Foreign Ministry level. Bhutan's Foreign Minister Dawa Tsering accompanied by Joint Committee members Ambassador Nado Rinchen and D.N. Katwal of the High Court is expected to arrive in the Nepalese capital on April 4 to take part in the talks scheduled for April 4-8. The Nepalese side will be led by Foreign Minister Dr. Prakash Chandra Lohani.

REFUGEE STUDENTS EXCEL

Despite many hardships, education has remained a high priority among Bhutanese refugees in Nepal. Starting with open air classrooms which had to depend on good weather, the Bhutanese refugee camps in eastern Nepal now have a well-organised school system imparting education upto the tenth standard. While education in the camps - current enrollment exceeds 33,000 children - is managed by CARITAS/Nepal, higher education is provided for by the UNHCR and through other schemes like the German Government DAFI scholarship programme. A number of refugee students are now studying subjects like medicine, agriculture and other specialized courses at the undergraduate and post graduate level.

Dhruba Rizal from Chirang who completed a Master of Public Administration degree at the Tribhuvan University, Kathmandu, on a DAFI scholarship recently not only stood first in his batch but also set a new record for the highest aggregate score ever in the Department of Public Administration. Similarly, Madan Khanal stood first among over 200 students in the Bachelor of Education (B.Ed.) course at the Institute of Education, Sano Thimi Campus, Kathmandu. In the recently announced results of the first year Intermediate Education (I.Ed.) course at the same Institute, the nine Bhutanese students occupied the first nine positions in a class of 205 students.

HM'S STATE VISIT TO NEW DELHI

His Majesty the King paid a four-day State visit to the Indian capital from March 4 to 7. He was accompanied by Foreign Minister Dawa Tsering, Planning Minister Chenkyab Dorji and General Lam Dorji.

According to press reports, security issues featured prominently in the discussions. Bhutan and India have reportedly begun negotiations to fight cross-border terrorism and criminal activities through an extradition agreement. "We will be working on a draft," His Majesty informed the Indian press at the end of three rounds of talks with the Indian Prime Minister.

"I feel confident that we will finalise the agreement in the near future. Those who violate the laws of each country will come under its purview. It will cover all types of criminal activity," the King said.

Bhutan and India concluded agreements for two mega projects during the royal visit. The 1,020 MW Tala Hydroelectric project estimated to cost Nu 20.00 billion (the Bhutanese Ngultrum and the Indian rupee are at par) will be completed in eight years with India providing Bhutan 60 per cent of the cost as grant and 40 per cent as loan at nine per cent interest rate.

The second project, the 1,500 tonnes per day Dungsam Cement Project which has lingered for years, is slated to be completed in two years as a joint venture between the Royal Government and the Associated Cement Company of India. The full projected cost of Nu 3.00 billion plus an additional Nu 1.00 billion for a 50-kilometre road and high voltage power lines will be provided by the Government of India as a grant.

The Government of India also agreed to a three-year extension of the stand-by credit facility of Rs 250.00 million, in force since March 1993. This extension will

help Bhutan tide over its balance of payment problems and the chronic rupee deficit, His Majesty said.

Responding to questions regarding Bhutanese refugees in Nepal, the King praised India for its stand in preventing a deterioration of relations between Bhutan and Nepal and salvaging the Nepal-Bhutan bilateral talks. If the peace marchers had crossed into Bhutan, "we would have definitely broken off the talks with Nepal," His Majesty said. He confirmed that the seventh round of talks at the level of Foreign Ministers would take place soon in Kathmandu.

EU PARLIAMENT RESOLUTION

On March 13, 1996, the European Parliament unanimously passed a resolution calling upon the Governments of Bhutan and Nepal, in cooperation with all parties involved, to reach an agreement which would allow an early and voluntary repatriation of Bhutanese refugees to their country of origin. Honourable Members of the European Parliament, Mr. Howitt, Mr. Evans, Mrs. Pollack, Mr. Kerr, Mr. Moorhouse, Mr. Mann, Mr. Bertens, Mrs. Gredler, Mr. Cox, Mr. Vinci, Mr. Svensson, Mr. Telkamper and Mrs. Lepierre-Verrier jointly moved the following motion for the Resolution on behalf of their respective Groups.

The European Parliament,
A. Deeply concerned at the plight of some 86,000 mostly Nepali-speaking refugees from Bhutan who are currently in refugee camps in eastern Nepal and of 15,000 others dispersed

in neighbouring areas of Nepal and India,

B. Aware that Bhutan's policy of 'national integration', on the basis of western Bhutanese (Drukpa) traditions and culture, led to a campaign, begun in 1990, of suppression of Nepali cultural expression in Bhutan, revocation of citizenship and intimidation, arrests and sometimes torture of ethnic Nepalese, resulting in a large-scale exodus to Nepal of these people,

C. Anxious that, according to a recent report of the South Asia Human Rights Documentation Centre, the conditions in the refugee camps have deteriorated, especially with regard to medical care and education, including the UNHCR, are now scaling down or withdrawing their assistance to these camps,

D. Whereas several Bhutanese refugee groups organized peaceful demonstrations to protest against this unacceptable situation and undertook a march from Nepal to Bhutan across Indian territory,

