

The Bhutan REVIEW

News, Views, Reviews

Monthly

Vol.4 No.7

July 1996

Nu/Rs 5.00

74th NA Session Begins

The *ngolop* (anti-national) problem is once again the main agenda in the 74th National Assembly session which began on June 28. Addressing members, the Speaker indicated that this reflected the concern of the people and urged the members to 'debate' this issue with utmost sincerity to find an early and lasting solution.

On the opening day, the Royal Government announced a hefty increase in the salary of civil servants and 'elected' representatives. The Finance Minister announced that a hike of 25 per cent in the wages of civil servants, including Ministers, and 50 per cent in the remuneration paid to *gups* (village headmen) and *chimis* (National Assembly members) had been incorporated in the 1996-97 budget as commanded by His Majesty the King.

NEPALESE ENVOY PRESENTS CREDENTIALS

Prof Lok Raj Baral presented his credentials as the new Royal Nepalese Ambassador to Bhutan to His Majesty the King at Tashichhodzong in Thimphu on June 25. On the occasion, aspects

of Nepal-Bhutan relations, including the vexing problem of Bhutanese refugees in Nepal, were discussed. His Majesty is reported to have expressed faith in the bilateral process and desired that the talks between the two governments be continued to resolve the refugee problem. Ambassador Baral is a member of the Ministerial Joint Committee established by the two governments to engage in talks to resolve the refugee problem.

DYB CAMPAIGN

The Democratic Youth of Bhutan, the youth wing of Bhutan National Democratic Party (BNDP), reportedly stuck posters, wrote wall messages and distributed leaflets throughout the southern belt on June 27 to protest the farcical meeting of the National Assembly. According to sources, except for Chirang and Dagana, the programme was successfully undertaken in all other districts with the active support of the local communities.

LHOYI KHUJU, NEW DZONGKHA MONTHLY

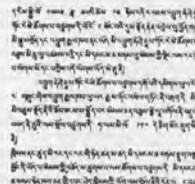


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The opposition view in Bhutan is now likely to spread wider and reach a larger audience that matters. The Druk National Congress (DNC) has begun publication of a monthly newsletter in Dzongkha, the *Lhoyi Khuju*. The inaugural issue was released by the party on June 16, coinciding with the second anniversary of its founding.

The June issue carries a message from DNC Chairman Rongthong Kunley Dorji, and has articles designed to open the minds of the average Bhutanese to the oppressive policies of the regime and the blatant suppression of the rights of the common people. In their maiden effort, the editors reflect the authoritarian situation of present-day Bhutan with the general international environment of individual freedom and democratic governance. Instances of government policies and programmes which invariably hurt the common man while benefiting a small section of the elite have been included: A pictorial essay depicting stark poverty in interior districts challenges government claims of 'development'



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which impresses donors; the discontinuation of *goongda woola* (forced labour conscription system where the government was obliged to pay minimum wages) but continuation of, and increased obligations under, other non-paying *woola* schemes; the flouting of civil service rules in the case of the elite while the same rules victimize lower category personnel, and retrenchment exercises which target *lhotshampas* (southerners) and *sharchops* (central and easterners) employees; impotent institutions such as the village and district level committees, and even the National Assembly, where what the members can and cannot say and what, on the other hand, they must speak is decided by the district administrator.

As the only other newspaper in Dzongkha apart from the Royal Government's mouthpiece, the weekly *Kuensel* (also printed in English and Nepali), *Lhoyi Khuju* fills an important breach.

For subscription details, contact P.O.Box 5754, Kathmandu, Nepal or send a fax to +977-1-472529.

APPEAL MARCH PROGRAMME RESUMES

The Appeal Movement Coordination Council (AMCC) which has been coordinating a peaceful march of refugees from camps in Nepal to the Bhutanese capital Thimphu through the Indian state of West Bengal is continuing its campaign pressing for safe passage through Indian territory. The marches, suspended during the duration of general elections in India, was revived in June.

The West Bengal Police, however, continued to clamp down on such attempts by refugees to undertake the peace march, forcing organizers to adopt a change in strategy. Confronting an unyielding state administration determined to prevent the march of refugees, the originally planned programme of completing the march on foot from start to finish has had to be abandoned. With the support of sympathizers all along the Dooars, AMCC is now arranging for groups to commence their marches at different points

along the original route.

On June 3, 104 refugees were arrested from buses in which they were travelling from Siliguri towards their starting destination. More were picked up as they gathered close to the Indo-Bhutan border; a group of 50 at Hashimara on June 14, another 50 near Ghachiya on June 24, and 54 up in Jhollong on June 25. Unlike in the past, AMCC reports, the later groups of marchers were not charged and imprisoned but released without explanations some distance away from their starting point.

Refugee dies in Indian jail

On June 12, a refugee among the 792 peace marchers held in detention in India, died in Berhampur jail. 50-year-old Baburam Shengden of Khebisa in Dagana district was among the marchers arrested by the Indian police at the Mechi bridge (Indo-Nepalese border) on March 26. A tuberculosis patient, Shengden

was reportedly in frail health, a condition aggravated by conditions in jail and lack of access to proper medical care. He is survived by his wife, Pahalmaya, and four children in Sanischare refugee camp.

