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UNHCR OFFICIALS VISIT BHUTAN

After balking for years, the Royal Government finally allowed two officials of United Nations High Commissioner for Refugees (UNHCR) to visit the kingdom. Director of the Regional Bureau for Asia and Oceania, Francois Fouinat, and Special Advisor for Asian Affairs, Alexander Casella, were granted an audience by His Majesty on August 6. The officials also met Foreign Minister Dawa Tsering, Home Minister Dago Tshering, and other senior officials of the Royal Government.

INDIAN FOREIGN MINISTER IN BHUTAN

Indian Foreign Minister I.K. Gujral paid a three-day official visit to Bhutan from August 10 to 12. The Minister was accompanied by Foreign Secretary Salman Haider who served as India's Ambassador in the kingdom during the eighties.

The Minister was received with the special pomp and fanfare reserved for visiting Indian dignitaries. He held discussions with His Majesty and met with officials of the Royal Government. Bhutan extended her support for the Indian position on the Comprehensive Test Ban Treaty (CTBT) while the Indian Minister reciprocated by referring to the bilateral talks between Nepal and Bhutan to resolve the problem of refugees and reiterating India's position that "any differences at all between the perceptions of Bhutan and Nepal on the refugee issue, India feels, (it) must be sorted out by negotiation and consultations bilaterally."

INDIAN MPS CALL FOR MILITARY STRIKES IN BHUTAN, BANGLADESH AND BURMA

According to a story filed by the French news agency AFP, members of the Indian parliament have called for military strikes against guerrilla bases in Bhutan, Bangladesh and Burma.

A panel of MPs told parliament it was worried about reports of insurgency groups building bases along the Indian border.

"A viable strategy, including diplomatic efforts, has to be devised to strengthen the borders with these countries," the panel report said, and added that escape routes used by the guerrillas should be sealed. "If these diplomatic efforts do not yield results, as a last resort the doctrine of hot pursuit should be adopted," the report states.

The panel's demand for military intervention came as the Home Ministry named four leading tribal separatist group in India's remote far east which it claims have bases in Bangladesh. New Delhi also suspects groups in the far eastern states of Assam, Tripura and Nagaland of launching attacks from Myanmar and Bhutan.

Peace Marchers Enter Bhutan, Are Deported

Fifty refugee marchers who entered Bhutan on August 15 were surreptitiously deported by the authorities in the early hours of August 16. The peace marchers, among them 14 women, were on their way to the Bhutanese capital Thimphu to submit a petition to His Majesty the King calling on him to accept national reconciliation to resolve the refugee problem.

According to reports, the group, wearing white shirts with the slogan *Appeal March to Bhutan - Towards Peaceful Resolution of the Bhutanese Refugee Crisis*, gathered at the Phuntsholing bus terminal at around 11.30 am. Taken by surprise, the authorities recovered their wits and quickly sprang into action to evict the marchers. They were herded into two buses using more force than necessary, the scuffle causing injury to some in the group. They drove through the Bhutan gate at the Indo-Bhutan border but their bid to drive through and beyond the Indian border town of Jaigaon was thwarted when residents on the Indian side protesting against this illegal action refused to allow the vehicles with the Bhutanese marchers to proceed. The Bhutanese authorities were forced to retreat, and

the buses with the marchers reentered Bhutan.

At around 3.00 am on August 16, the refugees were thrust into two police vehicles and, escorted by armed police, transported past a quiet Jaigaon. On the pretext of stopping for breakfast, 33 marchers were left stranded at Mal Bazaar, a town on India's national highway NH31, more than a 100 km from Bhutan, when the vans moved out as soon as most of the refugees had alighted. In the scramble to leave without the marchers, a constable of the Royal Bhutan Police was also left behind. He was handed over to the Indian police by the refugees. Two marchers, Hari Bangalay Adhikari and Krishna Adhikari, were pushed out of the moving vehicles on the outskirts of Mal Bazaar. The latter sustained a deep gash on his head and had to be hospitalized. 10 others were dropped off near Nagarkatta while the remaining 5 were forced out of the police vans in the forested stretch of the highway near Jaldhaka.

The appeal movement under the aegis of the Appeal Movement Coordination Council (AMCC) began with the despatch of an appeal letter to the Bhutanese monarch in Sep-

tember 1995. When no response was received, a march of refugees from the camps in eastern Nepal to the Bhutanese capital began on January 14, 1996. Indian authorities, however, thwarted the efforts of the refugees to march to Bhutan through Indian territory. Refugees in a number of batches attempted to undertake the march from different points in north Bengal, but were immediately arrested by the West Bengal state administration. A refugee, Baburam Shengden, died in custody on 12 June. 791 others who had been picked up on different occasions since January this year and detained in Indian jails were released unconditionally on July 4.

APPEALS: In the wake of the harsh treatment meted out to the peace marchers by the Royal Government, thousands of Bhutanese refugees have signed an appeal written to the Indian Prime Minister asking him to intervene and to facilitate the dignified return of the 50 deported marchers to Bhutan. The AMCC has also sent urgent action appeals to the UN Secretary General, UN High Commissioner for Human Rights and to other world leaders. The appeal calls for

urgent intervention against the illegal and inhuman deportation of Bhutanese peace marchers onto Indian soil and asks the Indian Government to facilitate the return of Bhutanese nationals to where they were deported from.

DHARNA: Meanwhile, the AMCC announced plans at the end of August to stage a high-profile *dharna* (sit-in strike) and rally in early September to draw the attention of the Government of India to the issue of deportation of Bhutanese citizens to India. The *dharna* will call upon India to arrange for the immediate return of the deportees to Bhutan and to ensure that they receive security and humanitarian assistance.