E. Whereas according to a report by

Amnesty International several demonstrators were arrested by the Indian authorities in mid-January and released after judicial verifications, but whereas several of them are soon to be brought before the Siliguri court,

F. Noting that the movement to bring about democratic reform in Bhutan has been largely articulated in southern Bhutan,

1. Calls on the Governments of Bhutan and Nepal, in cooperation with all parties involved, to reach an agreement which will allow the early, voluntary repatriation of these Bhutanese refugees to their country of origin;

2. Considers that the Indian authorities must take full account of the humanitarian situation of the Bhutanese refugees in Nepal and acquit all the persons arrested during the peaceful protest demonstrations;

3. Calls on the Government of Bhutan to make practical preparations for the UNHCR-supervised return of these refugees, and to safeguard the rights of minorities on its territory;

4. Calls on the Commission, the Council and the Governments of the Member States to provide assistance to the refugees in eastern Nepal (some of whom have been denied official refugee status), both via the Government of Nepal and via the aid agencies operating in the field;

5. Calls on the Commission, the Council and the Governments of the Member States, in liaison with the UNHCR to discuss with the Government of Bhutan proposals for the assistance for the voluntary repatriation and reintegration of these refugees in their former homes in Bhutan;

6. Notes that, in this connection, most of these refugees would appear to qualify under international law as being genuine citizens of Bhutan and considers that Bhutan's Citizenship Act of 1985 may need to be modified as a result;

7. Instructs its President to forward this resolution to the Council, the Commission, the Governments of the Member States, the Government of Bhutan, Nepal and India and to the Secretariat of SAARC.

Amnesty International Nepal Seminar

"The candle is burning but the darkness is increasing," remarked Krishna Kandel, pointing to the burning candle in the room. The Amnesty International Nepal Section Director was speaking at a seminar "Refugees and Human Rights" organized by the Nepal Section of Amnesty International (AI) to discuss the refugee problem and its relationship to the broader issue of human rights in Kathmandu on March 12.

Speaking on the occasion, Nepal's Foreign Minister Dr. Prakash Chandra Lohani lauded the role of Amnesty International. AI has "established itself as a voice for the victims of human rights violations worldwide," he said. The Foreign Minister spoke on three aspects of the refugee problem; causes, management and logistics, and solutions. Contrary to the suggestion of many governments that are responsible for generating refugees, no one opts to become a

refugee, he stated. "The sense of belonging to one's place or home is as important as one's name," remarked the Minister. Commenting on the Nepalese government's position on the Bhutanese refugee issue, Dr. Lohani said that every government, past and present, has taken the issue seriously. India being the first country of asylum for the refugees, the Foreign Minister said that the problem of Bhutanese refugees is no longer a bilateral problem but a trilateral one involving Bhutan, Nepal and India. Dr. Lohani also informed the gathering that he had strongly put forward Nepal's views on this matter to his Indian counterpart who visited Nepal recently. "The only solution to the refugee problem is their honourable repatriation to Bhutan without a sense of fear," added the Minister.

At the programme chaired by AI Nepal Section Chairman Charan Prasai, former minister and mem-

ber of parliament Radha Krishna Mainali, former minister Nilambar Acharya, member of parliament Omkar Shrestha and Badri Das Shrestha of Alliance for Democracy also expressed their views on the Bhutanese refugee problem.

Meanwhile, AI's International Secretariat in London released an Urgent Action appeal calling for the safety and security of Bhutanese refugees participating in the Appeal March in India. The appeal released on March 21 provides background to the events leading to the arrest of Bhutanese refugees in India and cites reports of ill-treatment and arbitrary arrest. Through it, AI urges people to write to the Indian Prime Minister and the Chief Minister of the Indian State of West Bengal, among others, seeking assurances that Bhutanese people in India will not be subjected to arbitrary arrest and detention or ill-treatment by the police.

U.S. STATE DEPARTMENT HUMAN RIGHTS REPORT

Usually submitted to the Senate's Committee on Foreign Relations, and the House of Representatives' Committee on Foreign Affairs by January 31, the United States State Department's Country Reports on Human Rights Practices was delayed this year on account of the U.S. budget stand-off. Released at the end of March, the report on Bhutan continues to censure the Royal Government. Although the 1996 report (covering the situation during 1995) has undergone some editorial changes, it maintains the views held by the United States over the past few years.

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The Bhutan REVIEW

REDEFINING EXTRADITION TRADITION

"Article 6: The British Government hereby agree, on demand being duly made in writing by the Bhutan Government, to surrender, under the provision of Act VII of 1854, of which a copy shall be furnished to the Bhutan Government, all Bhutanese subjects accused of any of the following crimes who may take refuge in British dominions. The crimes are murder, attempting to murder, rape, kidnapping, great personal violence, maiming, dacoity, thuggee, robbery, burglary, knowingly receiving property obtained by dacoity, robbery or burglary, cattle stealing, breaking and entering a dwelling house and stealing therein, arson, setting fire to village, house, or town, forgery or uttering forged documents, counterfeiting current coin, knowingly uttering base or counterfeit coin, perjury, subordination of perjury, embezzlement by public officers or other persons, and being an accessory to any of the above offences.