The AMCC, respecting the wishes of the deceased, proposed to take Shengden's remains to Bhutan for the last rites. On June 19, a procession of some 300 people, including Indian sympathizers from the Association for Protection of Democratic Rights, Support Organization for Bhutanese Refugees, and Human Rights Protection Forum, started off from Siliguri for Bhutan with the body of the deceased. While the procession moved unhindered on the Darjeeling side of Siliguri town, citing government orders, officers from the Jalpaiguri police station halted the group at the Mahananda Bridge separating Darjeeling and Jalpaiguri districts. Following a stand-off and

subsequent attempts by the group to force their way forward, the police resorted to a *lathi charge*.

A large number of marchers were hurt. 3 persons critically injured were admitted to the North Bengal Medical College hospital. Following the scuffle, the coffin lay unclaimed on the bridge. Subsequently it was retrieved by the police and, according to reports, cremated in Jalpaiguri.

The police action was condemned by human rights groups in North Bengal, and a strike was called to protest the action taken by the state administration against Bhutanese refugees. In a press statement, AMCC has demanded a probe into the death of Shengden on June 12, a judicial inquiry into the lathi charge on the bridge on June 19, and the handing over of Shengden's body to AMCC for taking it to Bhutan for the last rites. Meanwhile, the other 791 refugees still remain in custody.

1996 SLC RESULTS

Of the 218 students who sat for the 1996 Class X School Leaving Certificate (SLC) examinations conducted by His Majesty's Government of Nepal from the four secondary schools in the refugee camps, 176 were declared successful. 33 were placed in the First Division, 132 in Second, and 11 passed in the Third Division.

The overall pass percentage of 80.73% which is again twice the national average compares favourably with last year's 81.42% (92 out of 113) success rate. This year three schools (Sanischare, Goldhap and Khudunabari) sent candidates for the first time, while it was

the third batch graduating from the secondary school in Beldangi camp.

Meanwhile, back in Bhutan too results were announced with a record number of students getting through the Class X (ISCE) and Class XII (ISC) exams. However, in the euphoria following good results, not many may have noted that the former high schools in southern Bhutan at Samchi and Sarbhang do not now figure in the calculations and that all the 5 schools for plus 2 education are in the north. For that matter, even the junior high schools that catered to students upto the eighth grade in Damphu, Ghumaunay and Sibsoo now no longer exist.

Amnesty International's Annual Report

In its annual report released June 18, Amnesty International (AI), the London-based international human rights organization, has come down heavily upon the entire international community, apportioning much of the blame for gross human rights abuse and indiscriminate killing of innocent persons across the world to governments which trade in terror by way of arms sales to warring factions and permit uncontrolled export of technology and equipment that become the implements for torture and death. AI has called for legislation and international regulations to prohibit the transfer of military, security and police equipment, technology, training or personnel unless it

can be demonstrated that these would not result in abuse and contribute to human rights violations.

Covering the human rights situation during 1995 in 146 countries, *Report 96* confirms the abuse of human rights in every region of the world. According to AI, government forces as well as armed opposition groups continue to resort to arbitrary killings. Political prisoners, if they are brought before the courts, face trials that are a travesty of justice, and torture is still rife, the report states.

In the section on Bhutan, AI reports that 340 more persons were forced to leave the country during the year, 44 political prisoners are

serving prison sentences and 70 are on trial. The report contains one case of arbitrary detention (Tashi Norbu), an instance of alleged torture in custody (Omey Sanyasi), and the killing of an armed robber (Durga Das Tamang) by "village volunteers". According to the report, AI has expressed its concerns over National Assembly proposals to issue arms to "village volunteer groups" but has received no response from the government. AI has also appealed to the Royal Government of Bhutan not to force southern Bhutanese to leave the country against their will, the report states. [Full text of section on Bhutan in Media Scan, page 3]

The Bhutan REVIEW

LHOYI KHUJU - Dissenting in Dzongkha

The month of June, in recent times, has acquired a special significance for Bhutan. Foremost on the calendar of events for June remains the 1974 coronation of His Majesty King Jigme Singye Wangchuck on the 2nd of the month. Sixteen years on, Bhutan Peoples Party (BPP), the first opposition political party, chose the very same day in 1990 to announce its formation in exile. Only a year later, when some senior civil servants opted to defect and join the ranks of dissidents, both the officials' allegations of discriminatory policies and gross abuse of southern Bhutanese against the regime as well as government allegations of financial impropriety by the former bureaucrats were aired, not by design but sheer coincidence, on June 2. Bhutan's first non-lhotshampa dissident organization also found that June was an auspicious month to launch its campaign, and on June 16, 1994, the Druk National Congress (DNC) was born.

Yet another milestone can now be said to have been grabbed by June with the start of the first dissident newsletter, *Lhoyi Khuju*, in Dzongkha, the national language. Why such a fuss over the printing of a mere four-page tabloid, one might well ask. Regardless of the nature of opinions it might contain and whichever language might have been used to express them, surely there is little cause for excitement, some may be prompted to remark. In a world that is today swamped with information, print, audiovisual and electronic media all competing for attention, and where the limitless variety and amount of information one can choose to access is limited only by one's own capacity to absorb, that a little newspaper, that too only a four-page monthly, be it ever so bold in disagreeing with the establishment, should arouse so much interest might indeed seem strange. But anyone who pauses to raise such questions will also have, in the same breath, loudly proclaimed his or her ignorance about Bhutan and matters Bhutanese, and for such a group, a little education about the media in the kingdom might not go waste.