The deported marchers are presently camping in Kalchini, a small town in West Bengal state in India, 20 km from Phuntsholing, Bhutan. AMCC reports that local political leaders belonging to different political parties and have been visiting the camp to express sympathy and support. These leaders have expressed serious concerns over the unauthorized deportation of Bhutanese citizens into their territory, and have indicated that they will take up the matter with their party colleagues.

Amnesty Meet: Poor Diplomacy Reason for Refugee Stalemate

The Nepalese political elite and bureaucrats were charged with having shown "marked indifference" to the Bhutanese refugee issue at a 3-day Asia-Pacific Grouping Meeting (APGM) of Amnesty International in Kathmandu which concluded on August 10.

Speaking at a talk programme organized on the eve of the meeting which featured the Bhutanese refugee issue on the agenda, the editor of *HIMAL South Asia* Kanak Mani Dixit flayed both ruling and opposition parties, blaming their lack of commitment for the prolonged refugee crisis. Although Minister Chakra Prasad Banstola, a former Nepalese Ambassador to India and Bhutan, reiterated the current coa-

lition government's stance that Nepal is not technically a party to the problem and defended the government's handling of the negotiations so far, others at the meeting faulted weak Nepalese diplomacy for failing to resolve an issue which has proved to be the country's most significant foreign policy crisis since the 1989 transit impasse.

Amnesty International's President Ross Daniels, Asia-Pacific Director Rory Mungoven, and APGM Chairperson Makato Tereneka extended their solidarity to Nepal's human rights activists in their efforts to resolve the refugee stalemate. Amnesty International also announced plans to wage a global campaign against the international refugee crisis next year.

No Word on Next Round of Bilateral Talks

At the end of the seventh round of talks between Bhutan and Nepal in Kathmandu last April, it was agreed that the eighth round would take place in Thimphu "on mutually convenient dates to be fixed through diplomatic channel." Although much time has elapsed, sources confirm that no exchanges have taken place between the two Governments to determine these dates.

There was no progress during the talks last April, held at the level of Foreign Ministers for the first time. No substantive discussions could take place after Bhutanese Foreign Minister Dawa Tsering expressed his inability to respond to

the opening submission of the Nepalese side because, he maintained, he did not have the mandate to discuss the "new" issues injected into the Nepalese proposal. The meeting was adjourned with the understanding that the next round would be convened after the Bhutanese Cabinet studied the Nepalese proposal.

The Bhutanese Cabinet has met on numerous occasions since April. The National Assembly, too, has been briefed. Foreign Ministry sources in Kathmandu confirm, however, that no indications have yet been given by Thimphu for finalizing the dates for the eighth round.

If Bhutan Willing, Dutch Ready to Mediate

The Netherlands Minister for Development Cooperation Johannes P. Pronk indicated that his Government stood ready to play the role of a mediator to resolve the problem of Bhutanese refugees in Nepal. The Dutch Minister was in Nepal from August 4-8.

At the end of official talks with Nepalese Foreign Minister Dr Prakash Chandra Lohani on August 5, Minister Pronk told the press he had assured the Nepalese side that the Netherlands would discuss the refugee problem with the Royal Government of Bhutan at the political level. He also confirmed that the possible role of his Government as a mediator had been discussed.

"Nepal has been raising the Bhutanese refugee issue in the international arena and has also asked the Netherlands to play the role of a mediator," he said, and added that the Netherlands was ready to play this role if it was acceptable to the Royal Government of Bhutan. Nepal, the Nepalese Foreign Minister said, would accept the Netherlands in the role of a mediator between Nepal and Bhutan.

Minister Pronk and his delegation visited Timai and Beldangi refugee camps on August 6 and 7. Addressing representatives of refugees at two separate functions in Timai and Beldangi, the Minister referred to the bilateral talks between Nepal

and Bhutan, and confirmed that his delegation had exchanged views with officials of His Majesty's Government of Nepal. He indicated that the matter would also be discussed with Bhutanese Government representatives. If the matter is not resolved through negotiations, the issue will be internationalized within the parameters of international norms and regulations, the Minister said. In the meanwhile, he said, his Government's commitment would not falter and he made it clear that relief assistance from the Government of the Netherlands would continue until such a time that the refugee issue is permanently settled.

Speaking to reporters at the airport before leaving Nepal, Minister Pronk said that he would brief the Foreign Ministers in the European Union and ask them to consider the Bhutanese refugee issue. He also said he would report the findings of his visit to the smaller Scandinavian countries which contribute substantially to Bhutan's development budget.

Minister Pronk is highly regarded in the international community for his personal commitment to human rights and his strong views on issues related to the advocacy and protection of individual freedoms. He visited Bhutan in August 1993.

Dr. Michael Holt, SOAS,
Thornhaugh Street, Russell Sq,
London WC1H 0XG, U.K.

The Bhutan REVIEW

DANGEROUS PRECEDENT

The failure of the international community, in particular the Government of India, to condemn the Royal Government of Bhutan's actions in clandestinely deporting 50 Bhutanese refugees who entered the country seeking redress from their government on the morning of August 15, encourages an unhealthy trend. Condoning this action implies the willingness of world to accept aberrant conduct by governments and tolerate the defiance of established norms and standard international laws that hold the human civilization together. Letting a government get away unchallenged as it disowns its citizens with impunity and conveniently packs them off next door, establishes a dangerous precedent with potential for enormous human displacement worldwide.