Article 7: The Bhutan Government hereby agree, on requisition being duly made by or by the authority of the Lieutenant Governor of Bengal, to surrender any British subjects accused of any of the crimes specified in the above Article who may take refuge in the territory under the jurisdiction of the Bhutan Government, and also any Bhutanese subjects who, after committing any of the above crimes in British territory, shall flee into Bhutan, on such evidence of their guilt being produced as shall satisfy the local court of the district in which the offence may have been committed."

THE TREATY OF SINCHULA, 1865

"Whereas the Government of Bhutan have applied to the Government of India for a simpler form of procedure for the mutual surrender of criminals than that at present in force,, hereby agree as follows:

(1) The British Government shall, on demand being duly made in writing by the Bhutan Government, take proceedings in accordance with the provisions of the Indian Extradition Act, 1903 (of which a copy shall be furnished to the Bhutan Government), for the surrender of all Bhutanese subjects accused of any of the crimes specified in the first Schedule of the said Act who may take refuge in British territory.

(2) The Bhutan Government shall, on requisition being duly made by the Government of India, or by any officer authorised by the Government of India in this behalf, surrender any British subjects, or subjects of a foreign Power, whose extradition may be required in pursuance of any agreement or arrangements made by the British Government with the said Power, accused of any of the crimes specified in the first Schedule of Act XV of 1903, who may take refuge in the territory under the jurisdiction of the Bhutan Government, and also any Bhutanese subjects who, after committing any of the crimes referred to in British territory, shall flee into Bhutan, on such evidence of their guilt being produced as shall satisfy the local court of the district in which the offence may have been committed."

THE ANGLO-BHUTANESE EXTRADITION AGREEMENT, 1910

"Article 8:

(1) The Government of India shall, on demand being duly made in writing by the Government of Bhutan, take proceedings in accordance with the provisions of the Indian Extradition Act, 1903 (of which a copy shall be furnished to the Government of Bhutan), for the surrender of all Bhutanese subjects accused of any of the crimes specified in the first Schedule of the said Act who may take refuge in Indian territory.

(2) The Government of Bhutan shall, on requisition being duly made by the Government of India, or by any officer authorised by the Government of India in this behalf, surrender any Indian subjects, or subjects of a foreign Power, whose extradition may be required in pursuance of any agreement or arrangements made by the Government of India with the said Power, accused of any of the crimes specified in the first Schedule of Act XV of 1903, who may take refuge in the territory under the jurisdiction of the Government of Bhutan, and also any Bhutanese subjects who, after committing any of the crimes referred to in Indian territory, shall flee into Bhutan, on such evidence of their guilt being produced as shall satisfy the local court of the district in which the offence may have been committed."

THE INDO-BHUTAN TREATY, 1949

Since the time Bhutan and British India began exchanging Notes, adequate provisions for extradition of criminals from each other's territory has remained an integral part of every accord. From Sinchula in 1865 - indeed from Calcutta's Fort William and the first Anglo-Bhutanese Treaty of 1774 - to the Darjeeling Treaty of 1949, succeeding agreements have included the all-important extradition clause. Yet, during the recent State visit of His Majesty to New Delhi, almost as if such an arrangement never existed, talks reportedly focussed on a proposed extradition treaty that would reflect the commitment of both Bhutan and India to eliminate crime and terrorism in their territories.

Why a fresh agreement? To enable Bhutan to conveniently redefine what constitutes criminal activity according to fresh interpretations of Bhutan's Law of the Land? So that, in the words of Foreign Minister Dawa Tsering, "cumbersome legal procedures" can quite simply be dispensed with to corner dissidents? It might be touted as "a major step towards fighting terrorism and criminal activities in South Asia," but for the Royal Government the move to rewrite the rules is obviously a matter of simple political expediency.

THE COMPARATIVE SURVEY OF FREEDOM: 1996

After years of political volatility and strife that in several countries attained appalling levels of carnage, the world in 1995 cohered into radically divergent polities - generally free societies characterized by democratic governance and unfree societies characterized by arbitrary rule.

The good news is that many free societies are showing signs of increasing durability, as years of democratic rule and tolerance are creating a stronger infrastructure of civil society, especially in the post-Communist countries of Central Europe and in Latin America.

But major obstacles to the expansion of freedom and democracy are emerging in the form of: a) ideologies that promote authoritarian market transitions - most prevalent in East Asia; b) "red-brown" alliances between Communists and economic nomenclatura on the one hand and ultranationalist and neo-fascist groupings on the other - most prominently in Russia; c) radical Islamism.

As the year ends, there are 76 Free countries whose citizens enjoy a broad range of political rights and civil liberties (the same number as last year); 62 Partly Free countries (61 last year), in which there are some constraints on political rights and civil liberties, and 53 Not Free countries (54 last year), in which basic rights are denied. One country, Mali, joined the ranks

of Free, becoming the only predominantly Muslim state to achieve that status.

Three countries saw their political and civil rights improve enough to go from Not Free to Partly Free in the Freedom House ranking: Eritrea, Ethiopia and Tanzania. However, Bolivia, which underwent six months of emergency presidential rule, lost its Free ranking and is now Partly Free. Cambodia went from Partly Free to Not Free, as political violence against political parties and the media intensified and there were signs of growing consolidation of power by forces linked to the Khmer Rouge. Lebanon, which saw an undemocratic and indefinite extension of presidential power, also became Not Free.