The only vehicles for dissemination of information in Bhutan consists of a government radio station, Bhutan Broadcasting Service (BBS), which broadcasts for a few hours every day in four languages, Dzongkha, English, Sharchopkha, and Nepali, and *Kuensel* a weekly newspaper published by the government in three languages, Dzongkha, English, and Nepali. These official outlets for government-approved news and announcements represent the sum total of the media in Bhutan. Private enterprise and individual initiative in this field is quickly discouraged, and even government institutions, schools and colleges which bring out the rare annual magazine, are cautious to a fault and carry no opinion pages that could stir the hornet's nest.

Apologists for the regime will be quick to assert that stringent censorship is not practiced by the authorities and, as evidence, point out that Indian daily newspapers and international publications are freely available. But the average Bhutanese can hardly claim a regular reading diet of *Times*, *Newsweek*, and Indian dailies. On the other hand, given that Bhutan's problems and intrigues, or the regime's misdeeds, rarely makes the international news, this free availability says little for the government's purported openness and willingness to face scrutiny, especially from the Bhutanese people itself. Indeed, even as this misperception regarding government probity continues, enough Bhutanese will be found who can vouch for the mysterious disappearance, both before and after the genesis of the southern problem, of particular issues of international publications which featured articles critical of the regime or embarrassing for the royal family.

This delusion - that ostensibly unhindered sales of foreign publications is by and in itself proof that Bhutanese have the freedom to hold and express opinions through an unfettered media - is but one more example of how effective the Royal Government has been in its scheme of grand deception. The regime has understandably worked hard to create this illusion, but the world, too, has provided a helping hand: the small band of mediapersons - a group which surely should know better - invited and allowed into the kingdom as select guests has largely been responsible for shoring up such false impressions.

When we brought out the first issue of the *Review* three-and-a-half years ago, it was our endeavour to at least partially fill the huge void created by the government lid on information. We continue to honestly try and fulfil that mission. We realize, of course, that our opinions, however objectively constructed, would always be considered tainted, first on account of our alleged 'anti-nationalness' and then by our supposed 'Nepaliness'. But in a nation where free expression of opinions remains unthinkable, even if only from the safety of exile, it remained, until now, the only *other* view. A newsletter in Dzongkha now provides another dimension.

With *Lhoyi Khuju*, a need has now been fulfilled. As the world's only second newsletter in Dzongkha after *Kuensel*, the paper will be devoured greedily by a people denied an alternative to government propaganda in *Kuensel*. If the authorities have been complacent because Indian newspapers and foreign journals seldom carry news about Bhutan, the time may have arrived to be concerned. The direct approach of *Lhoyi Khuju* to the people in north Bhutan in their own language, the Royal Government must realize, can have a devastating effect.

DEMOCRACY IN AMERICA - Alexis De Tocqueville

The defects and weaknesses of a democratic government may readily be discovered; they are demonstrated by flagrant instances, while its salutary influence is insensible, and, so to speak, occult. A glance suffices to detect its faults, but its good qualities can be discerned only by long observations. The laws of American democracy are frequently defective or incomplete; they sometimes attack vested rights, or sanction others which are dangerous to the community; and even if they were good, their frequency would still be a great evil. How comes it, then, that the American republics prosper and continue?

Democratic laws generally tend to promote the welfare of the greatest possible number; for they emanate from the majority of the citizens, who are subject to error, but who cannot have an interest opposed to their own advantage. The laws of an aristocracy tend, on the contrary, to concentrate wealth and power in the hands of the minority; because an aristocracy, by its very nature, constitutes a minority. It may therefore be asserted, as a general proposition, that the purpose of a democracy in legislation is more useful to humanity than that of an aristocracy. This is, however, the sum total of its advantages.

Aristocracies are infinitely more expert in the science of legislation than democracies ever can be. They are possessed of a self-control which protects them from the errors of temporary excitement; and they form far-reaching designs, which they know how to mature till a favourable opportunity arrives. Aristocratic government proceeds with the dexterity of art; it understands how to make the collective force of all its laws converge at the same time to a given point. Such is not the case with democracies, whose laws are almost always ineffective or inopportune. The means of democracy are therefore more imperfect than those of aristocracy, and the measures which it unwittingly adopts are frequently opposed to its own cause; but the object it has in view is more useful.

An analogous observation may be made respecting public officers. It is easy to perceive that the American democracy frequently errs in the choice of the individuals to whom it entrusts power of the administration. The men who are entrusted with the direction of public affairs in the United States are frequently inferior, both in capacity and morality, to those whom an aristocracy would raise to power. But their interest is identified and confounded with that of the majority of their fellow-citizens. They may frequently be faithless, and frequently mistaken; but they will never systematically adopt a line of conduct hostile to the majority; and they cannot give a dangerous or exclusive tendency to the government.

The maladministration of a democratic magistrate, moreover, is an isolated fact, which has

influence only during the short period for which he is elected. Corruption and incapacity do not act as common interests, which may connect men permanently with one another. A corrupt or incapable magistrate will not concert his measures with another magistrate, simply because the latter is corrupt and incapable as himself; and these two men will never unite their endeavors to promote the corruption and inaptitude of their remote posterity. The ambition and manoeuvres of the one will serve, on the contrary, to unmask the other. The vices of a magistrate, in democratic states, are usually wholly personal...