The 36 men and 14 women who marched into Phuntsholing were on their way to submit an appeal to His Majesty the King. The decision of the authorities to prevent them from continuing towards the capital is not being challenged: within its territory a government admittedly has the right to deal with situations as it sees fit. But the act of flagrant expulsion, because it took the setting of subsequent events outside of Bhutanese territory, is objectionable. It was an unlawful act that was conducted in an illegal fashion. It was further compounded by the surreptitious manner in which it was implemented.

It is not surprising that a government striving to willfully deprive a hundred thousand citizens of their right to nationality failed to locate a single unblemished national in the group. According to the government's version of the events as reported in *Kuensel*, the Phuntsholing Dungpa, Tshitrum Tenzing, questioned the members of the group and concluded that 36 were emigrants who had left the country, 9 were non-nationals who had once worked in Bhutan, 4 were non-nationals, and one was an army deserter. It is also no mere coincidence that the Dungpa conveniently found at least one person to fill each of the categories conceived earlier by the government: the Royal Government, it may be recalled, maintains that very few, if any, of the more than 100,000 refugees in Nepal and India were forcibly evicted by the authorities; most emigrated "voluntarily", many are not Bhutanese, some have not even set foot in Bhutan, and many are "criminals", the government alleges.

Eschewing for the moment arguments about either the integrity and sincerity of this exercise or the veracity in the findings of the Dungpa, it might seem strange that a common fate awaited everyone despite the fact that they fell into four very different categories. On the other hand, this should, of course, have been foreseen considering that ever since the regime began specializing in bracketing people into categories (F1 to F7 in the census exercise of 1988, category 1 to 4 for refugees in the camps), the regime has sought to mete out the same treatment for everyone regardless of category (expulsion in one case, and ban on return in the other) whenever it can get away with it.

Thus, even though the government admits it has an army deserter on its hands, admitting he is a *bona fide* citizen, what do the authorities do? He is banished from the kingdom.

In days gone by, it is true, kings and governments banished citizens who, for a variety of reasons, were deemed unfit to live in regular society, to distant parts of their own empires. As a result, criminals, political opponents and freedom fighters, and even former rulers found themselves in exile thousands of miles from home. But expulsion of citizens today is hardly the norm, nor is this form of getting rid of one's problems likely to be generally tolerated by the recipient state.

Unfortunately, India, on whose soil the 50 people "escorted" out by the Bhutanese authorities were unceremoniously dumped, chose to ignore this political incident. That it elected to do so is the prerogative of the Government of India. But it is the hope of the Bhutanese community in exile, that the rest of the international community will recognize Bhutanese arrogance embedded in this incident, and take the initiatives necessary to ensure an early halt to this relentless suppression of its citizens by the Bhutanese regime.

The expulsion, it should be noted, is a reflection both of the regime's past behaviour as well as future strategy. The Royal Government pleads innocence when confronted with charges of forcibly evicting thousands of southern Bhutanese in the recent past, yet blatantly displays its ruthlessness by executing this midnight expulsion of a group of people already in the spotlight, clearly indicating just how far it is actually capable of going. The fact that it met with little resistance from the Indian government and faced no outcry on the Indian side for carrying out an armed exercise in Indian territory also gives the Bhutanese authorities greater confidence for the future.

If Bhutan is allowed to get away with this incident, besides acting as an incentive for the Bhutanese regime itself to become more brazen, it can be cited as the precedent by more populous nations seeking to be excused for similar unacceptable behaviour. Why shouldn't Bangladesh expel her excess population to India, who on her part, might get away with deporting her non-Hindu population further west, while China would be decidedly better off disowning half-a-billion Chinese and sending them overseas. If rulers alone can unilaterally decide who belongs to a nation and who does not, and the international community cannot or will not involve itself, the resultant chaos is not difficult to imagine.

WHO CAN LIVE IN BHUTAN?

For six years, a dispute over what will become of more than 90,000 Nepali-speaking refugees from Bhutan - currently living in refugee camps in Nepal - has strained relations between the two Himalayan kingdoms.

The issue is now threatening to become an international controversy and could tarnish the image that Bhutan has cultivated as a peaceful Buddhist nation - the last Shangri-la.

Through seven rounds of talks, the governments in Kathmandu and Thimphu have disputed not only how the refugees came to be in south-east Nepal, but where they are to go from there. It is a thorny issue with political implications for both countries. Between 1990 and 1993, large numbers of Nepali-speakers left their homes and farms in southern Bhutan, heading first for India, and then settling in camps in Nepal that are now administered by the United Nations High Commissioner for Refugees (UNHCR).

Long dispute

Their dispute with the Bhutanese government is long and complex. Nepali-speakers first migrated to Bhutan almost a century ago, invited as labourers. In 1958 they were granted citizenship. But, in recent years, many say they were forced to leave in what has been branded as ethnic cleansing.

Bhutanese officials say those who left the country emigrated because a 1988 census determined that many of them were illegal residents, or because they chose to follow family and friends who left - a voluntary emigration that would legally strip any Bhutanese of citizenship rights.

Officials in Thimphu say these emigrants were joined by many Nepali-speakers from poverty-stricken areas of India and Nepal, who showed up at the border claiming refugee status in order to claim free housing and food from the UNHCR.

Other, say Bhutanese authorities, are political traitors working against King Jigme Singye Wangchuck, who, despite the existence of a National Assembly in Thimphu, still holds substantial power.