1,114.5 million people (19.5 percent of the world's population), live in Free societies and have a broad range of political rights and civil liberties. 2,365.8 million persons (41.5 percent) live in Partly Free societies in which there are some constraints on basic rights as a consequence of government practice and as a result of insurgencies, political terrorism, and rampant corruption. 2,221.2 million people (39 percent of the world's population) live in Not Free societies.

Twenty-five countries registered significant gains in freedom without changing broad rating categories, while eight registered declines. Nearly half of these significant changes were in Africa, which in 1995 was the most

politically volatile region in the world.

The Most Repressive States

Eighteen states received Freedom House's lowest rating - 7 for political rights and 7 for civil liberties. The worst rated of these repressive states were Iraq, North Korea and Sudan. In the same category were Afghanistan, Bhutan, Burma, China, Cuba, Equatorial Guinea, Libya, Saudi Arabia, Somalia, Syria, Tajikistan, Turkmenistan, Uzbekistan and Vietnam. Nigeria was the sole new entrant into the ranks of the least free. There, a military dictatorship that seized power in 1993 capriciously executed Ken Saro-Wiwa and eight other human rights advocates of the rights of the Ogoni nationality. The swiftness of the verdict and the rigged judicial process were evidence that political terror masquerading as the rule of law has become commonplace under the military dictatorship.

Democracies on the Rise

The rise in the number of formal democracies continued in 1995. This year's survey shows there are now 117 democracies, with Moldova and the Kyrgyz Republic new entrants and the Dominican Republic reentering the ranks of the world's democracies. This represents almost 61 percent of the world's 191 countries. From the perspective of a decade, the gain is all the more impressive. Ten years ago, less than 42 per-

cent of the world's countries were formal democracies.

Today, 3.1 billion persons out of a world population of 5.7 billion live under democratically elected governments. While not yet a universal standard, democracy has deepening and widening roots in all parts of the world. Western Europe remains the most democratic region of the world, with 24 democracies representing 100 percent of the states in the region. Democracy predominates in the Americas, where there are 31 democratic polities among 35 countries (88.5 percent). Just six years after the collapse of the Berlin Wall and four years after the collapse of the USSR, there are now 19 democracies among the 27 countries of Central and Eastern Europe and the former Soviet Union (70 percent). There are 25 democracies among the 52 countries of the Asia/Pacific region (48 percent). The least deep roots for democracy are in Africa, where there are 18 democracies among the region's 53 countries (34 percent).

That 61 percent of all countries and nearly 55 percent of the world's population live under governments and legislatures elected in generally free and fair political processes represents a landmark shift. Today it is the expectation of the clear majority of citizens that their governments be accountable to them through regular elections. Such a broadening global consciousness does not guarantee full freedom, but it does create the

basis for more free societies, and for greater engagement by citizens in public affairs. Widening public democratic consciousness throughout the world, as well as growing expectations by the Western advanced industrial democracies that countries which receive significant aid should respect fundamental human rights and democratic procedures reinforces this trend.

Democracy and Basic Freedoms

Democracy is not synonymous with freedom. Of 117 democracies, 76 are Free, 40 democracies are Partly Free, and one democracy - war ravaged Bosnia - is Not Free. Nevertheless it is significant that 34 of the democracies that are not rated Free are what Freedom House would call "high Partly Free countries," in which there is substantial degree of freedom, as well as some measure of respect for basic human rights.

Many of the low rated Partly Free democracies register an erosion of basic freedoms as a result of ethnically-based insurgencies and terrorist movements, which destabilize free institutions. Still, even in war-torn and Not Free Bosnia, with over half its territory ethnically cleansed and ruled by indicted war criminals, the year-end prospect of peace holds open the possibility of a broad expansion of political rights and civil liberties.

War, insurgencies, and the influence of military establishments in the political process are among the reasons why many democracies fail to observe or protect the rights of their citizens. Eight Partly Free democracies - and the sole Not Free democracy, Bosnia - face insurgencies and military emergencies affecting their territory. Ten Partly Free democracies are heavily influenced by a military that has directly intervened in taking state power. Other Partly Free democracies are dealing with past periods of dictatorship and totalitarian rule and do not have strong and vibrant non-governmental structures of civil society and sufficiently strong private economic sectors, which are indicators of Free societies. With all their imperfections, democracies still represent the best terrain for expansion of significant freedoms and so deserve to be the focus of Western aid and assistance.

What accounts for the unprecedented phenomenon of democratic governance? In part, it is the growing power of the global communications revolution, which has strengthened international public awareness of global trends towards democracy. Another important factor has been the growing pressure of the international community, particularly donor nations from among the advanced industrial democracies, which increasingly are pressing governments to hold free and fair elections as a condition of eligibility for development assistance.

Adrian Karatnycky, President, Freedom House

1996 U.S. STATE DEPARTMENT HUMAN RIGHTS COUNTRY REPORT

Each year, fulfilling requirements stipulated in the Foreign Assistance Act of 1961, the United States State Department prepares reports covering human rights practices in all countries that receive financial assistance from the United States and all countries that are members of the United Nations. For completeness, reports for countries that do not belong to either category are also included.