There is, indeed, a secret tendency in democratic institutions, which makes exertions of the citizens subservient to the prosperity of the community, in spite of their vices and mistakes; whilst in aristocratic institutions, there is a secret bias, which, notwithstanding the talents and virtues of those who conduct the government, leads them to contribute to the evils which oppress their fellow-creatures. In aristocratic governments, public men may frequently do harm without intending it; and in democratic states, they bring about good results which they never thought of.

Notion of Rights

After the general idea of virtue, I know of no higher principle than that of right; or rather these two ideas are united in one. The idea of right is simply that of virtue introduced into the political world. It was the idea of right which enabled men to define anarchy and tyranny; and which taught them how to be independent without arrogance, and to obey without servility. The man who submits to violence is debased by his compliance; but when he submits to the right of authority which he acknowledges in a fellow-creature, he rises in some measure above the person who gives the command. There are no great men without virtue; and there are no great nations - it may almost be added, there would be no society - without respect for right; for what is a union of rational and intelligent beings who are held together only by the bond of force?

The government of the democracy brings the notion of political rights to the level of the humblest citizens, just as the dissemination of the wealth brings the notion of property within the reach of all men; to my mind, this is one of its greatest advantages. I do not say it is easy to teach men how to exercise political rights; but I maintain that, when it is possible, the effects which result from it are highly important; and I add, that, if there ever was a time at which such an attempt ought to be made, that time is now. Do you not see that religious belief is shaken, and the divine notion of right is declining? - that morality is

debased, and the notion of moral right is therefore fading away? Argument is substituted for faith, and calculation for the impulses of sentiment. If, in the midst of this general disruption, you do not succeed in connecting the notion of right with that of private interest, which is the only immutable point in the human heart, what means will you have of governing the world except by fear? When I am told that the laws are weak and the people turbulent, that passions are excited and the authority of virtue paralyzed, and therefore no measures must be taken to increase the rights of democracy, I reply, that, for these very reasons, some measures of the kind ought to be taken; and I believe that governments are still more interested in taking them than society at large, for governments may perish, but society cannot die.

But I do not wish to exaggerate the example which America furnishes. There the people were invested with political rights at a time when they could not be abused, for the inhabitants were few in number, and simple in their manners. As they have increased, the Americans have not augmented the power of the democracy; they have rather extended its domain.

It cannot be doubted that the moment at which political rights are granted to a people that had before been without them is a very critical one - that the measure, though often necessary, is always dangerous. A child may kill before he is aware of the value of life; and he may deprive another person of his property before he is aware that his own may be taken from him. The lower orders, when they are invested with political rights, stand, in relation to those rights, in the same position as the child does to the whole of nature; and the celebrated adage may then be applied to them, *Homo puer robustus*. This truth may be perceived even in America. The States in which the citizens have enjoyed their rights longest, are those in which they make the best use of them.

It cannot be repeated too often, that nothing is more fertile in prodigies than the art of being free; but there is nothing more arduous than the apprenticeship of liberty. It is not so with despotism: despotism often promises to make amends for a thousand previous ills; it supports the right, it protects the oppressed, and it maintains public order. The nation is lulled by the temporary prosperity which it produces, until it is roused to a sense of misery. Liberty, on the contrary, is generally established with difficulty in the midst of storms; it is perfected by civil discord; and its benefits cannot be appreciated until it is already old.

Tocqueville, a French nobleman and political scientist, wrote his classic treatise Democracy in America, from a translation of which this article has been extracted, after a visit to the country in 1831-32.

JRS STATEMENT IN GENEVA

The Jesuit Refugee Service (JRS) which has been assisting Bhutanese refugees in the education sector has also been active in efforts aimed at sensitizing the international community to the Bhutanese refugee problem. Following extensive lobbying at the 52nd session of UN Commission on Human Rights (18 March - 26 April 1996), JRS was invited to deliver a statement on the situation of Bhutanese refugees to the UN Working Group on Minorities, under specific agenda item: 'Examination of issues relating to forcible displacement of populations, including threats of removal, and return of persons who have been displaced'. The core of the May 1, 1996 statement, co-sponsored by the Lutheran World Federation and Caritas Internationalis, is reproduced below.

Mr Chairman,

On behalf of the Jesuit Refugee Service, I thank you for this opportunity to draw the attention of the Working Group on Minorities to the plight of some 90,000 Bhutanese refugees of Nepali origin currently residing in camps in eastern Nepal, and another estimated 30,000 unassisted Bhutanese refugees living outside these camps in both Nepal and India. According to incomplete Royal Bhutanese Government census figures for 1995, these refugees represent more than one-sixth of the total population of Bhutan. Half of the refugee population living in the camps in Nepal constitute women and about one third are children. Most of the refugees wish to return to the place of their habitual residence while the Royal Government of Bhutan appears determined to deny them reentry. Seven rounds of bilateral talks to resolve this situation between the royal governments of Bhutan and Nepal between 1994-96, the last of which took place only earlier this month, have achieved but little progress.