Nepali officials believe the expulsions occurred as a nervous ruling elite - comprised of the monarchy and senior government officials from the Drukpa ethnic group (Buddhists who speak the Dzongkha language) - took action against the primarily Hindu Nepali-speakers, who outnumbered them and the other main ethnic group in the east, the Sharchops.

Kathmandu says Thimphu instituted discriminatory policies aimed at these Nepali-speakers, making it compulsory to wear the national dress of the northern people and banning the teaching of Nepali in schools in the south. The Nepali-speakers, known as Lhotshampas, complained of the over-zealousness of local census

officials in determining who was entitled to citizenship, and took their case to the King and the Cabinet.

In September 1990, many held a series of protest marches across the southern belt and were thrown in jail. Diplomats and foreign aid workers active in the camps speak of arbitrary mass arrests and torture to put the Nepali-speakers to flight. The last round of talks between Bhutan and Nepal on the refugees' future ended in April with little progress.

"We're a small country with a tiny population [an estimated 600,000]," Bhutanese Foreign Minister Dawa Tsering said in an interview in Thimphu. "For us to have a large number of outsiders claiming the right to residency would be politically unacceptable and would also pose a threat to our survival."

This issue of cultural survival is key to the Bhutanese stand.

"The point you have to understand is that Bhutan was a country closed to the outside world up to 1961," said Tsering. "That's when we started planned development. Before that we were in the Middle Ages. We're talking of a country with a modern history of less than four decades. It's a very traditional society."

Mahayana Buddhist civilization, which used to flourish in the Himalayan region, had "more or less disappeared since the Chinese presence in Tibet... We feel we are the custodians of that ancient civilization."

"We're a tiny country located between the two most populous countries in the world, China and India. And Nepal is close by with a population explosion. We feel we have to take a stand."

Tsering's counterpart in negotiations, Nepali Foreign Minister Dr Prakash Chandra Lohani, believes Bhutan had not foreseen the problem becoming so big.

"The idea [in Thimphu] was that once these people went to Nepal, because they spoke the language, they would melt inside," he said in an interview in Kathmandu.

Instead, as they arrived in wave after wave in the early 1990s, Nepal called on UNHCR for help.

Lohani explained Nepal's position in talks with Bhutan:

"They are Bhutanese and you have to take them back. As long as they want to go back, they must be allowed to return."

"They cannot be our citizens, and they're not yours, how has this problem started? It started because they were living in your country for generations and for whatever reason they were forced to leave your country."

"Twenty per cent of the population left when you are prospering economically and are at complete peace. Normally, people leave because there is

famine or civil war. Suddenly, in a short span of time, all these people left. Can you call that a normal phenomenon?"

He added: "The problem started in your country - you can't abdicate by saying they're not yours."

At previous meetings, Nepal and Bhutan have agreed to place the refugees in four categories: bona fide Bhutanese (if they have been forcibly evicted), Bhutanese who emigrated, non-Bhutanese, and Bhutanese who have committed crimes. But there has been no joint verification of refugees to determine who falls into which group, and no decision on what would happen to those in each category.

At the April talks, Nepal said it was not prepared to offer citizenship to those refugees that Bhutan was not ready to take back, and that such people would, as a result, be stateless.

While it might seem that assimilation in Nepal would be easier than repatriation, it is not that simple. The refugees, most of whom are farmers with little or no schooling, want to return to Bhutan; and Nepal - which already has a large population of landless peasants - has nothing to offer to them.

Tsering says bilateral talks remain the best hope for resolving the refugee issue: "This can only be solved with mutual understanding and accommodation. There has to be give and take." He plays down a European Parliament resolution calling on Bhutan to repatriate the refugees and respect their human rights.

Nepal's belief

Nepal, however, believes that international pressure, such as the European resolution, is the key to forcing Bhutan to act quickly.

"The rest of the world must say to Bhutan's ruling class: 'Your identity cannot be complete if it ignores or excludes the majority'. If it receives enough international attention, Bhutan will have to listen to this logic," says Nepal's Foreign Minister Dr Lohani.

But the Bhutan Government is determined to check any move by the majority - whether it is a call for democracy or for human rights - which threatens the ruling political system.

"The meaning of democracy or the ballot box is read in Bhutan as an attempt by the Nepali-speaking people to take over," says Tsering. Nepali-speakers, he says, currently comprise 25 per cent of the population. Some estimates put the figure higher, but it is impossible to verify this because census details on language and ethnicity have not been made public. "The Bhutanese are not going to go under," he adds. "We're going to fight whether the world supports us or not. We're going to fight for our survival."

Gemini.

UNCENSORED!

Speaking to a journalist in 1995, Kinley Dorji, editor of Bhutan's only newspaper, the government's official weekly Kuensel, disclosed that the first crime reported in the kingdom was a robbery in 1989. As incredible as this revelation might sound, Dorji may indeed have been telling the truth.

But if visions of a crime-free utopia drive readers to immediately reach for their phones to organize one-way tickets to this heaven-on-earth, they might wish to pause briefly and reflect on this confession more closely. For, encapsulated within this little truth is a far bigger lie.

Dorji was talking to a journalist doing a story about television, or rather about its absence, in Bhutan. The international media has reported often enough on the Royal Government's ban on television antennae and satellite dishes in the kingdom. While there are no restrictions on video cassettes, and video rental shops flourish, direct reception of television signals is expressly forbidden. Bhutan does not have a television broadcasting station of its own. The ban has drawn more media attention than it deserves and officials are routinely called upon to defend this government policy, a task they accomplish by rote, claiming such curbs are essential to limit the growing negative influence of the external world on Bhutanese society. It was in this context that Dorji made this startling revelation: Bhutanese society was simple and crime-free until western values crept in. He reinforced this image with an incontrovertible fact; no crime was reported in the Bhutanese media until 1989!