The State Department human rights reports, while serving their primary purpose of assisting Members of the U.S. Congress in the consideration of legislation - particularly foreign assistance legislation - are used extensively by other readers for information and as the basis for shaping informed opinions. Non-governmental organizations, and even other governments, are often known to use these reports in the course of decision-making. In this sense, the State Department reports are vitally important, especially in cases of little known countries like Bhutan which are seldom the focus of extensive study and documentation.

The 1996 country report for human rights practices in Bhutan during 1995 is similar in content to reports prepared over the last five years, and essentially reiterates the general lack of political rights and civil liberties in the Kingdom. The Government "significantly restricts the rights of the Kingdom's citizens" in a society where "citizens do not have the right to change their government," political parties are discouraged and the monarch "exercises strong and active influence over the Government." The "judiciary is not independent of the King," and there are "significant limitations on the right to a fair trial, assembly, association, privacy and worker's rights." The Government has done little "to investigate and prosecute security force officials responsible for torture and other abuses committed against ethnic Nepalese residents," the report states.

The report confirms that during 1989-92, thousands of ethnic Nepalese were detained on suspicion of supporting dissidents and held in incommunicado detention. The Government has, however, denied responsibility for any disappearance, says the report. The report also states that "new and credible evidence continues to emerge among recent arrivals in camps in southern Nepal that persons detained as suspected dissidents in the early 1990's were tortured during confinement." Although there were no reliable reports of torture or rape by security forces in 1995, in the past "security forces committed these abuses in southern Bhutan as a part of the Government's efforts to reduce the presence of ethnic Nepalese. This policy created a climate of impunity in which the Government tacitly condoned the physical abuse of ethnic Nepalese," according to the report.

Prison conditions for suspected dissidents have improved substantially since the start of International Committee of the Red Cross (ICRC) visits and the opening of the new prison (built by prisoners themselves) in Chemgang. The ICRC visits have also helped allay the problem of incommunicado detention, a

serious problem in 1991 and 1992, the report states. However, prolonged detention is still an issue with most of the 129 prisoners being held for alleged political dissident activity still in prison without conviction 5 years after their alleged offenses were committed.

"There is no Constitution and the judiciary is not independent of the King," the report says. However, there is ambiguity and contradiction in the assertion that judges are "appointed by the King on the recommendation of the Chief Justice." The Chief Justice cannot recommend judges to the High Court because these individuals are drawn from either the civil service or from among public representatives.

Cultural traditions are highly respectful of personal privacy although there are no laws which protect privacy, family, home, or correspondence, the report states. The Government, however, "has undermined these traditions" through emphasis on national integration, stating as an example, the enforcement of the dress code. The report also mentions claims by human rights groups that house searches are conducted for suspected dissidents without explanation or legal justification.

"The Government restricts freedom of speech and press," states the report. It does not, however, elaborate or give substantive reasons for such a conclusion.

The 1996 report continues to reiterate the fact that there is very little respect for political rights in Bhutan. Political authority resides in the King, and decision making involves only a small number of officials. Political parties do not legally exist. A number of inspired myths regarding the functioning and powers of the National Assembly continue to find their place: "election" of members; voting by secret ballot; advising the monarch on matters of national importance; approval of senior government appointments; vote of no confidence against government officials.

In the section on National/Racial/Ethnic Minorities, the report provides a synopsis of the refugee problem. The background covers the aggressive campaign by the government in response to the perceived threat posed by the large ethnic Nepalese origin population in the south, assimilation and "Bhutanization" programmes, the implementation of the 1985 Citizenship Act, discriminatory measures and, finally, expulsion. Although the Government "asserts that claims of widespread abuses were fabricated," the report confirms that "tens of thousands of them were expelled between 1989-92." According to the report, the Government maintains that the number of persons who departed from southern Bhutan was significantly less than the number of people in the camps, that many who left Bhutan were not citizens, and that many in the camps may never have resided in Bhutan. On the other hand, the report states that according to UNHCR, the overwhelming majority of refugees are able to show documentary proof of Bhutanese nationality, and that random checks bear this out.

The 1996 report continues to use the officially declared popula-

tion figure of 600,000. This unvarying magical round total was born in 1990 when His Majesty admitted that the then prevailing figure of 1.4 million was incorrect. Notwithstanding protestations by Bhutanese officials regarding the Royal Government's ability to compute and tally [See "IN QUOTES"], a more definite total is still elusive. And it seems to surprise no one, that in a world beleaguered by alarming growth in population, Bhutan consistently reports zero growth. Assuming that this revised figure of 600,000 approximately represented the total number of His Majesty's subjects, current refugees and all, during the 1988-89 count, even on the basis of a conservative growth rate of 2.3 per cent, the total number of Bhutanese should be in the vicinity of 690,000. While the refusal of authorities to let go of 600,000 has huge potential ramifications (to conveniently discount those in exile?), the immediate objection is that the report mysteriously reduces the ratio of Bhutanese of ethnic Nepalese origin from "about one-third" (of 600,000!) last year to a definitive "remaining quarter" (of 600,000!) this year.