Concerned parties have held much hope for this last round of bilateral talks as for the first time the talks had been conducted by the foreign ministers of the two countries. The stalemate reached at the bilateral negotiations underlines the risk of the refugees to become stateless persons, being denied their fundamental human right to nationality by the Royal Government of Bhutan. The Royal Government of Bhutan maintains that many of the persons registered in the camps as refugees have no claim to Bhutanese citizenship and may never have resided in Bhutan. The office of the United Nations High Commissioner for Refugees (UNHCR), on the contrary, reports that the overwhelming majority of the refugees who have entered the camps have been able to show documentary proof of Bhutanese nationality since screening began in June 1993, and a sample survey conducted by the Jesuit Refugee Service substantiates these findings. Concerned by the plight of the Bhutanese refugees in Nepal and India, the European Parliament recently adopted a resolution on March 14 1996 calling upon the governments of Bhutan and Nepal to reach an agreement which will allow the early and voluntary repatriation of the refugees.

Mr Chairman,

The Kingdom of Bhutan is a signatory to the Convention on the Elimination of all Forms of Racial Discrimination (CERD) since 1973 though despite this declaration of intent it has to date not yet ratified the Convention. The country is, moreover, a state party to the Convention on the Elimination of Discrimination Against Women (CEDAW) and to the Convention on the Rights of the Child (CRC) since 1981 and 1990 respectively. As a member of the United Nations, Bhutan is moreover bound to uphold the principles of the UN Charter as well as of the Universal Declaration of Human Rights. While the Royal Government of Bhutan has not acceded to the international Bill of Human Rights consisting of the two international

covenants on civil and political rights and economic, social and cultural rights, it is nevertheless bound to adhere by the provisions set forth in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities as adopted by the General Assembly Resolution 47/135 of December 1992.

According to the report of the Working Group on Arbitrary Detention on their visit to Bhutan to the fifty-first session of the Commission on Human Rights (E/CN.4/1995/31/Add.3), King Jigme Singye Wangchuck is vested with supreme power, including that of head of state and supreme judge. For most important decisions he is held to be, directly or indirectly, the ultimate authority. The country has no written constitution.

By virtue of the Nationality Law of Bhutan, enacted in 1958, the then King granted Bhutanese citizenship to Nepali settlers living in Bhutan. The granting of citizenship in 1958 was notified by royal proclamation, but was not accompanied by any special certification process. The Bhutan Citizenship Act of 1977 amended the nationality law and made eligibility criteria more stringent. The Bhutanese Citizenship Act of 1985 was interpreted during the 1988 census as further tightening regulations for eligibility by restricting citizenship to ethnic Nepali adults who owned land and had lived in Bhutan since 1958.

The current situation of the Bhutanese refugees, Mr Chairman, is marked by increasing frustrations that lead to recent demonstrations by groups of refugee 'Appeal Marchers'. Since January 1996, some 950 Bhutanese refugees from camps in Eastern Nepal, frustrated at the lack of progress in finding a solution to their situation, have taken the initiative into their own hands and begun walking towards Thimphu, the capital of Bhutan, via India in order to deliver a petition to the King of Bhutan. All were immediately detained under provisions of the Indian Penal Code upon entry into India. Although the marchers have in the meantime been unconditionally released by the Sub-Divisional Judicial Magistrate Court of Siliguri, India, they were intercepted again as soon as the 'Appeal March' to Bhutan resumed on 15 March 1996. At the time of submitting this statement some 792 marchers remain in custody in jails in West Bengal, India, out of whom 128 are women. Many of the marchers have been imprisoned for more than three months now. Serious concerns have been raised regarding the deteriorating health of the some of the marchers. The 'Appeal Marchers' have temporarily suspended their efforts appealing to the Government of India to stop intercepting the marchers and to provide them with safe and free passage to Bhutan.

While these refugees as well as their compatriots in camps in Nepal and those living outside the camps in Nepal and India face an uncertain future, Nepal's Foreign Minister, Dr Prakash Chandra Lohani was quoted in the Kathmandu Post on 9 April 1996 as stating that "if they (the refu-

gees) are not Bhutanese nationals, they certainly are not Nepalese. Bhutan must take the responsibility to solve this problem since Bhutan is responsible" [electronic version].

In the light of events as described, and in search of a peaceful and constructive solution to the Bhutanese refugee problem, allow me, Mr Chairman, to make the following recommendations to the Working Group on Minorities for its urgent consideration:

- * prepare a comprehensive report on the situation of the Bhutanese refugees in Nepal and India for the next session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and adopt a resolution on the issue in the light of its findings to be submitted to the next session of the UN Commission on Human Rights; due account should be taken in this endeavour of the resolution adopted recently by the European Parliament on the issue;

- * request the High Commissioner for Human Rights, in close cooperation with the office of the United Nations High Commissioner for Refugees, to examine the reasons for the exodus of the refugees and to mediate among concerned governments with a view to arrive at an early resolution of the situation and to take all necessary steps, in line with the Convention on the Reduction of Statelessness of 1961, to ensure that the refugees do not become stateless;

- * request the Working Group on Arbitrary Detention currently visiting Nepal and Bhutan to extend their visit and also investigate the situation of detained Bhutanese refugees in Nepal and India and report on its findings without delay. The Jesuit Refugee Service welcomes in this connection the invitation extended by the Royal Government of Bhutan to the Working Group for the return visit to the country under way (vide E/CN.4/1996/40, para 36+37), and the positive response of the Government of Nepal to a visit of the Working Group (para 39);

- * call upon CEDAW and CRC to consider any violation of the conventions with respect to women and children prior to, during and after their flight from Bhutan;

- * urge the Royal Governments of both Bhutan and Nepal to resume their bilateral talks in the near future and to allow the assistance of a neutral mediator in their negotiations to solve the refugee crisis;