This bit of information, as it was relayed then to Caroline Lees reporting for London's Sunday Times, did not come from just anyone. Dorji is credited with almost singlehandedly resurrecting a dreary government news bulletin in 1986, giving Kuensel a new tabloid look by resorting to the latest desktop technology much before most others in the region. More significantly, he tried desperately to give it a semblance of credibility by securing at least a small measure of freedom from government control. He is articulate and, as in the case of any Bhutanese civil servant authorized to speak to the foreign media, Dorji is cautious to a fault. The declaration was, therefore, not only deliberate but, Dorji would have made certain, also quite accurate.

It is unclear whether Dorji felt a twinge of guilt that his misleading statement of fact was not, sadly, a representation of the truth. But his conscience might not have suffered unduly. With his customary caution, in his own mind the editor would have attached a technical interpretation to his use of the word "report". Seen from this technical viewpoint, Dorji was entirely correct (at least as far as the modern version of Kuensel is concerned) in maintaining that it was only as late as in 1989 that the first crime in the country was reported.

This then begs the question: Since it is evidently a fact that no crimes were reported by Kuensel until 1989, is it true, as Dorji wished it to be understood, that no crimes were committed in the country prior to 1989? Or was it simply a case of the national newspaper being prohibited from reporting crimes that did, in

fact, take place?

Any attempt on the part of Dorji or the government to insist that there were no cases of criminal activity in Bhutan prior to 1989 merely because the national newspaper reported none, would be totally misguided. No takers will be found to buy the idea that a society without crime exists today, or existed in 1989. No matter how loyal to our society we Bhutanese may be, or how enamoured of our simplistic Bhutanese way of life outsiders might have become, to pretend that we live, or have lived, in a community free of societal ills and common vices would be both naive and presumptuous.

As in any other society, Bhutanese have had to put up with crimes and criminals. There have been murders, larceny, adultery, etc. and, in view of the nature of government, there have also been palace intrigues and plots as well as attempted and abortive coups. The existence of a police force and jails in all the districts - Kuensel, it may be noted, has never carried features of these facilities remaining empty and unused - as well as the more fearsome dungeons for opponents of the regime in all the dzongs bear this out.

The editor of the kingdom's only newspaper, a person of impeccable credentials, confirms that the first crime reported in the country was a simple robbery in 1989. On the one hand, there is unequivocal evidence that Bhutan, historically and in modern times, has had its share and more, of lawlessness and crime. The resultant contradiction is obvious, and serves as conclusive evidence that drastic censorship is a serious problem in Bhutan.

If information about commonplace crimes, the result of ordinary human failings, is suppressed merely because this gives rise to an unflattering image of the Bhutanese society, to what extent would the regime be willing to go in order to hide skeletons that reflect badly on itself and its members, or hint at the existence of dissenting forces? An honest answer to this question will lead one to innumerable other questions relating to the general situation of rights and privileges of citizens in Bhutan.

Indeed, on the matter of the government ban on television itself, even though a number of articles have been written on the subject, and all of them have homed in on the wide availability of the latest Indian and Hollywood movies as well as an abundance of adult fare, not one has seriously focussed on the real significance of the ban and the government's actual intentions regarding this policy that forbids direct reception of foreign television programmes. Instead, while each has hinted that the ban represents an infringement on an individual's freedom, none queries government claims that it is protecting its citizens from television because the medium is an evil capable of destroying culture.

Are television broadcasts - as opposed to recorded video materials - banned because Bhutanese youth and Bhutanese culture are likely to be influenced negatively by such programmes as the Royal Government will have everyone believe, or are such signals forbidden because they are a potential source of ideas and ideals that could change the (political) face

of Bhutanese society?

The Royal Government's argument that citizens need to be protected from the airwaves - by decree and force, naturally - because such entertainment endangers the Bhutanese culture and is likely to corrupt the society, rings hollow when all these same ingredients and more are permitted into the home via cassettes. The argument might hold water if the entire audiovisual medium was banned. However, when the fantasy, vulgarity, violence, and sex - the real threat to societal mores - are allowed freely into the kingdom in the form of video cassettes, what is the ban on direct telecasts meant to accomplish?

The sole objective of this government policy on television broadcasts is to ensure that any knowledge considered dangerous to the regime's health does not reach the Bhutanese homes. The ban effectively blocks the flow of news and information in its most potent form. If the written word is mightier than the sword, the government is aware that a vivid image is many times more powerful, summing up as it does a thousand words. And at no other time has this notion proved more true than since the 1980s when events as they happen are instantly relayed worldwide through graphic, colourful images. It is one thing to sit in front of a television set and watch an entertaining film, but quite another to observe real people engaged in real situations, be it rebel soldiers fighting a battle in Chechnya, ordinary people demonstrating against the government in Dhaka, seasoned politicians campaigning in the American midwest, or scholars debating the merits of democracy in New Delhi. If television is criticized for its ability to corrupt the adolescent mind, the power of this medium to inform and educate is immense. It is this latter power that the Royal Government dreads.