The report contains a number of errors, the most glaring being the labelling of Druk National Congress (DNC), together with BNDP and BPP, as "organized by ethnic Nepalese exiles." Of lesser significance, the report states that the United Nations High Commissioner for Refugees (UNHCR) and the UNHCR's working group on arbitrary detention visited Bhutan during 1995. [The High Commissioner for Human Rights and the Human Rights Commission's working group went to Bhutan.]

The 1996 country report on Bhutan is odd. On the one hand, the report leaves no room for doubt that the human rights situation in the Kingdom remains a matter of serious concern for the U.S., and this year's report continues to reflect the essence and thrust contained in reports of the past few years. On the other, there can also be little doubt that an equally conscientious effort has been made, at the individual level, to tone down criticism wherever possible. Obviously a tribute to acclaimed Bhutanese tact and diplomacy is in order.

The editorial skew within the consistent official position, is easily discernible by comparing this report with that of the last year. A serious reading shows that in most cases where deletions have taken place, adverbs and riders or sentences critical of the regime have been removed. At the same time, new insertions tend to favour the Government.

Thus, Bhutan was "an absolute monarchy" last year. "Bhutan is a monarchy" this year. "These [security] forces have committed gross human rights abuses," has been modified to "some members of these forces committed human rights abuses." Last year, the Government "resisted democratic changes," while this year, although "political authority resides ultimately in the King," we have a host of "elected or partially elected assemblies at the local, district and national levels." In the 1995 report, the efforts of the current monarch towards social and political modernization was qualified by the rider: "However in the past half-

decade government efforts to repress ethnic Nepalese has sidetracked further progress." This year, the qualifier has mysteriously disappeared.

"The Government has undermined these [cultural] traditions by its emphasis on promoting national integration," is repeated verbatim from last year's report, but the explanatory examples of fines, punishment, and imprisonment for non-compliance of dress rules (anywhere outside the house) is replaced by the unassailable government version of compulsory national dress requirements for public ceremonies, offices and religious buildings only.

Most significantly, the DNC and its import in the context of the current political situation has been completely overlooked. Indeed, the opposition party launched in mid-1994 "by reform-minded persons of the Drukpa elite" according to last year's report has mysteriously become a party "organized by ethnic Nepalese."

MEDIA SCAN

British MP supports Bhutan exiles

A British member of parliament on an official visit to Nepal yesterday said 100,000 Bhutanese exiles languishing in Nepali refugee camps should be allowed to return to their homes.

The refugees, who were born in Bhutan but are ethnic Nepalis, say they were driven from their homes in the Buddhist Kingdom of Bhutan because they were Hindus and spoke Nepali. Most have been languishing in refugee camps in Nepal for several years.

"The refugees who had been living for generations in Bhutan have been forcibly evicted from their homes and dispossessed," Sir John Stanley said. "We are critical of the Bhutanese government."

Nepal supports the repatriation of the refugees, who also want to return to their homes. But six rounds of inconclusive talks between Nepal and Bhutan have failed to resolve the issue. Bhutan claims the refugees were illegal immigrants deported in accordance with international law.

"We are extremely sympathetic to Nepal," said Stanley after discussions with Nepal's Prime Minister Sher Bahadur Deuba.

Sunday Gulf News, Dubai, January 14, 1996

Lhotshampa show some initiative

The Lhotshampa refugees from Bhutan in the camps of southeast Nepal have finally raised some dust. Having tarried for over five years on UNHCR dole, waiting for desultory talks between Thimphu and Kathmandu to bear fruit, some refugees finally decided that they wanted to go back home....

Fortunately for the refugees, so is the dust. Having managed at last to get coverage in the Indian national dailies, the level of public awareness where it matters has risen above zero. On 30 January, West Bengal Chief Minister Jyoti Basu wrote to Prime Minister P.V. Narasimha Rao urging him to try to resolve the problem.

Another significant development has been the support for the Lhotshampa from the Nepali-speaking populace of Darjeeling, Sikkim and Duars, next-door to Bhutan. Partly a function of jockeying for position in the upcoming general elections in India, this should be worrisome to Thimphu strategists. At the same time, it threatens to add an unnecessary 'ethnic' Nepali colour to a matter which should be seen as a humanitarian issue..

Thimphu's strategy has been to stonewall the issue while trying to undercut UNHCR's support for the refugees. If support from the refugee agency were to dip, and the quality of life in the refugee camps were to drop below that of the surrounding Nepali countryside, people would leave the camps. The Lhotshampas would join the South Asian diaspora of Nepali-speakers, and all the demographic threat to the Bhutanese state, as the Thimphu autocrats see it, would be solved.

In the fifth year of the crisis, however, thinking persons in Thimphu without a direct role in the depopulation policy must be worried. Whatever the rights and wrongs of the affair, the crisis has continued for much too long and has soiled Bhutan's image as a Shangri La.

The masterful public relations of Dawa Tshering, the world's longest serving foreign minister, has ensured thus far that the true extent of the refugee crisis is not appreciated beyond embassies in Kathmandu. International media attention on the refugees has been lacking, and foreign assistance to Bhutan from a few carefully cultivated donor nations has, if anything, risen.