- * encourage the implementation of an International Arbitration Committee of experts to examine the nationality of the refugees through individual status determination procedures;

- * call upon the Royal Government of Bhutan to recognize the United Nations High Commissioner for Refugees (UNHCR) as the expert body mandated by the United Nations to determine refugee status, work towards a reduction of the phenomenon of statelessness, and to facilitate and monitor the voluntary return of refugees to their homes in conditions of safety and dignity and, towards this end, to invite the office of the High Commissioner for Refugees for a visit to Bhutan to discuss the issues

forthwith;

- * urge the Government of India to promptly release the Bhutanese Appeal Marchers currently incarcerated in Indian jails and instead provide them with safe and unhindered passage to Bhutan;

- * encourage the Royal Government of Bhutan to repeal its 1985 Citizenship Act and its 'One Nation, One People' policy of 1989 and to replace it with laws consistent with international human rights law, the letter and spirit of the Charter of the United Nations and the Universal Declaration of Human Rights, the two covenants on Civil and Political rights and on Economic, Social and Cultural rights and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, as well as to ratify the Convention of the Elimination of all Forms of Discrimination without further delay. Thank you, Mr Chairman.

"IN QUOTES"

"Mass killings, torture and 'disappearances' shame the entire international community. Responsibility for these outrages does not lie only with those who pull the trigger or apply the electric shock. It also lies with governments which supply arms and equipment used to torture, maim and kill. These governments put profits and political advantages ahead of human rights. Regardless of the consequences, they allow weapons to be supplied to forces with a record of abusing human rights. They should be held accountable when this equipment is used to commit atrocities."

Report 96, Amnesty International.

MEDIA SCAN

BHUTAN

A prisoner of conscience spent his sixth year in prison. A possible prisoner of conscience was arrested and detained. A prisoner was allegedly tortured. A "village volunteer group" was reportedly responsible for a possible extrajudicial execution.

Talks between the governments of Bhutan and Nepal in March and April to discuss the fate of 88,000 Nepali-speaking southern Bhutanese people living in refugee camps in eastern Nepal was inconclusive. A joint verification team to categorize the people in the camps had not started its work by the end of the year (see *Amnesty International Report 1994 and 1995*). By the end of August over 340 more people had left southern Bhutan to seek asylum in Nepal. Many were believed to have been forced to leave Bhutan as a result of government policies which discriminated against Nepali speakers. The government attributed incidents of armed robbery in southern Bhutan to "anti-nationals" returning from the refugee camps in Nepal. There were also reports that armed members of the Bodo tribal community in Assam, India, were responsible for human rights abuses in southern Bhutan.

Tek Nath Rizal, a prisoner of conscience, spent his sixth year in prison, despite having been pardoned by King Jigme Singye Wangchuck in late 1993 (see *Amnesty International Report 1994*). Tashi Norbu, a businessman, was reportedly detained for ten days in Phuntsholing in June. Police raided his house looking for posters used in a campaign organized in May by the Druk National Congress, a political party in exile in Nepal. The posters demanded political reforms and greater respect for human rights.

As of June, 44 political prisoners were reported to be serving prison sentences and a further 70 were on trial.

A prisoner was allegedly tortured. Omei Sanyasi, from Ghumunay village, Samchi district, was arrested in March on suspicion of links with "anti-nationals" abroad. During three days of interrogation in Thimphu police headquarters he was allegedly kicked, beaten with sticks, and subjected to *chepuwa*, where the victim's legs are crushed between pieces of wood. He was transferred to prison and released after three months on condition that he and his family left the country.

A "village volunteer group", a civil defence force, was reportedly responsible for a possible extrajudicial execution in southern Bhutan in February. Durga Das Tamang, one of five armed men reported to rob some houses in Homa village, Kalikhola, Chirang district, died after reportedly being apprehended and beaten by "village volunteers".

Amnesty International continued to appeal for the release of Tek Nath Rizal and sought information about charges against Tashi Norbu. It asked for information on the results of any investigation into the death of Durga Das Tamang. The Chief of Police replied in April that the "village volunteers" had not been charged as they had acted in self-defence. Amnesty International also expressed concern that a National Assembly proposal in August to issue arms to "village volunteer groups" could, if implemented, lead to an increase in human rights violations. No response on this issue had been received by the end of the year. Amnesty International appealed to the government not to force southern Bhutanese people to leave the country against their will.

REPORT 96, Amnesty International, London, June 1996.

TWO 'SCHOOLS' OF THOUGHT

Source: The Kathmandu Post

TRIBHUWAN UNIVERSITY, KATHMANDU The Current Refugee Impasse

...But according to the 1949 India-Bhutan Treaty, Bhutan cannot take decisions on foreign policy without the approval of India. With the Indian elections just over, it might still be quite some time before the date for the next round of talks is set. Therefore, before going into the eighth dialogue with Bhutan, it will be wise for us to assess the implications of the political changes triggered off by India's eleventh general elections and see how it might affect the refugee issue.