By allowing people access to uncensored entertainment while at the same time banning the medium as a source of news and information, the regime has revealed its priorities - citizens may revel in fantasy but the real world is out of bounds. The policy, it is abundantly clear, has little to do with cultural preservation or protection. The ban has been implemented not to shield innocent Bhutanese minds from vulgarity and violence (they need entertainment, don't they!) but to shut out images of free people exercising their rights and speaking their minds; the pelvic gyrations of an Indian filmstar and the antics of a gun-toting, foul-mouthed Hollywood mobster are acceptable, but scenes of people participating in their government, and questioning and challenging the leadership are clearly not.

Bhutan, Bhutanese officials regularly claim, is a unique example of a democracy within a monarchy. Friends of the regime who like to project the monarchy in Bhutan as being permissive and tolerant never tire of reminding the world that the kingdom's National Assembly members may freely express their views and may even criticize the king. (It would be a dumb Assembly member, of course, who took this offer seriously). But just as in the case of censorship of news in Kuensel, no one pauses to consider the corollary, the completely opposite implication of this stated freedom - that the common man is not free to do the same.

Freedom of speech and opinion are at the foundation of any democracy. And censorship and individual freedom, especially to hold and express an opinion, it must be remembered, has as much to do with the freedom to receive information as it has with generating information. Freedom of expression also implies freedom of reception. Where there is unlimited censorship, as in Bhutan where people have the right to know only that which the government decides they should know, whether it is with regard to domestic statistics and history or about the situation in the external world, any claim by the authorities of a democratic polity in Bhutan is farcical.

Unlike Kuensel's editor, Pema, a student, who spoke wistfully to Lees was, unintentionally perhaps, much bolder: "Television has been banned because the king is trying to protect us and our culture from western influence. But it is making us too inward looking, we do not know enough about the world," he said. That, Pema, was intended.

"IN QUOTES"

"THE JOURNALIST"

Journalists keep people informed about events around them and around the world by researching, writing and presenting news stories and features in the print, broadcast, audio visual and other media.

In Bhutan the weekly newspaper, Kuensel, represents the print media. Broadcast journalists work for the national radio.

Kuensel and BBS [Bhutan Broadcasting Service], the only media in the kingdom, have the same terms of emoluments as the other public sector corporations."

Royal Civil Service Commission

CAREERSCOPE, Kuensel

MEDIA SCAN

DISH-LIKING TELEVISION

It is a Saturday night in Thimphu and in this quiet town without bars, clubs or night life, the action is concentrated at the local video stores. A young man in his 20s steps in to pick up three films: Braveheart, Men of War and Agnisakshi. "I like everything, especially war movies," he says. "Social movies put me to sleep. I like action movies. Lots of people get killed in this. I mean, I hope so," he says about Men of War.

While Druk Yul, the land of the thunder dragon, has taken the Singapore path and banned the satellite dish antenna in the hope of limiting encroachment on what the monarchy describes as a fragile culture in need of protection, every corner of the main street of Norzin Lam boasts at least one video rental shop.

Glimpses of foreign culture are everywhere - Hindi and English video titles sit side by side on the shelves, including the most recent American releases: cops-and-bad-guys films like Heat, Seven and Executive Decision and children's films like Babe. A George Michael poster fills up one wall of a shop, Hindi film posters line the other walls. Bookstores stock Archie comic books, novels by best-selling Western writers like Danielle Steele and John Grisham and Hindi film magazines like Stardust. Tapes of pop music by groups like The Eagles sit beside a small selection of local artistes.

"Everything is popular," says the woman at the video counter in Yangchenma bookstore, "love stories, action films, horror - English or Hindi." People interviewed said they pick up two or three films a night, several times a week. The current hot titles in the store are Jaan, a Hindi film that combines action with a love story, and the American film Parallel Lives.

"There's nothing to do here," complains one Thimphu resident. "People drink. There's no television, nowhere to go. Those who have been outside the country, sure they miss it."

There is a movie theatre in town which is one of about a half dozen or so in the country and it changes shows frequently, offering English, Hindi and Nepali fare. That is about all the entertainment there is for those who do not have VCRs at home.

Pornography on Tape

Satellite television does exist in Bhutan, but only in foreign missions and aid offices which have carefully hidden dishes. And though the government turns a blind eye to it, it is out of reach of the average Bhutanese. "I wouldn't invite a Bhutanese over specifically to watch television," says one foreign worker. "And they wouldn't dare ask."

Officials concede it is a contradiction, if not downright hypocritical, to outlaw television and at the same time allow easy access to films that are often more violent or sexually explicit than anything shown on Star TV.

"Television itself doesn't that much effect our culture and religion," says Sangay Wangchuk, Secretary of the Special Commission or Cultural Affairs. "Personally, I feel video is more dangerous than TV. BBC or CNN news, it doesn't seem to me would affect our culture."

Mr Wangchuk says that the government has plans to allow television. (It is currently listed as part of the country's eighth five-year development plan that kicks off next year.) And when television does come, he says, it should include locally produced religious, cultural and educational programming. Perhaps the Bhutanese will have to wait until such programming is available before they also get to tune into TV.

In the meantime, there are those who fear that the government could suddenly decide to get tough on videos and ban or limit access to them. There had been a clampdown earlier, aimed against x-rated films. Nowadays, shopkeepers insist they do not keep pornographic films in stock but it is generally known that they are still available if one is discreet.

Elisabeth Kalbfuss, HIMAL South Asia, June 1996

The Idea of Human Rights in Natural Law and National Policy: Its Origins

Prof Rainier Tetzlaff, Institut für Politische Wissenschaft, University of Hamburg.