Nevertheless, even Mr Tshering's peak efficiency has not succeeded in making the refugees disappear into the South Asian night. The longer the crisis festers, the worse it is for Bhutan's image and, ultimately, its internal political dynamics. Even an eventual return of the Lhotshampa will not be without its problems. The peasantry that was herded out a few years ago would come back with a taste of the outside world and of politics, and with a sense of having been wronged.

This is called painting yourself into a corner.

HIMAL South Asia, March 1996

"IN QUOTES"

"The statement Bhutan does not know its 'sex ratio, age distribution, economic classification of its working population' and 'there have never been surveys related to labour force, unemployment and migration' shows Ansari's ignorance. Bhutan has a cadre of professional statisticians, numerous surveys have been carried out by competent experts. Such data is available with the Central Statistical Organisation and various ministries."

Nado Rinchen, Royal Bhutanese Ambassador, New Delhi, in Letters to the Editor, 'Subjects of a king, rejects of a kingdom', *The Telegraph*, Calcutta, March 25, 1996.

TWO FOREIGN MINISTERS SPEAK UP

Nepal's Foreign Minister Says They Belong to Bhutan



It is a question that has no clear answer: To what country do the Nepali-speaking Bhutanese now in refugee camps in Nepal belong? In 1990, some 218,000 residents of Bhutan, or 15.5% of the country's population of 1.4 million were ethnic Nepalese. Now, there are some 100,000 of them living in camps in nearby Nepal. The Bhutanese government, controlled by King Jigme Singye Wangchuck, claim the refugees left for Nepal because they wanted to "go home." The refugees, many of whom have lived in Bhutan for almost a century, claim that Bhutan is their home. Many say they were forced out of the country by violent means.

By most accounts, the refugees are descendants of Nepalese who, at the request of the Bhutanese Royal Family, migrated nearly 100 years ago to cultivate the hot lowlands of southern

Bhutan - an area that the Tibetan-origin Bhutanese were loath to farm. In recent years, the increase of the Nepali-speaking Bhutanese population threatened Tibetan-origin Bhutanese control of the country. In response, King Wangchuck may have ordered their exile. According to Amnesty International, in 1991, arbitrary arrest of southern Bhutanese, accompanied by torture and rape, forced many of them to flee Bhutan, crossing India into Nepal.

In mid-January, Indian police imprisoned 150 southern Bhutanese protesters as they marched through West Bengal; only a week later, Indian police stopped 300 refugees from crossing into the country via the Mechi bridge in southeastern Nepal. Both groups were attempting to return to Bhutan through India.

Last week, Nepalese Prime Minister Sher Bahadur Deuba paid a goodwill visit to his Indian counterpart, P.V.Narasimha Rao, in New Delhi. No doubt the refugee situation was among the items on his agenda. Nepalese Foreign Minister Prakash Chandra Lohani recently spoke to Asiaweek's contributing reporter in Kathmandu, Thomas Laird, about the refugee problem. Some excerpts:

How did some 100,000 Bhutanese

rather limited because our policy is more to develop hydropower resources. The development of industries suffers from several constraints. One is that since we are a landlocked country, the cost of transportation of products and raw materials is very high.

How are Bhutan's ties with Nepal, especially in the context of the question of Bhutanese of Nepalese origin?

Immigration into Bhutan started at the end of the last century. Those who came were basically farmers and were regularised in 1958. But the majority of the illegal immigrants entered Bhutan after we started the process of socio-economic development in 1961, when we launched our first five-year plan. As we started to develop infrastructure of a modern state - roads, tele-communications, hospitals and so on - we needed a lot of labour and Nepalese labour was easily available and very cheap. Unfortunately, many of them decided to settle down in Bhutan and that is the genesis of the present problem.

Nepal Foreign Minister P.C.Lohani has said that the country will internationalise the issue.

We are committed to the bilateral process, we are convinced that given the goodwill and political will, the problem can be resolved bilaterally. It is not an intractable problem. If the Nepalese government wishes to exercise some other option, it is their sovereign right to

refugees wind up in Nepal, which does not have a common border with Bhutan?

The refugees entered India and came into Nepal, [so] India should have been the first country of asylum. Why they came to Nepal is something we have not been able to understand. The Indians say they came because they speak Nepali and would feel more comfortable here than in India.

In recent weeks, some of these 100,000 refugees have tried to go back to their country to petition their government for justice and their rights. They have been stopped and arrested on the Indo-Nepal border by Indians. This we cannot comprehend: they were allowed passage through India to come to Nepal, but now they are forbidden passage back to their own country.

Many observers point out that because of an Indo-Bhutan treaty, India controls Bhutan's foreign policy. Is India tilting toward Bhutan in this long-running dispute?

The Indians tell us that [they consider] both Nepal and Bhutan [to be their] old and reliable friends and they do not want to be seen as taking sides in the debate over refugees. But stopping the refugees from going back to their home clearly indicates a certain

degree of asymmetry. We are not happy with this asymmetry.

The Bhutanese stranded in Nepal seem to have grown impatient with Nepal-Bhutan negotiations. Has there been any progress at all over the last few years?