Though speculations ran wild as to the considerable changes that could have come about in the Bhutanese refugee issue had the BJP commanded majority support in the 545 member lower house, it is nevertheless interesting to note that Vajpayee also regards the refugee issue as a bilateral one. Regarding India's role, Vajpayee, in an interview with *The Independent* (16th September, 1992) had stated that just because the refugees are coming through India, it does not mean that it involves India. Speculations here that the BJP would have supported Nepal on ground that a majority of them are "persecuted Hindus from a Buddhist Kingdom" would have been sadly laid to rest, unless of course, political developments after 1992 compelled Vajpayee to think otherwise. Likewise, it would be improbable for Prime Minister Deve Gowda's government, set up with Congress support, to be sympathetic towards Nepal. The new coalition government, as if on cue, has already started arresting, once again, peace marchers heading for Thimphu. 104 Bhutanese refugee peace marchers including sixteen women were arrested on June 3 by Indian police. Uptill now, a total of 906 Bhutanese refugees have reportedly been detained in Jalpaigudi, Siliguri and Brahmapur jails of West Bengal.

India's rigid stand on the issue has not changed over these years. It is not surprising that even an ex-diplomat like A.R.Deo, popularly known as the "blockade ambassador" should reflect this attitude in his write up in the *Economic Times* (April 19, 1996) and casually dismiss the refugee issue as "so called refugees from Bhutan in Nepal." So strongly does he defend Bhutan that he makes King Jigme of Bhutan and his foreign minister look like Sunday school teachers.

According to Deo, Bhutan has, in the last thirty years, "embarked on economic development and undertook road construction and allied labour intensive programmes. A substantial number of gang labour was employed on the projects and a majority of labourers came from Nepal. He further adds that "several of them apparently chose to strike roots in their new found haven of economic well-being and in turn invited their kith and kin to join them." Surely having been ambassador of India to Nepal, Deo ought to remember that Nepal too, in the last thirty years has embarked on economic development and undertaken tremendous road construction projects. In those years, leave aside "impoverished" Nepalese going to Bhutan for employment, the majority of the labour force

employed in these sites were from Uttar Pradesh and Bihar as Nepali labourers fell far short of actual demand. So the question of "employment seeking Nepali labourers" rushing to Bhutan and staying on, in the "land of milk and honey" as Deo would want us to believe, is, to put it mildly, a cruel, wicked distortion of truth. A pejorative piece of propaganda that could further complicate the refugee issue.

Besides raising eyebrows, what raises a smile is the writer's support of the draconian dress code and language imposed on the Bhutanese by the rulers as a process of "nation building" and consolidating a "Bhutani identity", despite knowing the fact that Bhutan is a land of immigrants and like India and Nepal, a multi-ethnic, multi-religious and multi-lingual society. But what raises a laugh is when the writer pathetically exposes himself when he says, "Bhutan is engaged in a rapid programme of economic development. Had Nepal, whose vast hydro-electric potential (85,000 MW) is yet to develop even a fraction of that potential, taken this route, the Nepalese need not have been obliged to become economic migrants." Obviously the writer is implying that had Nepal, like Bhutan, allowed India to exploit its water resources, Nepal would have become economically prosperous and the Bhutanese refugee issue would, therefore, have never come about. Or is the writer hinting that the solution to the refugee problem could still well lie in Nepal being liberal in its water policy towards India?

Deo ought to remember that Nepal cannot be taken for granted. It will not be a Bhutan. Nepal will be Nepal and India must accept this reality whether dealing with us in matters of water resources or finding a solution to the Bhutanese refugee issue. If and when the date and agenda for the next round of bilateral talks comes about, Nepal may need to give it a very serious thought. If the exercise is to be one in futility like the ones held so far, it will be wise to give it a miss and concentrate on officially internationalizing the issue. It will be worthwhile for us to realise that the talks held so far have been not with Bhutan but with India. Our leaders must wake up to the fact that the problem is acquiring serious dimensions. Instead of squabbling over petty politics and abusing the refugee issue as a potential vote bank we must be pragmatic.

We have patiently waited for seven years for a peaceful solution to the crisis. The time is now ripe to draw that fine line between patience and stupidity, between strength and weakness. As it is, Nepal already stands accused of internationalizing the issue and we should certainly, in all seriousness think in that direction. The Clinton administration's dissatisfaction over Bhutan's dismal human rights record and the documented evidence showing the majority of refugees to be genuine Bhutanese nationals clearly goes in our favour.

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JAWAHARLAL NEHRU UNIVERSITY, NEW DELHI Bhutanese Refugees and Indian Response

....Though the Bhutanese authorities had precipitated the crisis in a very calculated manner, the actual enactment took them by surprise. Therefore, the zeal with which Bhutan dealt with the initial phase of agitation was naturally condemnable. If it was so sure that the illegal immigrants constituted the cream of this uprising, Bhutan's foremost duty would have been to give foolproof physical and psychological protection to the genuine Bhutanese-Nepalese. This would have isolated what Bhutan calls the 'anti-nationals'. But this was not so. By forcefully and ruthlessly evicting the genuine Bhutanese Nepalese, Bhutan earned the wrath of many human rights organizations and was held responsible for "ethnic cleansing". By the end of March 1995, there were 87,258 [refugees] residing in seven camps in Nepal, 15,264 outside the camps and 30,000 in India.

Another blunder Bhutan did was to completely ban the activities of international media in Bhutan. Whatever the intentions, Bhutan, by its own actions, substantiated the general apprehension that it continued to remain essentially "an autocratic and authoritarian system."

Talks: A Logical Farce

It took full one year for the Ministerial Joint Committee just to define the types of refugees. Even after seven rounds of meetings the solution remains as intractable as it was in the beginning. The question of identification is the second stage and the more sensitive stage is that of modes and conditions of the return of at least 'some' of the refugees.