The question of which cultural area the notion of human rights first saw the light of day in, or which native soil it is rooted in, has been a moot one from the outset. As part of UNESCO's 1947 survey on the origin and possible universal nature of human rights, the Chinese philosopher Chung-Sho Lo expressed the opinion that the idea of human rights was already taking shape very early on in the 'Middle Kingdom', and that the right of the people to rise up against oppressive regimes had always been acknowledged. He pointed to the heavenly mandate of which a ruler must prove himself worthy if he was not to be deprived of it by popular revolt. The ethical basis of Chinese philosophy, he claimed, lay in the recognition of all individuals as beings with equal desires and equal rights. He postulated the right to life, the right to the free expression of the person, and the right to enjoyment of one's inner and outer life as the three human rights priorities that would embrace and delimit all the basic rights of the modern human being.

On the same occasion, an Islamic philosopher (by the name of Humayun Kabir) from India - which just then was in the process of gaining independence - declared that the supposedly Western idea of human rights sprang in large part from democratic theory and practice which Islam had been positing since time immemorial and which would have been much more successful in overcoming racial differences than any practice before or since.

The point here is not to decide whether these two representatives of Asia were right or not in their views, but rather to make people more aware once again of the fact, long buried in our part of the world, that forty-five years ago there were already cultural objections emanating from the extra-European world in regard to the concept of human rights espoused by Americans and Europeans, and that the spokespersons of the developing countries are today picking up on those objections. However, the aim of the following historical account of the birth of the Western concept of human rights is not to show that the claim of universality arising here is indirectly compatible with what Islam, Buddhism, Confucianism, or African ('Bantu') philosophy conceive of as basic social values. Nor would the problem be solved by a simple summation of all these values!

Historians identify two 'dates of birth' for human rights, depending on whether their analyses begin with constitutional and solemn declarations or with philosophical writings. In the philosophical domain, most of the investigations go back to ancient Greek philosophy (the Stoics). In the realm of constitutional declarations, solid ground becomes visible only in the late eighteenth century, with the American Declaration of Independence (4 July 1776) and the French Declaration of the Rights of Man and of the Citizen of 26 August 1789. The first constitutional document which is thought of as combining the idea of human rights with the principles of democracy and the separation of powers is the Virginia Bill of Rights

of 12 June 1776, "A declaration of rights made by the representatives of the good people of Virginia, assembled in full and free Convention; which rights do pertain to them, and their posterity, as the basis and foundation of government."

One of the features of the period immediately preceding the 'discovery' of universal human rights in France and North America in the eighteenth century was the class struggle of the nobility against the Crown in England, the aim of which was to curb state rule and control royal power by means of a countervailing parliamentary force. At the top of the list of "attestations of liberty" stands the renowned Magna Carta Libertatum of 1215, often acclaimed as the first catalogue of human rights. The barons had forced 'John, by the Grace of God King of England', to grant certain rights and freedoms not only to themselves and to the English Church, but also to the citizens, merchants, and towns of England. Four hundred years later (in 1679) came the Habeas Corpus Act, in which the rights of the imprisoned and accused in England and its colonies (an innovation!) were laid down; and in 1689 - exactly 100 years before the French Revolution - the Bill of Rights. This obliged the ruling monarchs (William and Mary of Orange) to promise to uphold particular rights in respect of their subjects and to obey certain rules, before they were granted the crown (William and Mary had been called upon by Parliament to occupy the English throne, following the bloody civil-war-turmoils prompted by the Crown's contentious taxation and military policies terminated in 1649 with the beheading of King Charles I). The Bill of Rights guaranteed freedom of speech to Parliament, ensured free elections to the latter, granted immunity from persecution for petitioners, banned cruel forms of punishment, and provided protection for the Protestant faith.

Alongside the constitutional developments in England, there were intellectual advances: the goal of both was emancipation from the determinant hierarchical notions inherited from the Church-dominated Middle Ages, and a turning toward autonomous, 'rational' self-determination. The English philosopher John Locke (1632-1704), as one who laid the ground for the intellectual breakthrough to the notion of inalienable human rights, played a decisive role in this process. Locke viewed natural law as an emanation of divine law and as the voice of God within the individual. The law of nature was Reason, which taught all human beings to respect the rights of others (for reasons of self-preservation). Thus humans emerge from the natural state and come together to form a political community in order to be able to protect the innate natural right of the individual - the right to life, health, liberty, or possessions. The government - through a division of tasks and powers - must act as a custodian of the people's interests.

Like John Locke, the French baron Charles de Montesquieu (1689-1755) assumed the existence of inalienable human rights that pre-date the state and must be protected

from it. He continued Locke's work. He saw the principle of the separation of powers between the executive, legislative, and the judiciary - "the one holds the other in 'check'" - as the institutional precondition for the safeguarding of the human and civil rights deriving from natural law. "Without the constitutional state," wrote Karl Deitrich Bracher in 1981, "there are essentially no human rights - that is our basic experience to date." In the developing countries of the present day, the struggle to bind politics into the legal systems by means of a consensus-based constitution represents the continuation of this universal quest for a benevolent, contained system of rule.