We have had talks for three years now, and to be frank there has been no progress. The Bhutanese assert that some of these people are not Bhutanese citizens. We proposed that a joint-verification team look at the paperwork held by these refugees. The Bhutanese refused. We also suggested that a third party undertake the verification procedures, as a step toward returning all refugees that have proof of their citizenship in Bhutan. Again, the Bhutanese have refused.

Do you believe that India should put pressure on Bhutan as well?

We have already made a direct request to India for help in solving the problem - either officially or unofficially. We made this request again just last week when India's Foreign Minister Pranab Mukherjee was here in Kathmandu. His reply was that he would consult his colleagues.

I hope that India will see the injustice and imbalance of the situation. They insist that this is a bilateral issue. We insist it is a trilateral issue because they were

the first country of asylum.

The United Nations High Commissioner for Refugees has agreed to fund Nepal-based refugee camps for 12 more months. But the U.N. has made it very clear that it will not continue funding for the maintenance of the refugees indefinitely. Without progress soon in the Bhutan-Nepal talks, won't Nepal have to absorb these refugees?

That is out of the question. They are Bhutanese citizens: they must be allowed to return to their home with dignity and honor. We hope to have another round of talks with the Bhutanese at the foreign minister level soon. If we cannot make any progress in that meeting we are going to have to think seriously about internationalizing the situation - taking the issue to international forums and institutions.

It is surprising that the U.S., a country that champions human rights, is remaining silent about this. They talk about human rights violations everywhere they occur. But here we have 100,000 people who have been robbed of liberty and life, denied their most basic human rights in the name of preserving a "unique culture." This is what happened in Bhutan and I think the world should take note.

Asiaweek, Hong Kong, March 1, 1996.

'India is not tilting toward us'

do so. But I think it would be unwise.

Nepal wants India's help to resolve the problem but has charged New Delhi with tilting towards Bhutan.

Till the bilateral process is exhausted, I don't think we should look at other options. As far as this tilt is concerned, I don't think it is a fair assessment. The point which the Government of India has made is that India has friendly relations with both Nepal and Bhutan and it does not want its territory to be used against either country. So, if these organised marches pass through Indian territory and try to create problems for Bhutan, India could be seriously misunderstood of either supporting or, at the very least, of acquiescing in this. Naturally, India is caught in a very awkward predicament.

Nepal says since India let these people pass through India to Nepal, it should allow them back the same way.

Our position is that not all the people in the camps are from Bhutan and all those who may have gone from Bhutan aren't Bhutanese citizens, they are illegal immigrants sans citizenship status. Pranab Mukherjee has explained that because of complete freedom of movement between Bhutan and India, people from Bhutan crossed over to India and then to Nepal. Since India and Nepal also have an open border, it was impossible to stop them. But this case is qualitatively different.

There were reportedly two groups of people who entered India two weeks ago. Months before this event, they set up support groups in Siliguri, Darjeeling, all over the place. So when they came to India, they crossed the Meichi river as an organised group, declaring their intention to march across Indian territory. This has security implications for India: there are millions of Nepalese in that area and, secondly, this group has professed a declaration to move into Bhutan. So India said nothing doing.

How long can Bhutan maintain its traditional way of life?

This was one dilemma we found ourselves in when we embarked on the process of modernisation. Ours is a highly traditional society. Bhutan is the last bastion of Mahayana Buddhism in its pristine form. Our government decided it would be futile to

modernise by throwing our traditional values overboard. But, without western technology you can't improve the quality of life. We are trying to maintain a balance. We are often criticised for not introducing television. Sooner or later we are going to have it. Expatriates and Indian diplomats already have it. Foreign journalists, who see things in black and white, say this is one means of keeping a reactionary government in place, of keeping new ideas out and maintaining feudalism. This is totally untrue. We do not like the spread of monoculture based on urbanisation and industrialisation. Besides, we sent out over 5,900 students to study abroad in our sixth plan. If we are trying to prevent ideas from coming in this would be the last thing we would do.

Outlook, New Delhi, March 20, 1996.



King of Bhutan Jigme Singye Wangchuk was in India last week to sign two agreements, one for a hydroelectric project and another for setting up a cement plant with ACC [Associated Cement Company]. The two governments also initiated discussions on working together to combat and eliminate terrorist and criminal activities on each other's territories. The proposed extradition agreement may seek to sidestep some of the cumbersome legal processes involved. Foreign Minister Dawa Tsering, the longest serving Foreign Minister in the world, discussed Indo-Bhutan issues and the contentious Bhutan-Nepal immigration problem with Sunil Narula. Excerpts:

This is the first joint project between the Bhutan government and a private Indian company. Can one expect more such agreements?

The decision that our government has taken is that we can have joint ventures on a selective basis. But the scope for such joint ventures is

REFUGEE CAMP INFORMATION

Location	District	Refugees	Students
Timai	Jhapa	8,525	3,225
Goldhap	Jhapa	8,161	3,094
Beldangi I	Jhapa	15,464	5,276
Beldangi II	Jhapa	19,395	7,629
Beldangi II Ext.	Jhapa	9,702	3,491
Sanischare(Pathri)	Morang	17,682	6,407
Khudunabari	Jhapa	11,395	4,329
Total		90,324	33,451

Cumulative births: 9,393
Cumulative deaths: 3,179

The above figures are as of March 31, 1996.