The Committee's performance has been bureaucratic and evasive. On the one hand, Bhutan buys time to see the controversy die a natural death, on the other hand, Nepal fails to understand the issue in proper perspective. That is why today the issue is essentially Bhutan vs Nepal whereas it should have been Bhutan vs Bhutanese refugees.

Nepal has been caught in a whirlpool of its own making. Political instability in Kathmandu for the last two years literally made the Bhutanese refugee issue an easy ploy for political chicanery. In the absence of a White Paper on refugee problem, the issue acquired various magnitudes depending upon where it was discussed in Kathmandu.

It is an 'emotive' issue. But to what extent the fragile economic and environmental reality of Nepal can sustain this emotion? It is a political issue. But how beneficial will be the refugee politics given the 800 km long open border between India and Nepal? It is a bilateral issue. But how isolated and indifferent can India remain from this particularly in the light of the India-Bhutan 1949 and India-Nepal 1950 Treaties?

India's Attitude

If refugees were able to involve India in putting forward their views to Bhutanese and Nepalese governments, their dilemma would never have reached such a level. But India does not want to put a finger in Bhutan's pie mainly because, (i) it knows

that a large number of illegal immigrants exist particularly in the North-East to deal with which has been very sensitive, (ii) Sino-Bhutan relations and the latter's strategic significance deters India to involve itself, (iii) India has a solid interest in Bhutanese economy in terms of market and the source of hydro power and forest resources, (iv) India has been a consistent votary of *status quo* as far as its broad foreign policy vis-a-vis its neighbours has been concerned. Bhutan is the only country in SAARC with which India has no serious irritant, so it wants *status quo*, and (v) the Sikkim saga still haunts Bhutan.

There are ample evidences to prove India's consistent apathy towards the refugee problem. It ranges from the literal driving away of the refugees to the Nepalese border when they first came in hordes to the border districts in 1990-91, like Jalpaiguri and Darjeeling, to the complete absence of Indian relief participation in refugee camps even on humanitarian grounds, and to the recent arrest and imprisonment of refugees going back to Thimphu via India under the banner of Appeal Movement Coordinating Council.

However the developments in the last few months have increasingly dragged India out of its coocon-syndrome vis-a-vis the refugee issue. For the first time the political parties notably CPM, All India Gorkha League, Sikkim Sangram Parishad, the ruling elites including bureaucrats, intellectuals and social activists and the human rights groups like APDR from across the Bhutanese border have started openly participating in the refugee causes. This has brought about two significant changes in the region. Firstly, it is no more considered as an exclusive case of the ethnic Nepalese alone as mentioned by Chief Minister Jyoti Basu. This is amply clear from the letter the Chief Minister wrote to the Prime Minister seeking urgent intervention. Secondly, Bhutan has now started confronting the real contingencies arising out of open border based landlocked nature of its topography. The main arterial route that links Indian plains-land with the Bhutanese capital will increasingly be under stress.

Equally critical has been the punching resolution adopted by the European Parliament on March 15 last which expressed

concern over the campaign of suppression. It demanded an early voluntary repatriation of these Bhutanese refugees to their country of origin. More interestingly, the resolution mentions that "most of these refugees would appear to qualify under international law as being genuine citizens of Bhutan and considers Bhutan's Citizenship Act of 1985 may need to be modified as a result." This resolution has three direct implications. Firstly many of them have been aid donors to Bhutan and the tone of this resolution is directly indicative of their likely future conditionalities. Secondly, for the refugee camps too, it could be an indication of the emerging aid fatigue as most of the NGOs supporting the camps have their origin in the European Union. And thirdly, this also hints at its desire to gradually drawing India to the negotiating table.

With the defeat of the Congress in India the emerging post election scenario may be materially very different for the cause of the Bhutanese refugees as most of these stalwarts in the newer political formations have been more or less supporting their cause with varied degrees. This would definitely give a new orientation to India's neighbour policy in general and Bhutan policy in particular. Added to this is the compassion fatigue in Nepal vis-a-vis the Bhutanese Nepalese and the daunting political pressure on the Nepalese government to give a conclusive account the four year old bilateral negotiation. Further, the fact that the members of the National Assembly are increasingly getting restive over the issue of dissidents getting an unnecessarily high attention. Many of them have been vociferously demanding the implementation of new citizenship identity card so that these dissidents could be permanently isolated and ousted.

The Indian participation in the Bhutanese refugee tangle, therefore, does not look to be as remote as it did for the last six years. The situation that India will not intervene till Bhutan shows its utmost willingness to do so, has undergone a marked metamorphosis. It is in the long term interest of India to see that the last curtain is finally drawn in the long enactment of this sub-Himalayan drama.

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REFUGEE CAMP STATISTICS

Location	District	Refugees	Students
Timai	Jhapa	8,579	3,176
Goldhap	Jhapa	8,192	3,085
Beldangi I	Jhapa	15,563	5,219
Beldangi II	Jhapa	19,477	7,562
Beldangi Ext	Jhapa	9,753	3,385
Sanischare (Pathri)	Morong	17,761	6,363
Khudunabari	Jhapa	11,450	4,322
Total		90,775	33,112
Cumulative Births		10,919	
Cumulative Deaths		3,267	
The above figures are as of June 30, 1996			