Without reference to Locke, US constitutional developments would not be understood either. It is noteworthy that human rights were discovered by colonized citizens, as a weapon in the struggle to emancipate themselves from imperial domination. England's attempts to suppress direct trade between North American settlers and the island states of the West Indies was viewed as a flagrant violation of the maxims set out in the Habeas Corpus Act. A new taxation-policy which England had been applying since 1765 raised a cry of "no taxation without representation" and established an early link between demands for political and economic freedoms. In June 1776 the Virginia Bill of Rights became the first human rights catalogue to be solemnly proclaimed on American soil. In fifteen articles, the right to life, liberty, property, free association, freedom of the press, of movement, and of petition, the right to the protection of the law, and a limited franchise were elevated to the status of inalienable human rights. In the Declaration of Independence of the American Colonies, which was subsequently drawn up by Thomas Jefferson and adopted on 4 July 1776, Ludger Kuhnhardt notes, "human rights in their classic formulation were selected to form the basis of the American state." This remarkable text, which also forms the ethical basis for the right to opposition and for sovereignty of the people, runs as follows:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness, - That to secure these rights, governments are instituted among Men, deriving their just powers from the consent of the governed, - That whenever any Form of Government becomes destructive to these ends, it is the Right of the People to alter or to abolish it, and to institute a new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness."

The reality of human rights in America in the nineteenth century was marked by two flagrant defects: the continuing practice of slavery (until 1865), and the "rejection of the notion of the universality of human rights, rooted in the philosophy of nature, in favour of a nationalistic absorption into the

constitution in the form of constitutional and civil rights." Not before the French Revolution was an attempt made, at the declamatory level, at least to resolve the paradoxical situation whereby universally applicable human rights required a nationalistic framework to secure their enforcement.

The 'Thunderclap' of the French Revolution

One of the elements of the 'thunderclap of 1789' was an emphatic profession of freedom, addressed to the whole world in the revolutionary slogan: *liberte, egalite, fraternite*. It was initiated and made possible by the revolutionary action of the Third Estate on 17 June 1789, when, against the will of the privileged classes and the Crown, the Estates General declared themselves a sovereign National Assembly. It was a courageous and momentous act of self-empowerment, which, at a stroke, liquidated the particularist representation of the interests of the privileged classes which constitutional convention had sustained for half a millennium, and at the same time largely usurped the power over fundamental political decision-making which up to then had been the prerogative of the Crown.

On 26 August 1789 the Declaration of the Rights of Man and of the Citizen (based on a version drawn up by Lafayette and corrected by the American envoy in Paris, Thomas Jefferson) was adopted by the Constituent Assembly. Its preamble ran as follows:

"The representatives of the French people, constituted as a National Assembly, considering that ignorance, disregard or contempt of the rights of man are the sole causes of public misfortune and governmental corruption, have resolved to set out the natural, inalienable and sacred rights of man in a solemn declaration: in order that this declaration, by being constantly present to all members of the social body, may keep them at all time aware of their rights and duties; that the acts of both the legislative and executive powers, by being liable at every moment to comparison with the aim of all political institutions, may be the more fully respected, and that demands of the citizens, by being founded henceforward on simple and incontestable principles, may always redound to the maintenance of the constitution and the general well-being."

The political self-empowerment of the individual could "scarcely find more noble expression. The year 1789 marks the irruption of this self-awareness into the European community of nations," says Herfried Munkler. Yet one should remember that human rights were at first "declamations without lasting legal reality" and were unable to prevent the Jacobin Terror (with 25,000-40,000 executions) or the Napoleonic dictatorship.

Women in particular were soon deprived of all hope of *egalite* or of a say in what went on. In the beginning, they had played an active role in overthrowing the crumbling feudal system. With their food riots - comparable to the food-inspired unrest or 'IMF riots' in present-day crisis-racked African states - they

gave the legitimacy of Louis XVI's rule an added knock. On 5 October 1789 thousands of women marched from Paris to Versailles to ask the king for bread and for the stabilizing of grain and flour prices. This was - in the words of Frauke Stubig - "a mass women's demonstration that cut right across the different strata of the population; a political event of the first order." But the doughty women achieved little: when, in July 1791, in the course of a mass demonstration on the Champs de Mars (to petition for a republic), they assumed the collective right of petition, the National Assembly reacted to "this grave threat to its position" by firing into the mass of demonstrators, ordering arrests, and imposing press censorship.

Two years later (on 3 November 1793) Olympe de Gouges, the revolutionary who, on 7 September 1791, had published the "Declaration of the Rights of Woman and of the Female Citizen", was guillotined. Another 150 years were to pass before the lofty claims of human rights on this point - as on others - were at least partially (universal suffrage) fulfilled.

French passion over human rights did not at first result in the institution of any options for legal enforcement; its acclamatory aspirations produced no concrete expression or binding force in constitutional law. Yet it was here, and still is, that the true task facing the human rights idea resides. According to Kuhnhardt: "Human rights may have their roots in morality and natural law, but it is in the concrete realm of constitutional order that they have to be realized and to prove themselves. This train of thought was taken up in the course of the constitutional developments of the nineteenth century, and attempts made to put it into practice. Between 1795 and 1830 seventy constitutions were proclaimed in Europe, most of them containing catalogues of basic rights. The notion of human rights had begun a steady spread throughout the Western cultural sphere."

These glances back over history will, one hopes, be sufficient to show that the system of rule which pioneers of human rights opposed was a system of parochial absolutism, ultimately nothing other than a monarchial dictatorship - in other words, a form of legally unfettered arbitrary rule such as may still be found in countless countries of Africa and Asia (i.e. regimes based on "personal rule"). The idea was that, through the notion of human rights and popular sovereignty, government power should be tied into the law and thus tempered, controlled, and made serviceable to the individual in his or her capacity as a member of a polity. In similar fashion, the movements campaigning for human rights and democracy in Africa, Latin America, and Asia have today 'discovered' these "rights" as a weapon in the struggle against political dictatorship.

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